

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 6, 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, Brian Powers, Monique Smith,.

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Pae, Police Chief Malley, Fire Chief Gilman, Human Services Director Buckon, Director of Planning and Development and Assistant Director of Public Safety for Housing and Building. Siley, Human Resources Director Yousefi,.

Reading & disposal of the Minutes of the Regular Meeting of Council held July 18, 2011 and the Special Meeting, July 25, 2011. .

Motion by Ms. Madigan, seconded by MR. Bullock, to approve the minutes of the Regular Meeting of Council held July 18, 2011 without the necessity of a reading.

Motion adopted. Six members voting yea.
Abstention Mr. Powers

Motion by Ms. Madigan, seconded by Mr. Powers to approve the minutes of the Special Meeting of Council held July 25, 2011.

Motion adopted. All members voting yea.

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

1. Public Safety Committee Interim Report regarding Ordinances Solid Fuel Burning Boilers.
(To Be Provided)

#1 Public Safety Committee Report regarding Ordinance 37-11 - Smith

The Public Safety Committee met tonight to discuss this issue and we would like to have this issue discussed further in committee and so would like to move to defer on any actions on this ordinance tonight.

Motion by Ms. Madigan, seconded by Mr. Powers, to defer action on this report.

Motion adopted. All members voting yea.

- 2. 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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 7/18/11) (Pg. 6)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No 37-11 on 2nd Reading.

A comment was heard from a member of the public in favor of the ordinance.

Motion adopted. All members voting yea.

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

- 3.** Communication from Council President Madigan regarding Housing Committee Meetings. (Pg.11)

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

Motion adopted. All members voting yea.

- 4.** Communication from Council President Madigan regarding Annual Codification Ordinance. (Pg.12)

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

Motion adopted. All members voting yea.

- 5. ORDINANCE 38-11** – AN EMERGENCY ORDINANCE to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (Pg.13)

Motion by Ms. Madigan, seconded by Mr. Powers, to suspend the rules requiring this ordinance to be read on three readings and placing Ordinance No. 38-11 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. 38-11.

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

Nays: None

Motion adopted. Ordinance No. 38-11 adopted.

6. Communication from Council President Madigan regarding Jacob A. Schneider – Eagle Scout. (Pg.16)

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

7. **RESOLUTION NO. 8511-11** – A RESOLUTION to commend Jacob A. Schneider upon attaining the rank of Eagle Scout with the Boy Scouts of America. (Pg. 17)

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

8. Communication from Mayor Summers regarding National Moment of Remembrance ON THE 10TH anniversary of September 11th.(Pg. 18)

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

9. **RESOLUTION NO. 8512-11** – A RESOLUTION 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, joining the National moment of Remembrance on the 10th anniversary of September 11. (Pg. 19)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8512-11. Motion adopted. All members voting yea.

10. Communication from Mayor Summers regarding Emergency Medical Squad transport services fees. (Pg.23)

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

11. Communication from Fire Chief Gilman regarding Resolution authorizing the acceptance and expenditure of funds as reimbursement for Hazmat training. (Pg.24)

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

12. **RESOLUTION NO. 8513-11** – A RESOLUTION 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 Mayor as Director of Public Safety, on behalf of the City, to enter into an Agreement with Cuyahoga

County to accept and expend funds in the amount of \$6,000.00 for reimbursement of overtime within the Division of Fire for participation in an Urban Area Security Initiative. (Pg.25)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8513-11.
Motion adopted. All members voting yea.

13. Communication from Finance Director Pae regarding Amended Street Signs & Traffic Signals Contracting Ordinance FY2011. (Pg.27)

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

14. **ORDINANCE NO. 90-10A** - 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 authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Street Signs and Traffic Signals**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg.28)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 90-10A on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

15. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2011 (Pg.30)

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

16. **ORDINANCE NO. 98-10B** - 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 amending Ordinance 98-10A, adopted July 5, 2011 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.31)

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

Motion adopted. All members voting yea.

17. Communication from Finance Director Pae regarding Property Tax Rate Resolution for 2012. (Pg.38)

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

Motion adopted. All members voting yea.

18. **RESOLUTION NO. 8513-11** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. (Pg.39)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Resolution No. 8513-11 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

19. Communication from Finance Director Pae regarding 2012 Tax Advance Resolution. (Pg.41)

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

Motion adopted. All members voting yea.

20. **RESOLUTION NO. 8514-11** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law requesting the Cuyahoga County Auditor to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real; personal property; estate taxes and special assessments collected in the year 2012 in such amounts as may be requested and available. (Pg.42)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Resolution No. 8514-11 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

21. Communication from Finance Director Pae regarding Operational Cash Accounts. (Pg.44)

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

Motion adopted. All members voting yea.

22. **ORDINANCE 39-11** - AN ORDINANCE to amend Section 129.54 within Chapter 129, Department of Finance; Moneys, Investments and Funds, of the Codified Ordinances of the City of Lakewood to comply with previous changes to the chapter. (Pg.45)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 39-11 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

23. Communication from Public Works Director Beno regarding Lakewood Dog Park Benches. (Pg.47)

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

24. **RESOLUTION NO. 8515-11** – A RESOLUTION authorizing the donation for the sale of 20 used benches that are currently located at the Lakewood Dog Park to Friends of the Lakewood Dog Park with the proceeds to be used towards the purchase of new benches for the park. (Pg.48)

Motion by Ms. Madigan, seconded by Mr. Powers, to suspend the rules of three readings and placing Resolution No. 8515-11 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. 8515-11.

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

Nays: None

Motion adopted. Resolution No. 8515-11 adopted.

25. Communication from Planning & Development Director Siley regarding Sale Ordinance. (Pg.49)

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

26. **ORDINANCE NO. 40-11** - 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 and

directing the Director of Planning and Development to convey by deed certain parcels of property that are no longer necessary for any public interest and the sale of which will further the public interest of the City of Lakewood. (Pg.50)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 40-11 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

27. Communication from Planning & Development Director Siley regarding Resolution – NSP III Municipal Grant (Pg.52)

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

Motion adopted. All members voting yea.

28. **RESOLUTION NO. 8516-11** - A RESOLUTION 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 Mayor or his designee, on behalf of the City, to enter into an Agreement with Cuyahoga County to accept funds in the amount of \$250,000 allowing the City of Lakewood to purchase and rehabilitate homes in the Neighborhood Stabilization III area. (Pg.53)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8516-11.

Motion adopted. All members voting yea.

29. Communication from Public Works Director Beno regarding Cuyahoga County Engineer's Office potential funding for Madison Avenue. (Pg.55)

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

Motion adopted. All members voting yea.

30. **RESOLUTION NO. 8517-11** - A RESOLUTION authorizing the Mayor to make application to the Cuyahoga County Board of Commissioners for approval to use County Motor Vehicle License Tax Funds for the improvement of Madison Avenue (CR-61) from Riverside Drive to West 117th Street to use County Motor Vehicle License Tax Funds for the improvement of Madison Avenue and to enter into an agreement with Cuyahoga County necessary to complete the planning and construction of this improvement. (Pg. 56)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Resolution No. 8517-11 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

31. Communication from Public Works Director Beno regarding Engineering Department donation to Lakewood Historical Society. (Pg.61)

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

32. **RESOLUTOIN NO. 8518-11** – A RESOLUTION authorizing the Mayor to make a gift of maps and aerial photographs maintained by the City of Lakewood, Division of Engineering that are of historical interest to the Lakewood Historical Society. (Pg. 62)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8518-11.
Motion adopted. All members voting yea.

33. Communication from Public Works Director Beno regarding CUY-Lakewood Signals Phase 3 (PID 82795) Detroit Avenue (West) (Pg.64)

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

34. **ORDINANCE NO. 17-11A** - 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, amending Ordinance No. 17-11, adopted April 18, 2011, to increase the contracting authority for the construction of traffic signals, radio interconnect and video detection on Detroit Avenue in the City of Lakewood with the Ohio Department of Transportation. (Pg.65)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 17-11A on 1st Reading and refer it to the Public Works Committee.
Motion adopted. All members voting yea.

35. Communication from Law Director Butler regarding amending Sections 149.15, 516.03, 771.01, 771.02, 771.04, 771.06, 771.07, 771.08, 901.02, 902.09, 1783.12 and 1783.13 and repealing Chapter 761 of the Lakewood Codified Ordinances to modernize the code by revising or eliminating outmoded titles and other language. (Pg.67)

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

36. **ORDINANCE NO. 41-11** – AN ORDINANCE modifying Sections 149.15, 516.03, 771.01, 771.02, 771.04, 771.06, 771.07, 771.08, 901.02, 902.09, 1783.12 and 1783.13 and repealing Chapter 761 of the Lakewood Codified Ordinances to modernize the code by revising or eliminating outmoded titles and other language. (Pg.68)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 41-11 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

37. Communication from Law Director Butler regarding Ordinance amending Section 331.37, Driving Upon /Sidewalks, Street Lawns or Curbs. (Pg.85)

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

38. **ORDINANCE NO. 42-11** - 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, to amend Section 331.37, Driving Upon Sidewalks, Street Lawns or Curbs, of the Codified Ordinances of the City of Lakewood for the purpose of changing the term “street lawn” to “tree lawn” so that it remains consistent with the rest of the Code. (Pg.86)

Motion by Ms. Madigan, seconded by Mr. Powers, to suspend the rules requiring this ordinance to be read on three readings and placing Ordinance No. 42-11 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. 42-11.

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

Nays: None

Motion adopted. Ordinance No. 42-11 adopted.

39. Liquor Permit application for C1 and C2 transfers to Kevin Macdonald d/b/a TJS Butcher Block; 14415 Detroit Avenue, from John Masielle d/b/a same address. (Pg.88)

Motion by Mr. Juris, seconded by Ms. Madigan, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

40. Liquor Permit Application for a new D5 permit class to AED Enterprises LLC d/b/a Deweys Pizza, 18516 Detroit Avenue. (Pg.89)

Motion by Ms. Smith, seconded by Mr. Powers, to defer action on this liquor permit application.
Motion adopted. All members voting yea.

Motion by Ms. Madigan, seconded by Mr. Powers, to adjourn the meeting.
Motion adopted. All members present voting yea.

Meeting adjourned 8:27 PM.

Approved: _____

CLERK

PRESIDENT