

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
OCTOBER 3, 2011  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by 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, 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,.

Reading & disposal of the Minutes of the Regular Meeting of Council held September 19, 2011.

Motion by Mr. Powers, seconded by Mr.. Bullock, to approve the minutes of the Regular Meeting of Council held September 19, 2011 without the necessity of a reading.

Motion adopted. Six members voting yea.  
Abstention Ms. Madigan.

Motion adopted. All members voting yea.

Without objection from Council items 13, 14, 8, 9, 15, and 16, were read first in the agenda order.

**\*\*\*\*OLD BUSINESS\*\*\*\***

1. Housing Committee Report regarding Resolution 8503-11A and Ordinance 40-11. (Pg.5)

(written report provided)...In addition, tonight, and this is the oral part of the report, in addition were Councilman Anderson again, Director Siley, Councilwoman Smith and Fire Chief Gilman. At tonight's meeting Director Siley basically reiterated that what we're doing here with is...this is enabling legislation that really allows us to begin the conversation about abatement so that's where we are with this. The specifics of any proposed development will come before this Council at the time that there is a development or the possibility of development. The committee recommended to adopt as substituted. Director Siley brought before us a substitution to this ordinance with a few changes. One was a very minor changing the word "ordained" to "resolved" and then in Exhibit B, changing the phrase "up to", instead of saying "up to 100%

exemption” it will read “ at a 100% exemption”. The second change will be item A under Level 2 will read “that include but not limited to energy –efficient windows, high-efficiency HVAC and insulation with an R-value higher than standard building-code requirements.” There is another change that refers to being in compliance with current best practices as outlined in the Soil and Water Conservation District and the Ohio Environmental Protection Agency. A fifth and final change changes “up to” to be a 10-year duration at 100% exemption. Then, ordinance 40-11 was also discussed at the September 26<sup>th</sup> meeting. Director Siley showed several parcels that are owned by the City that have historically been foreclosed upon and sold at Sheriff’s sale and then they’ve gone back into foreclosure due to their small size. These are properties that are essentially less than 1000’. We may not even notice them around town but there are a few of them. The second proposed ordinance tonight affords neighboring property owners the opportunity to purchase these properties for what the City paid for them. This type of program is practiced across the country and has proven to be a successful tool in stopping the foreclosure cycle and neighborhood deterioration associated with vacant and abandoned property while returning the property to taxable status. The committee members present on that September 25<sup>th</sup> meeting voted unanimously to recommend the adoption of ordinance 40-11. We are recommending tonight a substitute ordinance with a very minor change in one word. Law Director Butler would you please tell us that one very minor change.

Kevin Butler: The Council has before it a substitute which merely removes the house address before the word “Sloane” on the second page of the ordinance. So, the Sloane parcel is identified by parcel number but not its address. Thank you.

Ms. Madigan: The Housing Committee recommended adoption of both pieces of legislation with the substitutions.

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

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2. **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. (REFERRED TO THE HOUSING COMMITTEE 9/19/11) (Pg.7)

Motion by Ms. Madigan, seconded by Mr. Powers, to substitute Resolution No. 8503-11A.  
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith  
Nays: None  
Motion adopted. Resolution No. 8503-11A substituted.

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8503-11A.  
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith  
Nays: None  
Motion adopted. Resolution No. 8503-11A adopted as substituted.

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3. **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 1<sup>ST</sup> READING & REFERRED TO THE HOUSING COMMITTEE 9/6/11, 2<sup>ND</sup> READING 9/19/11) (Pg.12)

Motion by Ms. Madigan, seconded by Mr. Powers, to substitute Ordinance No. 40-11.

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

Nays: None

Motion adopted. Ordinance No. 40-11 substituted.

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance 40-11 .

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

Nays: None

Motion adopted. Ordinance No. 40-11 adopted as substituted.

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4. Finance Committee Report regarding Ordinance No. 39-11 and Centralized Income Tax Issue (To Be Provided)

#### **#4 Finance Committee Report regarding Ordinance 39-11 and Centralized Income Tax Issue – Powers**

Dear Members of Council, the Finance Committee met this evening. Present were Councilmembers Madigan and Nowlin along with myself and we were joined by all members of Council, thank you, along with Finance Director Pae, Assistant Finance Director Patti Chittock, the Mayor and a bag of chocolate chip cookies. We had two items before us. The first was ordinance 39-11. This ordinance would increase the operational cash account in the Police Department which is used primarily to provide change for parking tickets. It would increase that amount from \$175 to \$500. This is not an extra expenditure of funds it's simply taking funds out of the bank and putting it into the drawers so we have cash on hand with which to issue change. The committee recommended passage of that tonight on third reading. The second item before us was the discussion concerning the income tax collection by the state. Assistant Director Chittock was very helpful, as was Director Pae in that discussion. It's up to members of Council, you heard it this evening, if you would like to hear it again I'm certain the Director could give us a summary although because of the order we've taken things this evening we've already talked about the resolution which covered many of these same points. There was nothing before us on the agenda before us for the Finance Committee other than to discuss the item. In other words, the resolution was not before us so there's no recommendation necessary on that topic and we adjourned the meeting.

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

Motion adopted. All members voting yea.

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5. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 9/6/11, 2<sup>ND</sup> READING 9/19/11) (Pg. 14)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance No. 39-11.  
Motion adopted. All members voting yea.

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6. Rules & Ordinances Committee Report regarding Ordinance No. 41-11. (To Be Provided)

**#6 Rules & Ordinances Committee Report regarding Ordinance 41-11 - Nowlin**

Dear Members of Council, the Rules and Ordinances Committee met tonight. Present were myself as chair, Councilmembers Bullock and Anderson as members and we were also joined by various other councilmembers and members of the administration. On our agenda was proposed ordinance 41-11 and we were presented with a substitute version by Law Director Butler which I'll talk about in a moment. The ordinance itself goes to amend several sections of the Lakewood Codified Ordinances and repeals Chapter 761 entirely. The goal of the ordinance is to modernize the language by either updating or removing outdated titles of Directors and other personnel as well as some of the names of the various departments that either no longer exist or have been changed. Law Director Butler was there to walk us through each of the changes as to why they were necessary. The one portion of the proposed ordinance that has been changed in the substitute version was regarding section 1783.12, just added some language to address the Director of Public Safety as well as the Director of Public Works as the change in the proposed ordinance. The Committee unanimously voted to recommend adoption to the full Council as substituted.

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

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7. **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 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/6/11, 2<sup>ND</sup> READING 9/19/11) (Pg.16)

Motion by Ms. Madigan, seconded by Mr. Powers, to substitute Ordinance No. 41-11.  
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith  
Nays: None  
Motion adopted. Ordinance No. 41-11 substituted.

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance 41-11 .  
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith  
Nays: None

Motion adopted. Ordinance No. 41-11 adopted as substituted.

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8. 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. (Deferred 9/19/11) (Pg. 33)

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

Motion adopted. All members voting yea.

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9. **RESOLUTION NO. 8519-11** – A RESOLUTION acknowledging the businesses who donated significant time, goods or services to Lakewood's Fallen Firefighter Memorial and ceremony. (Deferred 9/19/11) (Pg.34)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8519-11.

Motion adopted. All members voting yea.

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10. Liquor Permit Application for C1 & C2 transfers to Evans Investment Group, 14235 Madison Avenue, from D Madison Avenue Lakewood Gas same address. (DEFERRED 9/19/11) (Pg. 35)

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

Motion adopted. All members voting yea.

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11. Liquor Permit Application for C1 & C2 transfers to SANVI Inc, d/b/a Madison Convenience; 15019 Madison Avenue from Deena & Nadeen Enterprises same address. (DEFERRED 9/19/11) (Pg.36)

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

Motion adopted. All members voting yea.

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12. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PLANNING COMMISSION 9/19/11) (Pg.37)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 43-11 on 2<sup>nd</sup> Reading

Motion adopted. All members voting yea.

**\*\*\*\*\*NEW BUSINESS\*\*\*\*\***

13. Communication from Mayor Summers, Council President Madigan and Finance Chair Powers regarding Opposing the Sate of Ohio from Seeking to Take Control of Municipal Tax Collection. (Pg.53)

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

Motion adopted. All members voting yea.

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14. **RESOLUTION NO. 8525-11** - 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, opposing the State of Ohio from seeking to take control of municipal income tax collections. (Pg.54)

State Representative Nickie J. Antonio spoke in favor of the resolution indicating important of local tax dollars staying in Lakewood. .

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8525-11.  
Motion adopted. All members voting yea.

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15. Communication from Planning & Development Director Siley regarding Fiscal Year 2012 CDBG, ESG, and HOME. (Pg.56)

Jennifer Overstreet; co-chair of Citizens Advisory Committee on Community Block Grants poke indicating regret in inability to fund more projects with limited funds.  
Planning & Development Director Siley stated the Citizens Advisory Committee members volunteer an enormous amount of time and energy toward the review of the proposals and are deserving of the City's appreciation.

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

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16. **RESOLUTION NO. 8526-11** - 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, authorizing and directing the Mayor to submit the Fiscal Year (FY) 2012 One-Year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Solutions Grant (ESG) funds, and incorporates the City's application for CDBG funds, ESG funds, HOME investment Partnership funds, and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD). (Pg. 60)

Motion by Ms. Madigan, seconded by Mr. Powers, to refer the Resolution to the Finance Committee.  
Motion adopted. All members voting yea.

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17. Communication from Finance Director Pae regarding Amended Computer Capital Ordinance FY2011. (Pg.62)

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

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18. **ORDINANCE NO. 45-11 - 85-10A** - 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 85-10, adopted December 22, 2010 to purchase additional equipment, 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 **Computers & Systems**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg.63)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 85-10A on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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19. Communication from Law Director Butler regarding Ordinance amending Section 529.07 and 905.13 to eliminate any conflict created by allowing alcohol on public property in limited setting. (Pg.65)

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

Motion adopted. All members voting yea.

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20. **ORDINANCE NO. 46-11** – AN ORDINANCE to amend Sections 529.07, Open Container Prohibited, and 905.13, Disorderly Conduct; Intoxication, of the Codified Ordinances of the City of Lakewood for the purpose of clarifying that alcohol may be permitted on public property in certain circumstances under the authority of a permit issued pursuant to Chapter 557 or a conditional use permitted by Chapter 1161. (Pg.66)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 46-11 on 1<sup>st</sup> Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:11 PM.

Approved: \_\_\_\_\_

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CLERK

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PRESIDENT