

**MINUTES
OF THE
REGULAR MEETING
OF
LAKWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JULY 5, 2011
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:39 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, , Human Services Director Buckon, Assistant Planning & Development Director Siley, Human Services Director Yousefi, Public Works Director Beno, Assistant Public Safety Director for Housing and Building Ashby.

Motion by Ms. Madigan, seconded by Mr. Powers, to approve the Minutes of the Regular Meeting of Council held June 20, 2011.

Motion adopted. All members present voting yea.

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

1. Finance Committee Report regarding Ordinances No. 98-10A. (To Be Provided)

#1 Finance Committee Report regarding Ordinance 98-10A - Powers

Dear Members of Council, the Finance Committee met this evening. All members of Council were in attendance as were the Mayor, the Finance Director and other members of the administration. We met briefly to consider ordinance number 98-10A which we had previously recommended that the full Council pass. Since that original recommendation a slight change came up which required us to review a substitute. Basically it was in the seventh line of materials, supplies and equipment; it was an increase of \$30,000 up to now a total of \$80,000. The Finance Director explained to us the reasons and the need for that and the committee voted unanimously to recommend to the full Council that we pass this evening the ordinance as substituted.

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

Motion adopted. All members voting yea.

2. **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, PLACED ON 2ND READING & RECOMMENDED FOR ADOPTION 6/20/11) (Pg. 6)

Motion by Ms. Madigan, seconded by Mr. Powers, to substitute Ordinance No. 98-10A.

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. 98-10A as substituted

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

Nays: None

Motion adopted. Ordinance No. 98-10A adopted as substituted.

3. **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, 2ND READING & RECOMMENDED FOR ADOPTION 6/20/11) (Pg. 13)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance No. 30-11.

Motion adopted. All members voting yea.

4. **Public Works Committee Report regarding Resolution No. 8498-11, Ordinances Nos. 28 & 29-11. (To Be Provided)**

4 Public Works Committee Report regarding Resolution 8498-11, and Ordinances 28-11 and 29-11 – Bullock

The Public Works Committee met twice on this set of ordinances, the second time tonight. All members of the Public Works Committee, Council President, my colleagues Mr. Juris as well as several other members of Council and administration were present and we moved to report out

favorably on all three pieces of legislation for adoption tonight. A little background on these ordinances. In 2009 the City of Lakewood initiated the creation of a multi-city solar special improvement district titled the Northeast Ohio Advanced Energy District which was later expanded to incorporate wind, geothermal, energy efficiency and other forms of clean energy. When fully operational, this district will provide commercial and industrial property owners in Lakewood an option to affordably finance clean energy and energy efficiency projects through voluntary assessments on their properties. The demonstration project authorized by these three pieces of legislation tonight, for the City of Lakewood, will be a small solar-powered floodlight to be installed at Kauffman Park, the bulk of which has been paid for with grant funds. Tonight's legislation is purely technical in nature and merely comprises the second set of legislation necessary to complete the preliminary steps that legally establish the Northeast Ohio Advanced Energy District and our City's participation in it. With adoption tonight, the City becomes an owner of real property participating in the district and thus is eligible for membership and without which the district could not be formed and we could not participate. That's an explanation of the background. Once again, the committee recommended adoption of all three pieces of legislation tonight.

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

5. **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, 2ND READING 6/20/11) (Pg. 14)

Motion by Mr. Bullock, seconded by Mr. Powers, to adopt Resolution No. 8498-11.
Motion adopted All members voting yea.

6. **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, 2ND READING 6/20/11) (Pg. 18)

Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt Ordinance No. 28-11.
Motion adopted. All members voting yea.

7. **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, 2ND READING 6/20/11) (Pg. 20)

Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt Ordinance No. 29-11.
Motion adopted. All members voting yea.

8. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/20/11) (Pg.22)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 33-11 on 2nd Reading.
Motion adopted. All members voting yea.

9. **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 (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 6/20/11) (Pg. 24)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 34-11 on 2nd Reading.
Motion adopted. All members voting yea.

10. **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. PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 6/20/11) (Pg. 30)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 35-11 on 2nd Reading.
Motion adopted. All members voting yea.

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

11. Communication from Councilmember Madigan regarding Commending Steel Valley Credit Union. (Pg.38)

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

12. **RESOLUTION NO. 8502-11** - A RESOLUTION expressing appreciation to the Steel Valley Credit Union for their contribution in establishing the Lakewood Bike Rodeo Program and authorizing the Mayor or his designee to accept a donation of money and

material in an amount estimated at \$1,000.00 for ongoing support of the Lakewood Bike Rodeo safety efforts. (Pg. 39)

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. 8502 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. 8502-11.

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

Nays: None

Motion adopted. Resolution No. 8502-11 adopted.

13. Communication from Councilmember Anderson regarding Zoning Code evaluation regarding drive-through uses. (Pg.40)

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

Motion adopted. All members voting yea.

14. Communication from Law Director Butler regarding Second Amended Charter modernization; enabling ordinance. (Pg.42)

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.

15. **ORDINANCE NO. 36-11** - 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 at the earliest period allowed by law, providing for the submission to the electors of the City of Lakewood, amendments to the Second Amended Charter of the City of Lakewood, in order to provide consistency within and modernize the language of the Charter. (Pg. 43)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 36-11 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

16. Communication from Police Chief Malley regarding Bulletproof Vest Partnership Program. (Pg. 53)

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

~~17. ORDINANCE NO. 37-11~~ *-(ITEM ORIGINALLY MIS-LABELED BY THE CLERK;
NOW CORRECTED TO READ PROPERLY AS RESOLUTION 8506-11)*

RESOLUTION NO. 8506-11 - 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 as the Director of Public Safety to enter into an agreement with the United States Department of Justice to accept funds from the Bureau of Justice Assistance, Bulletproof Vest Partnership Program in the amount of \$32,000 for the replacement of 52 bulletproof vests within the Division of Police. (Pg.54)

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. 8506-11 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. 8506-11.

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

Nays: None

Motion adopted. Resolution No. 8506-11 adopted.

18. Communication from Police Chief Malley regarding Resolution for D.A.R.E. Program Funding. (Pg.56)

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

Motion adopted All members voting yea.

19. RESOLUTION NO. ~~8502~~-11 *(DUE TO DUPLICATION NUMBER IS RE-ASSIGNED
TO 8507-11)*

RESOLUTION NO. 8507-11 - 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 as the Director of Public Safety to enter into an agreement with the Ohio Attorney General to accept and expend funds for the City's Drug Abuse Resistance Education (D.A.R.E.) program in the amount of \$53,570 to continue to educate young people of the City of Lakewood as to the hazards of alcohol and drugs. (Pg.57)

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. 8507-11 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. 8507-11.

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

Nays: None

Motion adopted. Resolution No. 8507-11 adopted.

20. Communication from Assistant Planning & Development Director Siley regarding Proposed Community Reinvestment Area #4. (Pg.59)

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

Motion adopted. All members voting yea.

21. **RESOLUTION NO. 8503-11** - 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, implementing Sections 3735.65 through 3735.70 of the Revised Code, establishing and describing the boundaries of a Community Reinvestment Area in the City of Lakewood. (Pg. 60)

Motion by Ms. Madigan, seconded by MR. Powers, to place Resolution No. 8503-11 on 1st reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

22. Communication from Assistant Planning & Development Director Siley regarding Citizens Advisory Committee – 2011 CDBG award revisions. (Pg.64)

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

Motion adopted. All members voting yea.

23. Communication from Assistant Planning & Development Director Siley regarding NSP II Agreement for new construction at 2070 Dowd Avenue. (Pg. 71)

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

Motion adopted. All members voting yea.

24. **RESOLUTION NO. 8504-11** - 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 a Development Agreement between the City of Lakewood and the County of Cuyahoga, Ohio to accept Neighborhood Stabilization Program II funds in an amount

estimated at \$200,000 for the development of vacant property located at 2070 Dowd Avenue, Lakewood, Ohio. (Pg. 72)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Resolution No. 8504-11 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

25. Communication from Public Works Director Beno regarding Easement request from the Beck Center for traffic signals. (Pg. 74)

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. **RESOLUTION NO. 8505-11** - AN 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 on behalf of the City of Lakewood to enter into agreements necessary to obtain an Easement from the Beck Center for the Arts, owner of the property located at 17801 Detroit Avenue, Lakewood, Ohio to place and maintain traffic control devices on Beck Center property. (Pg. 75)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Resolution No. 8505-11 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

Resident encourages Councilmembers to read over the summer and provided book; *The Curious Case of the Dog in the Night Time* to be donated after reading to a student.

Resident spoke in support of Walk-ability efforts in Lakewood.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:28 PM.

Approved: _____

CLERK

PRESIDENT