

**MINUTES
OF THE
REGULAR MEETING
OF
LAKWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 19, 2011
7:30 P.M.**

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

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Present: Councilmembers, David Anderson, Thomas Bullock, Shawn Juris, 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, Assistant Chief Darren Collins, Human Services Director Buckon, Director of Planning and Development and Assistant Director of Public Safety for Housing and Building. Siley, Human Resources Director Yousefi,.

Motion by Mr. Powers, seconded by Mr. Bullock, to excuse the absence of Ms. Madigan. Acting President Powers notes for the record that Ms. Madigan's absence is due to a prior work commitment.

Motion adopted. All members present voting yea.

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

Motion by Mr. Powers, seconded by Mr. Bullock, to approve the minutes of the Regular Meeting of Council held September 6 2011 without the necessity of a reading.

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

Motion adopted. All members present voting yea.

Without objection from Council items 18, 25 and 26 were read first in the agenda order.

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

1. Finance Committee Report regarding 90-10A, 98-10B, 8513-11, 8514-11, 39-11, 84-10A, 88-10A, and 3RD Quarter Transfer ordinance. (To Be Provided)

#1 Finance Committee Report regarding 90-10A, 98-10B, 8513-11, 8514-11, 39-11, 84-10A, 88-10A and 3rd Quarter Transfer Ordinance - Powers

The Finance Committee met this evening. Present were myself, as Chair, and Councilmember Nowlin. We were joined happily by all the other members of Council who are here in attendance this evening. We had a very full agenda and a very spirited discussion. We handled a number of items, first was ordinance 90-10A – this is the street signs and traffic signals contracting authority which is to basically increase that contracting authority by \$100,000 due on that project primarily due to the addition to the signal at Lakeland which has now been put back into the project because of the new CVS in that neighborhood. So, we are putting that signal into the plan and for some decorative features on the poles that we're putting in as part of that project to match the poles that we are putting in throughout the City. That contracting authority was increased, by ordinance, to \$100,000. The committee recommended to full council that we suspend the rules and adopt that ordinance this evening.

The next on our agenda was ordinance 98-10B. This is an amended purchasing contracting authority. The committee recommended to the full council that we substitute, suspend and adopt this evening.

Next on our agenda was resolution 8513-11 the property tax rate resolution. This came before our committee and the committee made the recommendation to the full council to adopt this evening.

Resolution 8514-11, the 2012 tax advance resolution, again this is another item that needs to be ready for an October filing deadline and the committee recommended to full council, adoption this evening.

Next on our agenda was ordinance 84-10A, the CDBG infrastructure contracting authority. Again due to some requirements, again this is contracting authority for money that's already been allocated in the budget, based upon the meeting tonight the committee recommended to the full council that we suspend the rules and adopt tonight on first reading.

Next on our agenda was ordinance 88-10A. This is sidewalk improvements contracting authority. We had a discussion regarding this. Because of the sidewalk issues with respect to Clifton, as part of that project, the ordinance before us was to increase the contracting authority by \$100,000 so that both sides of Clifton can be done as that project is done to get that accomplished in the scope of the project. The committee, upon hearing recommended to the council this evening that we suspend the rules and adopt that ordinance on first reading this evening.

The final item that we handled this evening was the 3rd Quarter Transfer ordinance which is exactly identical to the 2nd Quarter Transfer ordinance. These again are ordinances that we pass on a quarterly basis to put in effect the budgeting process that we've already had and that contracting authority again is exactly identical to the one that we passed for the second quarter. Upon hearing, the committee recommended to the full council that we move to suspend the rules and adopt this evening on first reading.

We had one other item before us which was talking about the tax collection, income tax collections by the state, and we deferred that item due to time constraints to a later meeting.

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

2. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/6/11) (Pg.7)

Motion by Mr. Powers, seconded by Mr. Bullock, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 90-10A on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Ordinance No. 90-10A.

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

Nays: None

Motion adopted. Ordinance No. 90-10A adopted.

3. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/6/11) (Pg.9)

Motion by Mr. Powers, seconded by Mr. Bullock to substitute.

Mr. Powers asks the Administration to describe the substituted language.

Ms. Pae states the following:

There are two changes to the ordinance. The changes in the substitute - an increase in the municipal insurance the original amendment to the ordinance had a reduction of \$100,000 but

this is only reducing the contracting authority for municipal insurance by \$90,000 and then increasing contracting authority for a training primarily due to public safety going on in the City.

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

Nays: None

Motion adopted. Ordinance No. 98-10B substituted

Motion by Mr. Powers, seconded by Mr. Bullock, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 98-10B on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Ordinance No. 98-10B.

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

Nays: None

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

4. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/6/11) (Pg.16)

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Resolution No. 8513-11.

Motion adopted. All members present voting yea.

5. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/6/11) (Pg.18)

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Resolution No. 8514-11.

Motion adopted. All members present voting yea.

6. **ORDINANCE 39-11** - AN ORDINANCE to amend Section129.54 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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/6/11) (Pg.20)

Motion by Mr. Powers, seconded by Mr. Bullock, to place Ordinance No. 39-11 on 2nd Reading.
Motion adopted. All members present voting yea.

7. Public Safety Committee Report regarding Ordinance No. 35-11 - amending sections within Chapter 506 to clarify the definitions and hearing processes related to dangerous and vicious dogs. (Pg.22)

Animal Safety and Welfare Advisory Board Chair Kim McCarty indicated appreciation to work with the Public Safety Committee and the Law Director on the Ordinance.

Motion by Ms. Smith. Seconded by Mr. Powers, to receive and file the report.
Motion adopted. All members present voting yea.

8. **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, DEFERRED 7/18/11) (Pg. 23)

Councilmember Smith asked Law Director Butler to explain the changes requiring the item to be referred back to Committee.

Law Director Butler indicated he recommended one sentence; in Section 4 of the proposed ordinance - New Section 506.10 of the Codified Ordinances – an addition of the sentence; competent and credible evidence accepted in support of the Animal Control Officer’s finding that the dog is a pit bull dog or canary dog shall create irrebuttable presumption that the dog is of the type identified. The Law Director request that be further discussed in Committee.

Motion by Mr. Powers, seconded by Ms. Smith, to receive, file and refer Ordinance No. 35-11 back to the Public Safety Committee.

Motion adopted. All members present voting yea.

9. Public Works Committee Report regarding 33-11, 8517-11, 17-11A, (TO BE PROVIDED) (Pg.55)

#9 Public Works Committee Report regarding 33-11, 8517-11 and 17-11A - Bullock

The Public Works Committee met tonight and moved to defer on ordinance 33-11 simply because we’d like more time at a future meeting to talk about this worthy topic of our emergency snow procedures and for all members of Council to have a say in that. The second ordinance that we considered tonight was 8517-11 and we recommended that we adopt. The third ordinance is number 17-11A and we also recommend that we adopt. On this I’d like to say that we had some discussion. This is counterpart to an ordinance that we just adopted earlier tonight to allow the third phase of a signalization project along Detroit Ave to proceed forward with some needed changes especially around adding back in the Lakeland signal. However, this also

effects the intersections of Detroit Ave and Woodward and Detroit Ave and Hall which are relevant especially because there's proposed development for a new quick-service restaurant known as McDonalds. We had some discussion with the administration about the administration's intent to conduct a full traffic study to ascertain potential impacts if that development were to go forward so that we can successfully manage traffic flows and potential changes to traffic flows that are around those two intersections. Right now, the plan, as it exists today, that we would vote on today, does not make any changes to account for any of those potential changes. So, that is a discussion that remains in front of us. After I conclude this oral report, I'd like to ask the administration for a description of that one particular issue. Back to this particular ordinance tonight, we recommend adoption to the full council.

Move to receive and file that oral report.
Seconded by Mr. Powers.

Bullock: I'll ask either Director Siley or the Mayor or, if comfortable or as appropriate can we speak to the stated intent regarding a traffic study to address traffic patterns at those intersections. Thank you.

Mayor Summers: We have committed throughout this process to gather appropriate data. We're continuing to do that. We've actually measured traffic volume on Woodward this past week. We'll continue to measure it at Edwards and Wagar, we can measure it on Detroit. Our new traffic capacity analyzer can measure volume, time of day and speed which adds two more dimensions when previously we could just measure traffic volume. Time of day is really important to this conversation as is speed. So, those are important ingredients. I believe several folks here are probably interested in this pursuit. We've also agreed to continue to look at the traffic strategies and how they're managed with our traffic engineering firm CT Consultants. That process has begun. We'll also continue to evaluate different strategies that might be appropriate, should we decide as a community, and I would say as residents of Woodward and Wagar in particular would be part of this decision making process, perhaps some creative designs that might encourage traffic to behave in a manner that's more desirable by the residents of these communities. Those would include consideration of some ideas that we have not used here in Lakewood such as considering one-way street action at least for a portion of Woodward, for example. There could be an example of an island maneuvering out into the street that would limit traffic heading south on Woodward at the property line. We've never done that before here but we might consider it, try it. If it doesn't work we could try something else. We also might consider a smaller island the width of a parked car that would discourage folks from turning south onto Woodward from the McDonald's property. That would be an idea we would consider. There are also some traffic calming designs. I think one that might be more appropriate for Woodward or Wagar would be an "s" shaped chicane where we would design into the street a movement that would not be basically a straight shot down the street but more of two winding curves to slow traffic. That wouldn't necessarily limit volume but it might slow it. Those are creative ideas that have proven to be successful other places. Perhaps there are other ideas that may make sense should we decide the volume warrants it. Right now of course we're a year away from any opening of a proposed McDonalds so we have the element of time to consider in a deliberative way some creative strategies that might be appropriate. We have engaged McDonalds as well in these discussions. They've had similar experiences. More appropriately one experience was in University Heights in a similar type of neighborhood in a restaurant that opened a year ago. They were prepared to engage in some creative solutions.

The subsequent traffic patterns after the restaurant opened did not warrant, by agreement of the neighbors, any significant change to the designs but they were prepared to pursue down that path and we've certainly told McDonalds we expect to maintain those conversations as well as new evidence becomes available to us. So, we consider it a very open question. We think there is a bit of science to this where data is an important element of making an appropriate decision both in terms of what we think is the root problem and also whether or the solution we put in place works. So, measuring it before, measuring it during and measuring it after would be, it seems to me a common sense way to determine whether or not we're meeting the desirable objectives. We pressed McDonalds again on their expectations of their primary market and they have significant experience in what they understand to be their primary market. They are particularly interested, and have been all through this process, is the 8,000 to 9,000 cars a day that go down Detroit, not necessarily those that come from the side streets in particular. So, Detroit is their primary market, cars moving east and west on Detroit. The presumption is that if you're moving east or west on Detroit and you stop in McDonalds you continue east or west, whichever way you were heading. But those things are yet to be determined and we are fully prepared to engage in all things that are appropriate. I think it is a challenge and an opportunity for Lakewood to be creative. We have more car volume in general in our society. We have that impact on our neighborhoods both speeding and volume. We hear it regularly. We all experience it regularly and traffic calming exercises are reasonable. So, we consider it a very, very open question. We're engaged in the data accumulation phase. I've asked both Councilman Anderson in Ward 1 and Councilman Bullock in Ward 2 that when we have sufficient data that we'd love to plan a meeting with the neighbors on Woodward and Wagar and Edwards as well to begin to discuss some creative options. We look forward to those and I expect that we'll be in that position in a month or so to begin those conversations on traffic in particular. I would ask the residents who are from those neighborhoods here to begin to decide how creative they might be willing to be to try some things that might in fact help meet their objectives as well.

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

Motion adopted. All members present voting yea.

10. **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.31)

Motion by Mr. Bullock, seconded by Mr. Powers, to receive, file and refer the Ordinance back to the Public Works Committee.

Motion adopted. All members present voting yea.

11. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 9/6/11) (Pg. 33)

Motion by Mr. Powers, seconded by Mr. Powers, seconded by Mr. Bullock, to adopt Resolution No. 8517-11.

Motion adopted. All members present voting yea.

12. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 9/6/11)(Pg.38)

Motion by Mr. Powers, seconded by Mr. Bullock, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 17-11A on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Ordinance No. 17-11A.

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

Nays: None

Motion adopted. Ordinance No. 17-11A adopted.

13. Planning & Development Director Siley Response to Councilmember Anderson's Communication regarding Changes to the Zoning Code – Drive-through uses. (Pg.40)

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

Motion adopted. All members present voting yea.

14. **ORDINANCE NO. 43-11** – AN ORDINANCE to amend the Zoning Code of the City of Lakewood for the purpose of establishing a Conditional Use for Drive-Through facilities in the City. (Pg.41)

Motion by Mr. Powers, seconded By Mr. Powers, to place Ordinance No. 43-11 on 1st Reading and refer it to the Planning Commission.

Motion adopted. All members present voting yea.

15. **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. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 9/6/11) (Pg.57)

Motion by Mr. Powers, seconded by Mr. Bullock, to place Ordinance No. 40-11 on 2nd Reading.
Motion adopted. All members present voting yea.

16. **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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCE COMMITTEE 9/6/11) (Pg.59)

Motion by Mr. Powers, seconded by Mr. Bullock, to place Ordinance No. 41-11 on 2nd Reading.
Motion adopted. All members present voting yea.

17. Liquor Permit Application for a new D5 permit class to AED Enterprises LLC d/b/a Deweys Pizza, 18516 Detroit Avenue. (DEFERRED 9/6/11) (Pg.76)

Motion by Mr. Anderson, SECONDED BY Mr. Powers, to file no objection to this liquor permit application.

Motion adopted. All members present voting yea.

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

18. Communication from Councilmember Smith regarding Lakewood Community Relations Advisory Commission Report. (Pg.77)

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

Motion adopted. All members present voting yea.

19. Communication from Fire Chief Gilman regarding Resolution to acknowledge those businesses and individuals who donated significant time, goods or services for the creation of Lakewood's Fallen Firefighter Memorial. (Pg. 78)

Motion by Mr. Powers, seconded by Mr. Bullock, to defer action on this communication.

Motion adopted. All members present voting yea.

20. **RESOLUTION NO. 8519-11** – A RESOLUTION acknowledging the businesses who donated significant time, goods or services to Lakewood’s Fallen Firefighter Memorial and ceremony. (Pg.79)

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

21. Communication from Fire Chief Gilman regarding Resolution to accept and expend funds donated by the Kiwanis Club of Lakewood, for the purchase of a pediatric backboard for Squad 4. (Pg.80)

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

22. **RESOLUTION NO. 8520-11** – A RESOLUTION authorizing the Director of Finance to accept, on behalf of the City of Lakewood, a donation from the Lakewood Kiwanis of five hundred dollars (\$500) to fund the purchase of pediatric backboard used for patient transport by the City of Lakewood EMS. (Pg.81)

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Resolution No. 8520-11.
Motion adopted. All members present voting yea.

23. Communication from Fire Chief Gilman regarding Resolution designating October 3-7, 2011 as Fire Prevention Week. (Pg.82)

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

24. **RESOLUTION NO. 8521-11** – A RESOLUTION calling upon the citizens of Lakewood to participate in fire prevention activities at home, and to heed the message, “Protect Your Family From Fire” as the 2011 Fire Prevention Week theme suggests. (Pg. 83)

Motion by Mr. Powers, seconded by Mr. Anderson, to adopt Resolution No. 8521-11.
Motion adopted. All members present voting yea.

25. Communication from Human Services Director Buckon regarding Resolution commending Cox Cleveland and Cox Charities Cleveland for support of H2O (Help to Others) youth volunteer program. (Pg.84)

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

26. **RESOLUTION NO. 8522-11** – A RESOLUTION expressing appreciation to Cox Cleveland and Cox Charities Cleveland for their monetary, volunteer and technological contributions in support of the H2O (Help to Others), a youth volunteer program of the Department of Human Services, Division of Youth. (Pg.85)

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Resolution No. 8522-11.

Stacie Schaefer from Cox Cable presents Lakewood Youth Program with and Advisory Grant Program of \$1000. Mark Preston nominated H2O.

Motion adopted. All members present voting yea.

27. Communication from Planning & Development Director Siley regarding Proposed Community Reinvestment Area #4 – Revised. (Pg. 86)

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

Motion adopted. All members present voting yea.

28. **RESOLUTION NO. 8503-11A** - 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, implementing section 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.87)

Motion by Mr. Powers, seconded by Mr. Bullock, to receive, file and refer the Resolution to the Housing Committee.

Motion adopted. All members present voting yea.

29. Communication from Public Works Director Beno regarding Ohio Public Works Commission Issue 1 Program – 2011 Application Projects. (Pg. 92)

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

Motion adopted. All members present voting yea.

30. **RESOLUTION NO. 8523-11** - A RESOLUTION to take effect immediately provided it receives the 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, authorizing the Mayor, for and on behalf of the City, to seek financial assistance from the Ohio Public Works Commission for funding of the Watermain Replacement Projects. (Pg.93)

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Resolution No. 8523-11.

Motion adopted. All members present voting yea.

31. **RESOLUTION NO. 8524-11** - A RESOLUTION to take effect immediately provided it receives the 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, authorizing the Mayor, for and on behalf of the City, to seek financial assistance from the Ohio Public Works Commission for funding of the Madison Avenue Improvement Project. (Pg. 95)

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Resolution No. 8524-11.

Motion adopted. All members present voting yea.

32. Communication from Finance Director Pae regarding 2011 3rd Quarter Transfers. (Pg.97)

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

Motion adopted. All members present voting yea.

33. **ORDINANCE NO. 44-11** – 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 to authorize the transfer and advance of certain funds. (Pg. 98)

Motion by Mr. Powers, seconded by Mr. Bullock, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 44-11 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Ordinance No. 44-11

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

Nays: None

Motion adopted. Ordinance No. 44-11 adopted.

34. Communication from Finance Director Pae regarding Amended Sidewalk Ordinance FY2011. (Pg.100)

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

Mr. Bullock indicated he would be objecting to suspending the rules. He indicated t he did not object to the underlying funds but had questions regarding City’s sidewalk program.

Mr. Powers indicated that Mr. Bullock suggested previously that the subject be discussed during the Budgeting process and stated he thought the suggestion was a great suggestion and indicated

in the Finance Committee budget talks it would also be reviewed in a session specifically dedicated to that subject.

On the motion to receive and file the communication.

Motion adopted. All members present voting yea.

35. **ORDINANCE NO. 88-10A** - 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 amending Ordinance 88-10, adopted December 22, 2010 to perform additional work, 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Sidewalk Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg.101)

Motion by Mr. Powers, seconded by Mr. Juris, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 88-10A on final reading.

Yeas: Anderson, Juris, Nowlin, Powers, Smith

Nays: Bullock

Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Ordinance No. 88-10A

Ms. Smith indicated she would support the ordinance but also agreed further discussion on sidewalk program was required.

Mayor Summers indicated that in the Budget Council adopted that \$100,000 was appropriated for 2011 for sidewalk programs. He indicated that many of the road contracts this year have contingencies in them. He indicated those contingencies are designed to cover unforeseen costs. He said that the City has the benefit of being able to use some of that contingency money ; that there were not those unexpected costs. He indicated that as a consequence the City was in a desirable position of expanding \$100,000; “.. plus add to it to make a comprehensive approach to one of our most active pedestrian streets and certainly our longest pedestrian streets which is Clifton which is three miles long, six miles of sidewalks. And the question has been raised, why, in particular, Clifton and would say, if you had a chance to walk on that street you know there’s a lot of big trees on that street, a lot of great oak trees and maples and those trees have had a particularly negative effect on the unevenness of our sidewalks and are some of the most unfriendly, bicycle unfriendly and dangerous to pedestrian activity proportional to the scope of their unevenness and the length that we have, so that if we had one pool of money to make one major dent this is the simplest way of going about doing it.

I would say as to who has to pay a partial 50% is the norm versus who gets it is determined by basically neighborhood designations that are eligible for Block Grant money and those are

primarily focused on low to moderate income neighborhoods...Director Pae reminds me that is no General Fund money”

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

Nays: None

Motion adopted. Ordinance No. 88-10A adopted.

36. Communication from Finance Director Pae regarding Amended CDBG Capital Ordinance FY2011 (Pg.104)

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

Motion adopted All members present voting yea.

37. **ORDINANCE NO. 84-10A** AN ORDINANCE to take effect immediately provided it received 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 84-10, adopted December 22, 2010 for the purpose of adding the Madison Park Pavement Repair Project and necessary contingency’s 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **C.D.B.G. Fund Infrastructure Improvements** in accordance with the administrative code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 105)

Motion by Mr. Powers, seconded by Anderson, to suspend the rules requiring this to be read on three separate day and placing Ordinance No. 84-10A on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Ordinance No. 84-10A.

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

Nays: None

Motion adopted. Ordinance No. 84-10A adopted.

38. Communication from Law Director Butler regarding Flash mobs and local legislation. (Pg.108)

Motion by Mr. Powers seconded by Mr. Anderson. To receive and file the communication.

Motion adopted. All members present voting yea.

39. Liquor Permit Application for D5 & D6 transfers to Michele K Defrasia 11794-96 Detroit Avenue & Basement from John A. Defrasia same address. (Pg.109)

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

Motion adopted. All members present voting yea.

40. Liquor Permit Application for D5 & D6 stock types to John A. Defrasia Inc. 11806 Detroit Avenue Lobby only – 11802-14 1st & 2nd Floors (Pg. 110)

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

Motion adopted. All members present voting yea.

41. Liquor Permit Application for C1 & C2 transfers to Evans Investment Group, 14235 Madison Avenue, from D Madison Avenue Lakewood Gas same address. (Pg. 111)

Motion by Ms. Smith, seconded by Mr. Smith, seconded by MR. Powers, to defer action on this item.

Motion adopted. All members present voting yea.

42. Liquor Permit Application for C1 & C2 transfers to SANVI Inc, d/b/a Madison Convenience; 15019 Madison Avenue from Deena & Nadeen Enterprises same address. (Pg.112)

Motion by Ms. Smith, seconded by Mr. Powers, to defer action on this item.

Motion adopted. All members present voting yea.

Motion by Mr. Powers, seconded by Mr. Bullock , to adjourn the meeting.

Motion adopted. All members present voting yea.

Meeting adjourned 9:25 PM.

Approved:_____

CLERK

PRESIDENT