

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JUNE 20, 2011
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:40 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 Representative Ciresci, 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 June 6, 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

The Committee of the Whole met tonight with all members present and recommended passage of a resolution opposing Senate Bill 5 which is a proposed state law that would unnecessarily and, we believe, damagingly rewrite Ohio's collective bargaining law.

Councilmember Powers stated: As we've discussed at length in Committee of the Whole, speaking for myself I am voting in favor of this resolution for several reasons including the fact that I don't think for the City of Lakewood it is beneficial, if at all only slightly and actually is harmful in several ways. That's number one. Number two, I believe as a member of City Council, albeit one who does happen to have a law degree, I did happen to practice labor employment law for a period of time, I feel that I am incredibly incompetent to serve as an arbitrator in labor disputes even with that background. So, I do not feel that it's appropriate to put City Council in that position and that is an additional reason for voting against this and I invite all my colleagues to join me. Thank you.

Councilmember Madigan stated : I would just like to repeat what the Mayor and Councilman Bullock put in their correspondence of May 16th which is that our current agreements have a no strike provision so Senate Bill 5 offers no change. In addition to that, Senate Bill 5's fiscal emergency provisions are currently available to us. This, to me, is unnecessary and I think Councilman Powers brings forth the biggest reason in my mind also... I am not in the position, I do not feel qualified to rule on any of the collective bargaining. It's not good for Lakewood, it's not good for anyone who lives here. It simply would be disastrous for our budget as well.

Motion by Ms. Madigan, seconded by Mr. Powers, to receive and file the 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, 2ND READING 6/6/11) (Pg.6)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8496-11.
Motion adopted. Six members voting yea.

Nays: None

Abstention: Mr. Juris.

3. Finance Committee Report regarding Ordinances Nos. 26-11, 98-10A, and 30-11. (To Be Provided)

#3 Finance Cmte Report regarding Ordinances 26-11, 98-10A and 30-11 - Powers

The Finance Committee met this evening. Also in attendance were Councilmembers Anderson, Smith, Juris, Director Pae, the Mayor and a number of other esteemed guests. We discussed three items before us. The first was ordinance 26-11 which is the second quarter transfers, which is 25% of the transfers that have already been authorized and came through as expected. That has been read twice and the Committee unanimously recommended to Council that we pass tonight on third reading. The second item before us was 89-10A. This is a purchasing and contracting ordinance for this fiscal year. Although this one is not ready for voting this evening, it has not yet been read three times, but we did consider it in committee and determined that we were in favor of recommending unanimously to the full council that we pass upon third reading on the first meeting in July, July 5. The last item before us was ordinance number 30-11. This is the 2012 tax budget. Basically this is as we’ve said the kick off to our budgeting process in effect. Again, discussed in committee that the numbers have been put together appropriately /conservatively by our Finance Director and with the support of our Mayor and taking into account all the realities and eventualities that we believe at this point and time to be the case. Again, this will not be up for final consideration by the full council until July 5th but we did feel in committee that we had discussed it enough to recommend passage by the full council upon third reading on July 5.

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

4. **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, 2ND READING 6/6/11) (Pg.8)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 26-11.
Motion adopted. All members voting yea.

5. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 6/6/11) (Pg. 10)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 98-10A on 2nd Reading.

Motion adopted. All members voting yea.

6. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 6/6/11) (Pg.17)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 30-11 on 2nd Reading.

Motion adopted. All members voting yea.

7. Public Safety Committee Report regarding Ordinance No. 4-11. (Pg. 18)

#7 Public Safety Committee Report Regarding Ordinance No. 4-11 - Smith

The Public Safety Committee met February 15, March 15 and May 16 to discuss ordinance number 4-11. Ordinance number 4-11 is a proposal from Councilmember Bullock which address concerns related to Lakewood's solicitor laws. The ordinance makes the following changes to the present solicitor's ordinance: it changes the ending time for solicitation from 9pm to 8pm or dark, sunset, whichever comes first. It changes the length of time a door-to-door solicitation permit remains valid from 12 months to 90 days. It adjusts the background check fees in order to make a more extensive background check by going beyond City of Lakewood only records to accurately compensate the City for personnel time and other costs associated with conducting the check and it increases the rate of compliance for advanced registration required of non-profit canvassers. The committee recommends adoption of the substitute ordinance before you.

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

Motion adopted. All members voting yea.

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

Motion adopted. All members voting yea.

8. **ORDINANCE NO. 4-11-** AN ORDINANCE to amend Chapter 741, Peddlers, Vendors and Solicitors of the Codified Ordinances of the City of Lakewood in order to update the provisions and to better address citizen concerns with the current licensing and registration requirements. **(PLEASE SUBSTITUTE FOR ORDINANCE 4-11 PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 2/7/11 //11, 2ND READING 2/22/11)** (Pg.19)

Motion by Ms. Madigan, seconded by Mr. Powers, to substitute Ordinance No. 4-11.

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

Nays: None.

Motion adopted. Ordinance 4-11 substituted.

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance No. 4-11 as substituted.

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

Nays: None.

Motion adopted. Ordinance No. 4-11 adopted as substituted.

9. Public Safety Committee Report regarding Ordinance No. 23-11. (To Be Provided)

#9 Public Safety Committee Report Regarding Ordinance No. 4-11 - Smith

The Public Safety Committee met tonight. The full Committee was in attendance. We discussed one agenda item; it's Ordinance 23-11 which was proposed by Councilmember Bullock in order to establish 25 mile an hour speed limits on Athens and Delaware Avenues. We voted unanimously to recommend adoption by the full Council this evening.

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

Motion adopted. All members voting yea.

10. **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. **(PLEASE SUBSTITUTE FOR ORDINANCE 23-11 - PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 5/16/11, PLACED ON 2ND READING 6/6/11)** (Pg. 37)

Motion by Ms. Smith, seconded by Ms. Madigan, to substitute Ordinance No. 23-11.

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

Nays: None.

Motion adopted. Ordinance 23-11 substituted.

Motion by Ms. Madigan, seconded by Ms. Smith, to adopt Ordinance No. 23-11 as substituted.

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

Nays: None.

Motion adopted. Ordinance No. 23-11 adopted as substituted.

11. **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, REPORTED OUT ON, RECOMMENDED FOR ADOPTION 6/6/11) (Pg. 39)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance No. 22-11.
Motion adopted. All members voting yea.

12. **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. (**PLEASE SUBSTITUTE** FOR ORDINANCE 24-11 PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 5/16/11, 2ND READING 6/6/11, REPORTED OUT ON, RECOMMENDED FOR ADOPTION 6/6/11) (Pg.41)

Motion by Ms. Madigan, seconded by Mr. Powers, to substitute Ordinance No. 24-11.

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

Nays: None.

Motion adopted. Ordinance 24-11 substituted.

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance No. 24-11 as substituted.

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

Nays: None.

Motion adopted. Ordinance No. 24-11 adopted as substituted.

13. **Public Works Committee Report** regarding Ordinances Nos. 31, 32(11), Resolution 8498-11, Ordinances Nos. 28, 29-11 and Healthy Communities Active Transportation/Active Living and Design Opportunities. (Pg. 46)

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

Motion adopted. All members voting yea.

14. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/6/11 (Pg. 48)

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. 31-11 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. 31-11.

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

Nays: None.

Motion adopted. Ordinance No. 31-11 adopted.

15. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/6/11 (Pg. 50)

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. 32-11 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. 32-11.

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

Nays: None.

Motion adopted. Ordinance No. 32-11 adopted.

16. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/6/11) (Pg. 52)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Resolution No. 8498-11 on 2nd Reading.

Motion adopted. All members voting yea.

17. **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. PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/6/11 (Pg. 56)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 28-11 on Second Reading. Motion adopted. All members voting yea.

18. **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. PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/6/11 (Pg. 58)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 29-11 on Second Reading. Motion adopted. All members voting yea.

19. **Economic Development Committee Report regarding Economic Development Referred items.** (Pg.60)

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

20. **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. (PLACED ON 1ST READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 6/6/11) (Pg. 62)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 27-11 on second reading and refer back to the Health & Human Services Committee.

Motion adopted. All members voting yea.

****NEW BUSINESS****

21. Communication from All Members of Council regarding Week of June 25, 2011; Dignity of Human Rights Pride Week. (Pg.65)

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

22. **RESOLUTION NO. 8500-11** – A RESOLUTION to proclaim the week of June 25, 2011 as Dignity of Human Rights Pride Week and recognizing the Cleveland Pride Committee and the LGBT community for its many and varied contributions that have enriched our civic life and aided in creating a more accepting and diverse society and community. (Pg.66)

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. 8500-11 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. 8500-11.

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

Nays: None

Motion adopted. Resolution No. 8500-11 adopted.

23. Communication from Mayor Summers regarding Housing Initiative. (Pg.67)

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

Motion adopted. All members voting yea.

24. Communication from Mayor Summers regarding Cuyahoga County “Anti Poaching Policy”. (Pg.68)

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

Motion adopted. All members voting yea.

25. Communication from Public Works Director Beno regarding LCO 351.26 – Parking Generally – Emergency during heavy snow storms. (Pg.76)

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.

26. **ORDINANCE NO. 33-11** – AN ORDINANCE to amend Section 351.26 of the Codified Ordinances, Emergency During Heavy Snow Storms, for the purpose of increasing the snowfall amount in a 24-hour period that is required to trigger a prohibition against parking on City streets from two inches to four inches. (Pg.77)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 33-11 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

27. Communication from Public Works Director Beno regarding Trade-in of Neptune Technology Group water meter readers. (Pg. 79)

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

Motion adopted. All members voting yea.

28. **RESOLUTION NO. 8501-11** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force at the earliest period allowed by law, authorizing the Director of Public Works to contract with Neptune Equipment Company for the trade-in of obsolete meter-reading equipment in exchange for a \$9,000.00 credit on the price for replacing that equipment. (Pg. 80)

Motion by Ms. Madigan, seconded by Mr. Powers, to suspend the Rules requiring Resolution No. 8501-11.

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. 8500-11.

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

Nays: None

Motion adopted. Resolution No. 8501-11 adopted.

29. Communication from Law Director Butler regarding Ordinance amending Section 505.18 to restore certain previously-prohibited animals to code. (Pg. 82)

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

Motion adopted. All members voting yea.

30. **ORDINANCE NO. 34-11** - AN ORDINANCE amending Chapter 505.18 of the Codified Ordinances, Certain Animals Prohibited, for the purpose of restoring a list of animals that were prohibited under the previous Sanitary Code of the City of Lakewood (Pg. 83)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 34-11 on first reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

31. Communication from Law Director Butler regarding Ordinance amending sections within Chapter 506 to clarify the definitions and hearing processes related to dangerous and vicious dogs. (Pg. 89)

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

Motion adopted. All members voting yea.

32. **ORDINANCE NO. 35-11** - AN ORDINANCE amending Section 506.03 of the Codified Ordinances, Pit Bull Dogs or Canary Dogs; Section 506.08, Alternative Confinement; Section 506.09, Hearing by Director of Public Safety; Notice; Section 506.10, Evidence; Section 506.11, Decision of the Director of Public Safety; and Section 506.13, Disposition of Dangerous Animals, for the purpose of clarifying the definitions and hearing processes related to pit bull dogs, canary dogs, other dangerous dogs and vicious dogs. (Pg. 90)

Motion by Mrs. Madigan, seconded by Mr. Powers, to place Ordinance No. 35-11 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

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

Motion adopted. All members voting yea.

Meeting adjourned 9:03 PM.

Approved: _____

CLERK

PRESIDENT