

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

Regular Meeting of the Lakewood City Council called to order at 7:34 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 Beno, 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 November 21, 2011.

Mr. Bullock indicated that because of the length of the November 21, 2011 minutes he would like to be able to address any possible corrections at a future date.

Motion by Ms. Madigan, seconded by Mr. Powers, to approve the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

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

1. Public Works Committee Report regarding Ordinance No. 49-11 (To be provided)

#2 Public Works Committee Report regarding Ordinance No. 49-11- Mr. Bullock; Chair.

The Public Works Committee met twice on this proposed ordinance and we concluded just moments ago with a motion to recommend passage tonight of a substitute version of this legislation. The purpose of this legislation is to implement some quality best practices in our ordinances and allow for enforcement of quality best practices for compost heaps in Lakewood by our Litter Control Officer or actually, as the ordinance states, our Public Safety Director or his or her designee so that we can responsibly expand and promote adoption of composting in Lakewood which is a wonderful practice.

It's not only good for my garden and soil building in my yard but the City has an interest to the degree that if we increase composting we can reduce the amount of kitchen waste and yard waste which is wet waste and therefore the heaviest waste that the City diesel trucks away from our households to either a landfill, normally, or our own mulching pile. So, to the degree that this can contribute to reducing our waste stream it's a cost control measure for our City and again this would allow us to what I hope will happen over a period of years is that we greatly expand adoption of composting in a manner then that doesn't create problems for the neighbors. We have seen some isolated cases of unconscientiously composting done by neighbors and this would allow us to address that. So, I will shortly move to suspend the rules and request a substitute but with that I will move to receive and file that oral report.

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

2. **ORDINANCE NO. 49-11** – AN ORDINANCE amending Section 1783.12, Composting, for the purpose of providing clearer regulation related to composting activity in Lakewood. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 11/7/11, 2ND READING 11/21/11) (Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Powers, to substitute Ordinance No. 49-11.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Ordinance 49-11 substituted.

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance 49-11 as substituted.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Ordinance 49-11 adopted as substituted.

3. Rules & Ordinances Committee Report regarding Ordinances No. 63-11 & Resolution No. 8536-11. (To be provided)

3 Rules & Ordinances Committee Report regarding Ord. No. 63-11 and Resolution 8536-11 – Nowlin

The Rules and Ordinances Committee met this evening. Present were Councilman Anderson, Councilman Bullock, Director Butler, Director Yousefi and Councilman Juris and myself. Before us tonight were two matters. The first was proposed ordinance number 63-11 which proposed to eliminate outmoded language regarding hospitalization coverage for employees. The proposed ordinance deals with a few different changes to the codified ordinances. First, it would combine Lakewood codified ordinance section 149.13 which is salary deductions for hospitalization insurance with Lakewood codified ordinance section 149.14 which is hospitalization coverage for employees. Second, the

definition of eligible employees was updated. Third is the elimination of payment in lieu of hospitalization program found in code section 149.14(e). Fourth, several sections of the ordinance describe administrative finance practices which are no longer utilized, are outdated. We had some good discussion about specifically the elimination of the payment in lieu of hospitalization program and after some discussion the committee unanimously recommended adoption of the ordinance on third reading. Next we discussed proposed resolution 8535-11 which authorizes the City to switch to one or more 457plan representatives of the administrations choosing. 457 Plan is the deferred compensation plan for government employees. The reason being is that it would enable the City to streamline administration, offer additional services to employees and ensure the best representation possible. So, after some discussion about that proposed resolution the committee unanimously recommended adoption of the resolution to full council tonight.

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

Motion adopted. All members voting yea.

4. **ORDINANCE NO. 63-11** – AN ORDINANCE to take effect on January 1, 2012, provided it receives the vote of at least five (5) members of Council or otherwise, to take effect at the earliest period allowed by law, repealing Section 149.13 and modifying Sections 149.14 and 149.141 of the Lakewood Codified Ordinances to modernize the code by revising or eliminating outmoded language regarding hospitalization coverage for employees. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 11/21/11) (Pg.11)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 63-11 on 2nd Reading.

Motion adopted. All members voting yea.

5. **RESOLUTION NO. 8535-11** - A RESOLUTION to take effect immediately provided it receives the vote of at least five (5) members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Director of Human Resources to enter into one or more agreements with representatives of government-employee deferred compensation plans in order to continue to provide a wide array of options for employees participating in such plans. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 11/21/11) (Pg. 16)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8535-11.

Motion adopted. All members voting yea.

6. **RESOLUTION NO. 8534-11** - 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, to enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed Two Hundred Thousand, One Hundred Eighty-Three Dollars (\$200,183.00) for a one-year period commencing January 1, 2012. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/21/11) (Pg. 18)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Resolution No. 8534-11 on 2nd Reading.

Motion adopted. All members voting yea.

7. **ORDINANCE NO. 51-11** – 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 and be in force after the earliest period allowed by law, modifying Section 505.18 of the Lakewood Codified Ordinances to eliminate other reasons from those reasons permitting the Director of Public Safety to grant specific exemptions to certain animals in the City. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/21/11) (Pg. 20)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 51-11 on 2nd Reading.

Motion adopted. All members voting yea.

8. **ORDINANCE NO. 52-11** - AN ORDINANCE to take effect on January 1, 2012 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, establishing Section 125.01, Acting Mayor, to provide for the position of Acting Mayor when temporary vacancies occur in the office of the mayor. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/21/11) (Pg. 25)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 52-11 on 2nd Reading .

Motion adopted. All members voting yea.

9. **ORDINANCE NO. 53-11** - AN ORDINANCE to take effect on January 1, 2012 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, modifying Section 107.01 of the Lakewood Codified Ordinances to modernize the

posting of public notices to the citizens of Lakewood (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/21/11) (Pg. 27)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 53-11 on 2nd Reading.

Motion adopted. All members voting yea.

10. **ORDINANCE NO. 54-11** - AN ORDINANCE to take effect on January 1, 2012 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, limiting the law director's duties pursuant to Article VII, Section 2 of the Second Amended Charter of the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/21/11) (Pg.31)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 54-11 on 2nd Reading.

Motion adopted. All members voting yea.

*Motion by Ms. Madigan, seconded by Mr. Powers, to suspend the rules and read Items 11-18 consecutively for one blanket motion.

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

Nays: None

Motion adopted. Rules suspended; the Clerk reads items 11-18 for a blanket motion at the end of item 18.

11. **ORDINANCE NO. 55-11** - 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 establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2011. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/21/11) (Pg. 33)

*Blanket Motion on this item is made after item 18 is read

12. **ORDINANCE NO. 56-11** - 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 authorize the transfer and advance of certain funds. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/21/11) (Pg. 46)

*Blanket Motion on this item is made after item 18 is read

13. **ORDINANCE NO. 57-11** - 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 establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2012. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/21/11) (Pg.48)

*Blanket Motion on this item is made after item 18 is read

14. **ORDINANCE NO. 58-11** - 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 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 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 2012 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 11/21/11) (Pg.61)

*Blanket Motion on this item is made after item 18 is read

15. **ORDINANCE NO. 59-11** - 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 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 enter into service contracts in accordance with the Administrative Code of the City of Lakewood for the **Department of Planning & Development** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. ((PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/21/11) (Pg. 65)

*Blanket Motion on this item is made after item 18 is read

16. **ORDINANCE NO. 60-11** - 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 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 enter into contracts for **Memberships** as authorized by the 2012 Appropriation Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$50,000 without separate Resolution of Council. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/21/11) (Pg. 68)

*Blanket Motion on this item is made after item 18 is read

17. **ORDINANCE NO. 61-11** - 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 amend Ordinance 101-10 adopted December 20, 2010 to amend Chapter 915, Water Rates, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting water rates charged against each lot, parcel of land or premises which may have an active water connection with the Municipal water system. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/21/11) (Pg. 72)

*Blanket Motion on this item is made after item 18 is read

18. **ORDINANCE NO. 62-11** - 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, amending Ordinance 102-10, adopted December 20, 2010 to amend section 902.04, Rates and Charges, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting sewer rates charged against each lot, parcel of land or premises which may have an active sewer connection with the Municipal wastewater disposal system or which may otherwise discharge wastewater either directly or indirectly into such system or any part thereof. ((PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/21/11) Pg.75)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place Ordinances Nos. 55-11, 56-11, 57-11, 58-11, 59-11,60-11, 61-11, and 62-11 on 2nd Reading.

Motion adopted. All members voting yea.

19. Liquor Permit Application for D5 and D6 transfers to MAD concepts LLC, McCarthy's Ale House; 16918-24 Detroit Avenue from Lakewood same address. (DEFERERED 11/21/11) (Pg. 79)

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

Motion adopted. All members voting yea.

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

{Items 20 & 21 are add-ons submitted after the docket deadline}

20. Communication from Councilmember Bullock regarding Updating our definitions of "restaurant" under our Zoning Code. (Pg. 80)

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

Motion adopted. All members voting yea.

21. **ORDINANCE NO. 64-11** – AN ORDINANCE to amend the Zoning Code of the City of Lakewood for the purpose of revising the definitions associated with food service operations and restaurants. (Pg. 81)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 64-11 on 1st Reading and refer it to the Planning Commission.

Motion adopted. All members voting yea.

22. Communication from Mayor Summers regarding Appointment to Audit Committee. (Pg.96)

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

Motion adopted. All members voting yea.

23. Communication from Law Director Butler regarding Transfer of C1 and C2 (carry-out beer and wine) liquor permit from D Madison Avenue Gas to Evans Investment Group I; 14235 Madison Ave. (Pg. 97)

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

Motion adopted. All members voting yea.

24. **RESOLUTION NO. 8537-11** - 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, to object to the transfer of a C1 and C2 (carry-out beer and wine) liquor permits from D Madison Avenue Lakewood Gas LLC to Evans Investment Group I Inc., 14235 Madison Avenue, Lakewood, Ohio. (Pg. 98)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8537-11.

Motion adopted. All members voting yea.

25. Communication from Police Chief Malley regarding County Regional Information System (CRIS) Interface with Lakewood Records Management System (HTE) (Pg. 100)

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

Motion adopted. All members voting yea.

26. **RESOLUTION NO. 8538-11** - 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, authorizing the Mayor or his designee to enter into an agreement with Cuyahoga County to accept funds in an amount estimated at \$37,000 and to enter into an agreement with a service provider to implement an interface between the Division of Police's report management system and the Cuyahoga Regional Information System (CRIS) for the efficient transfer of information between the systems. (Pg. 101)

Motion by Ms. Madigan, seconded by Mr. Powers, to refer Resolution No. 8538-11 to the Public Safety Committee.

Motion adopted. All members voting yea.

27. Communication from Human Services Director Buckon regarding Resolution Authorizing an Amendment to the Agreement with the Westside Community House to provide wrap services under the Family to Family System of Care Program. (Pg. 103)

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

Motion adopted. All members voting yea.

28. **RESOLUTION NO. 8539-11** - 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 the Mayor or his designee to enter into an amendment to an agreement with The West Side Community House to provide Wrap services under the Family to Family System of Care Program for those individuals residing outside of the City of Lakewood for the period of January 1, 2012 to March 31, 2012 in an amount estimated to be \$12,850.00. (Pg. 104)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8539-11.

Motion adopted. All members voting yea.

29. Liquor Permit Application for a New D5I classification to QSL of Lakewood Inc d/b/a Quaker Steak and Lube; 15314 Detroit Avenue Stes. 7 & 8. (Pg. 106)

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

Motion adopted. All members voting yea.

(Items 30 & 31 are add-ons having been submitted after the docket deadline)

30. Communication from Human Services Director Buckon regarding Family to Family Program.

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

Motion adopted. All members voting yea.

31. **RESOLUTION NO. 8540-11** - 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 the Mayor or his designee to apply for and enter into an agreement with the Cuyahoga County Department of Children Family Services for the Family to Family Neighborhood System of Care program through December 31, 2013.

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8540-11.

Motion adopted. All members voting yea.

POST AGENDA REMARKS:

Councilmember Juris complimented Lakewood Alive for the Light Up Lakewood Event indicating it was “tremendous” and impressive to see the number of people who came out for the occasion. He further that the fireworks from the University of Akron was a great surprise appreciated by his kids.

Council President Madigan indicated that Saturday was the last minute market by dozens of artists located at the old Lake Erie Screw Building in Birdtown.

Councilmember Smith wanted to remind people about the speaker at Garfield Middle School; Luma Mufleh who Ms. Smith indicates has done remarkable work with refugees and immigrants in Alabama. She indicated the event was free and started at 7:00 PM tomorrow (Tuesday, December 6).

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

Motion adopted. All members voting yea.

Meeting adjourned 8:13 PM.

Approved: _____

CLERK

PRESIDENT