

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JULY 18, 2011
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by Council President Madigan.

Present: Councilmembers, David Anderson, Thomas Bullock, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Monique Smith,.

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Also Present: Law Director Butler, Police Chief Malley, Fire Representative, Human Services Director Buckon, Assistant Planning & Development Director Siley, Human Services Director Yousefi, Public Works Director Beno.

Motion by Ms. Madigan, seconded by Mr. Bullock, to excuse the absence of Mr. Powers.
Motion adopted. All members present voting yea.

Motion by Ms. Madigan, seconded by Mr. Bullock, to approve the Minutes of the Regular Meeting of Council held July 5, 2011.

Motion adopted. All members present voting yea.

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

1. Communication from Council President Madigan Regarding Resolution commending Edward FitzGerald. (Pg. 5)

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

2. **RESOLUTION NO. 8479-11** – A RESOLUTION to commend Edward FitzGerald for his public service as Mayor of the City of Lakewood. (Pg. 6)

Motion by Ms. Madigan, seconded by Mr. Bullock to adopt Resolution No. 8479-11.
Motion adopted. All members present voting yea.

3. Committee of the Whole Report regarding Ordinance No. 36-11. (To Be Provided)

#3 Committee of the Whole Report regarding Ordinance 36-11 – Madigan

The Committee of the Whole met this evening with all members present except for Councilman Powers whose absence is excused tonight at the Council meeting. The Council recommended placing this on third reading at a Special Meeting a week from today, Monday, July 25th at 6:30. We will move to recommend adoption. And ladies and gentlemen, what this is asking the community, at the next election in November, if they would approve certain Charter changes. There are a list of eight articles that need to be changed for a total of twelve changes. They are not hugely substantive. They do not change the nature of our local government. It's an over used expression but it's a bit of housekeeping. We will probably be doing more of it over the next couple of years. We have been working with a couple of our citizens who've been involved with the Charter Review Committee previously and with Law Director Butler. We will publish, as they have been published in these dockets, they will be published for everyone to look at and we look for your participation in deciding whether you, as an elector choose to make these changes that Council will be recommending next week at the November election.

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

Motion adopted. All members present voting yea.

4. **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. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 7/5/11) (Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Anderson, to place Ordinance No. 36-11 on 2nd Reading.

Motion adopted. All members present voting yea.

5. Housing Committee Report regarding Resolution No. 8503-11, 8504-11 and CDBG Award Revisions. (To Be Provided)

#5 Housing Committee Report Regarding Resolution 8503-11, 8504-11 and CDBG Award Revisions – Madigan

Ladies and Gentlemen the Housing Committee met this evening. Present were Councilman Juris, Councilwoman Smith, Councilman Anderson and Director Siley. We met this evening to look at these two resolutions. Resolution 8503-11, which is to establish the proposed Community Reinvestment Area. What this does is essentially makes us aware of a couple of things: 1) That Lakewood has a coastline other than Lake Erie. This is the possibility of development on the river. So, as exciting as that is, this is just one step in many that the City would have to do. This gives us an option for development on the river and the possibility of an

abatement. That's all it is so far. You may have read about it in the paper over the weekend. The plans have already gone to the Architectural Review Board. The next step is for the idea to go to Zoning and then Planning and at the same time a whole series of things has to happen before the Community Reinvestment Area can be established. Among those things that have to happen are continued notification of the public. Director Siley and Councilman Anderson and Mayor Summers had a public meeting almost two weeks ago at St. Peter's at which the plan was revealed to a number of neighbors right around the area as well as people outside of the area. So, continued notification of the public has to happen. The ordinance, if it's passed must be submitted to the Ohio Department of Development, conversations would have to continue with the school board. It's important to note that no matter what happens, if there's an abatement or there's not an abatement, that the current tax collection would be maintained, that the schools and the City will not see a decrease. A development agreement must be made. So it is the first step of many that have to happen and the committee recommended adoption.

The Committee recommended to approve the once a year action and consolidated plan of the CAC. The recommendations are available for the public to look at. We really appreciate all the time and energy that the CAC put forward in this. It is not ever easy; it's always a lot of work. We have some members here, Jake Marx for example who is here. The council recommended approval of those awards.

Resolution 8504-11 is granting the Mayor the authority to enter into an agreement with Cuyahoga County to receive up to \$200,000 of Neighborhood Stabilization Funds. Now we may not spend all of that but that allows us to work with the County in building a home on Dowd Ave. in Birdtown. One of the major points about this is that if this house is built we would sell it to someone who is qualified to purchase it and maintain it.

There was discussion regarding the Community Reinvestment Area being larger than the river front project in the event other development opportunities arise in the future.

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

Motion adopted. All members present voting yea.

6. **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. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 7/5/11) (Pg. 17)

Motion by Ms. Madigan, seconded by Mr. Anderson, to adopt Resolution No. 8503-11.

Motion adopted. All members present voting yea.

7. **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. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 7/5/11) (Pg. 21)

Motion by Mrs. Madigan, seconded by Mr. Anderson, to adopt Resolution No. 8504-11.
Motion adopted. All members present voting yea.

8. Public Works Committee Report regarding Ordinance No. 33-11 & Resolution No. 8505-11. (To Be Provided)

#8 Public Works Committee Report regarding Ordinance 3-11 and Resolution 8505-11 – Bullock

The Public Works Committee met briefly tonight and had a good discussion about both items 9 and 10 on tonight's docket. We moved to defer on the first and recommend passage on the second. On the first we simply want to have the opportunity for more extensive conversation. This seems to me to be a sensible proposal by the administration on addressing our snow removal policies. It might be ironic that we're talking about snow in the hottest day of July however I think that actually is the proper time so that we afford ourselves ample planning time for procedures when there is snow on the ground and falling on the ground. This is one piece of snow removal that fits with several other elements and so I think what we'd like to do is have a Public Works Committee discussion in early September when we reconvene and discuss not only this piece which has to do with the declaration of snow emergencies and what the triggering amount of snowfall should be to trigger our snow emergency procedures but, also look at things like the map which says which streets get which treatment in which order. Secondly, we moved to recommend resolution 8505-11 for adoption tonight. This is a straightforward technical matter to allow a traffic light reinstallation at the Beck Center to move forward since the traffic light will need to be located in part on Beck Center property. We need to seek legal easement from the Beck Center for that and this resolution will authorize the administration to pursue said easement.

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

9. **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, 2nd READING 7/5/11) (Pg. 23)

Motion by Ms. Madigan, seconded by MR. Bullock, to defer action on this item.
Motion adopted. All members present voting yea.

10. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 7/5/11) (Pg. 25)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution No. 8505-11.
Motion adopted. All members present voting yea.

11. Public Safety Committee Report regarding Ordinances Nos. 34-11 and 35-11 (To Be Provided)

#11 Public Safety Committee Report regarding Ordinances 34-11 and 35-11 – Smith

The Public Safety Committee met on July 5th to discuss these ordinances, 34-11 and 35-11. Those present at the meeting included Councilmember Juris who is a member of the committee and Law Director Butler. Councilmember Anderson is a member of the committee but was unable to attend due to unforeseen circumstances. We discussed ordinance 34-11 which deals with restoration of a list of animals that were inadvertently removed from a list of prohibited animals under our sanitary code. The accidental change will be corrected by adoption of this ordinance. The committee voted to recommend passage of the ordinance tonight on third reading. We did not discuss ordinance 35-11 because we wanted to give the other member of our committee a chance to participate in the discussion so we voted to defer on that item until a future meeting.

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

12. **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 (**PLEASE SUBSTITUTE** FOR ORINDANCE 34-11 PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 6/20/11, 2Nd READING 7/5/11) (Pg. 33)

Motion by Ms. Madigan, seconded by Ms. Smith, to substitute Ordinance 34-11.

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

Nay: No

Motion adopted. Ordinance 34-11 substituted.

Motion by Ms. Madigan, seconded by Mr. Anderson, to adopt Ordinance No. 34-11 as substituted.

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

Nay: No

Motion adopted. Ordinance 34-11 adopted as substituted.

13. **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, 2nd READING 7/5/11) (Pg. 39)

Motion by Ms. Madigan, seconded by Ms. Smith, to defer action on this ordinance.

Motion adopted. All members present voting yea.

14. Health & Human Services Committee Report regarding Ordinance No. 27-11. (Pg. 47)

Ms. McCarty provided an overview of the proposed program.

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

Motion adopted. All members present voting yea.

15. **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, 2nd READING 6/20/11) (Pg. 49)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Ordinance No. 27-11.

Motion adopted. All members present voting yea.

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

16. Communication from Councilmember Juris regarding solid fuel burning boilers. (Pg. 52)

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

Motion adopted. All members present voting yea.

17. **ORDINANCE NO. 37-11** - AN ORDINANCE to enact new Section 521.18, Wood-Fired Boilers, for the prevention and control of air pollution from the use of wood-fired boilers, also known as wood-fired furnaces and wood-burning appliances. (Pg. 53)

Motion by Ms. Madigan, seconded by Mr. Juris, to place Ordinance No. 37-11 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members present voting yea.

18. Communication from Mayor Summers regarding appointments to the Citizens Advisory Committee. (Pg. 58)

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

Motion adopted. All members present voting yea.

19. Communication from Mayor Summers regarding the appointment of Dru Siley to the position of Director of Planning and Development and Assistant Director of Public Safety for Housing and Building. (Pg. 59)

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

Motion adopted. All members present voting yea.

20. **RESOLUTION 8508-11** – A resolution approving the appointment of Dru Siley to the position of Director of Planning and Development and Assistant Director of Public Safety for Housing and Building. (Pg. 60)

Motion by Ms. Madigan, seconded by Mr. Anderson, to adopt Resolution No. 8508-11.

Motion adopted. All members voting ea.

21. Communication from Mayor Summers to recognize Michael “Mickey” Krivosh as the 2011 July 4th Parade Grand Marshal. (Pg. 61)

Motion by Ms. Madigan, seconded by MR. Anderson, to receive and file the communication.

Motion adopted. All members present voting yea.

22. **RESOLUTION 8509-11** – A resolution to thank Mr. Michael “Mickey” Krivosh for participating as the 2011 Grand Marshal in the City of Lakewood 4th of July Parade. (Pg. 62)

Motion by Ms. Madigan, seconded by Mr. Anderson, to adopt Resolution No. 8509-11.

Motion adopted. All members present voting yea.

23. Communication from Public Works Director Beno regarding the award of a historic marker from the Ohio Historical Society. (Pg. 63)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution No. 8510-11.

Motion adopted. All members present voting yea.

24. **RESOLUTION 8510-11** – A resolution authorizing the Mayor to accept, on behalf of the City of Lakewood, an official state historical marker to identify Lakewood Park as a historical site from the Ohio Historical Society which was funded by the Lakewood

Historical Society using Cuyahoga Arts and Culture Grant funds in the amount of \$2,850.
(Pg. 64)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution No. 8510-11.
Motion adopted. All members present voting yea.

25. Communication from Chief Malley regarding the Edward Byrne Memorial Grant. (Pg. 65)

Motion by Ms. Madigan, seconded by MR. Anderson, to receive and file the communication.
Motion adopted. All members present voting yea.

26. **RESOLUTION 8511-11** – A resolution to enter into an agreement on behalf of the City of Lakewood with the City of Cleveland, City of Euclid, City of Garfield Heights, City of Parma and Cuyahoga County to accept Lakewood’s allocated share of grant funds, currently estimated at \$11,372, from the City of Cleveland, as fiscal agent for grant funds awarded by the U.S. Department of Justice Fiscal Year 2011 Edward Byrne Memorial Justice Assistance Grant (FY2011 JAG). (Pg. 66)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution No. 8511-11.
Motion adopted. All members present voting yea.

Motion by Ms. Madigan, seconded by Ms. Smith, to adjourn the meeting.
Motion adopted. All members present voting yea.
Meeting adjourned 8:40 PM.

Approved: _____

CLERK

PRESIDENT