

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
MARCH 5, 2012  
7:30 P.M.**

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

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Present: Councilmembers David Anderson, Thomas R. Bullock III, 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 Services Director Yousefi.

Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes of the Regular Meeting of Council held February 21, 2012 without the necessity of a reading.

Motion adopted. All members voting yea.

Without objection items 29-30 were read first in the agenda order.

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

1. Committee of the Whole Report regarding the settlement of workers' compensation case (to be provided).

**#1 COW report regarding the settlement of workers' compensation case - Powers**

Dear Members of Council. The Committee of the Whole met earlier this evening. We had two items before us. The first was a matter brought to us before by the Law Director concerning a potential settlement of a Workers' Compensation case that is now pending and set for trial. We had an executive session to discuss the particular matters involving the employee and then we went back into open session and we voted to give the Law Director approval of up to \$1,000 to settle the matter. The other item before us was procedural review and we concluded our meeting on those two items.

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

Motion adopted. All members voting yea.

Motion by Mr. Powers, seconded by Ms. Madigan, to suspend the rules and read Items 2-7 consecutively for one blanket motion.

Motion adopted. All members voting yea.

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2. **ORDINANCE NO. 3-12** - 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, 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 bids and enter into contracts 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 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/6/12, REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING, RECOMMENDED FOR ADOPTION 2 /21/12 ) (Pg.9)

\*Motion to adopt was made as a blanket motion after item 8

3. **ORDINANCE NO. 4-12** - AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five members of Council, otherwise to 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 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 **Buildings & Facilities 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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/6/12, REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING, RECOMMENDED FOR ADOPTION 2 /21/12) (Pg. 10)

\*Motion to adopt was made as a blanket motion after item 8

4. **ORDINANCE NO. 5-12** - 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, 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 the **Wastewater System Replacement Program** 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 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/6/12, REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING, RECOMMENDED FOR ADOPTION 2 /21/12) (Pg. 11)

\*Motion to adopt was made as a blanket motion after item 8

5. **ORDINANCE NO. 6-12** - 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, 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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/6/, REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING, RECOMMENDED FOR ADOPTION 2 /21/12 12) (Pg. 12)

\*Motion to adopt was made as a blanket motion after item 8

6. **ORDINANCE NO. 7-12** - 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, 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 **Signs & Traffic Signals** 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 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/6/12, REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING, RECOMMENDED FOR ADOPTION 2 /21/12) (Pg. 13)

\*Motion to adopt was made as a blanket motion after item 8

7. **ORDINANCE NO. 8-12** - 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, 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 **Buildings & Facilities 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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/6/12,

REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING, RECOMMENDED FOR ADOPTION 2 /21/12) (Pg. 14)

\*Motion to adopt was made as a blanket motion after item 8

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8. **ORDINANCE NO. 9-12** - 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 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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/6/12, REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING, RECOMMENDED FOR ADOPTION 2 /21/12) (Pg. 15)

Discussion was had as to whether to approve Ordinance 9-12 – Sidewalk contracting authority without having a sidewalk plan in place.

There was an indication that there was not presently money budgeted for sidewalk repair.

Councilmember Bullock indicated he planned to vote no on the ordinance indicating he would rather not invest “overage” dollars, to sidewalks until a discussion was had on the strategy for repair of roads and sidewalks.

Councilmember Madigan indicated the ordinance was for contracting authority allowing the City to remain “hopeful” that it can repair some sidewalks.

Funding and enforcement of sidewalk repair (180 miles of sidewalk was indicated) was discussed, including homeowners responsibility, alternative technology, stated as options that were experimented with in the past.

It was further discussed that instead of voting the ordinance up or down that evening to refer the ordinance back to Committee.

Discussion was had recognizing the limitations the \$100,000 of the ordinance already posed. The necessity for more strategic planning for sidewalk repair while balancing the necessity for having contracting authority in place should money be freed up was had. Considerations were made regarding sidewalks abutting City property; the possibility of emergency repair; A safety issue was referenced. Reduction in the contracting authority was proposed.

The Administration was asked if a delay in contracting authority would put the City at risk. The response was that in the event the City required contracting authority for more than \$7,500 the City would not have the authority; Specifically if a two week delay was considered putting the City at risk the Administration responded that sidewalk repair in excess of \$7,500 would not be required in the next two weeks.

Original motion was amended. New motion is as follows:

Motion by Mr. Powers, seconded by Ms. Madigan, moves to adopt items 2, 3, 4, 5, 6 & 7,  
Motion adopted. All members voting yea.

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Ordinance 9-12 back to the Finance Committee.

Motion adopted. All members voting yea.

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9. **ORDINANCE NO. 10-12** - 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, 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 **Street 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. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 10-12 PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/6/12, REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING, RECOMMENDED FOR ADOPTION 2 /21/12) (Pg. 16)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 10-12.

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

Nays: Non

Motion adopted. Ordinance substituted

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 10-12 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 10-12 adopted as substituted.

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10. **ORDINANCE NO. 12-12** - 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 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 the **Water System Replacement Program** 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 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/6/12, REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING & RECOMMENDED FOR ADOPTION 2/21/12) (Pg. 18)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 12-12.  
Motion adopted. All members voting yea.

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11. **ORDINANCE NO. 14-12** – AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members of Council, or otherwise to take effect at the earliest period allowed by law, amending Sections 902.08, Nonpayment of Bills, 902.09, Shut-Off for Nonpayment, and 915.01, Establishment of Rates, of the Codified Ordinances of the City of Lakewood for the purpose of strengthening the procedure involving collection of municipal water and sewer utility bills. (**PLEASE SUBSTITUTE** FOR ORDINANCE 14-12 PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/6/12, REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING, RECOMMENDED FOR ADOPTION 2/21/12) (Pg. 19)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 14-12.  
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith  
Nays: None  
Motion adopted. Ordinance No. 14-12 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 14-12 as substituted.  
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith  
Nays: None  
Motion adopted. Ordinance No. 14-12 adopted as substituted.

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12. Public Safety Committee Report regarding Ordinance Nos. 2-12 & 16-12. (To Be Provided)

**#12 Public Safety Committee report regarding ordinance nos. 2-12 & 16-12 - Nowlin**  
On February 27<sup>th</sup> the Public Safety Committee met to discuss proposed ordinances 2-12 and 16-12. On the 27<sup>th</sup>, all members of the Committee were present as well as Councilmember Bullock, Director Butler, Director Beno and members of the public. In that meeting we only had the chance to discuss the proposed ordinance 2-12. We discussed the reasons for the proposed ordinance in that it would aid veterinarians, animal hospitals and animal rescue organizations in dealing with these types of pit bull dogs and canary dogs. One of the issues that was raised at that meeting was determining a definition of animal rescue organizations and the Law Department was tasked with trying to determine a suitable definition of the same so we adjourned. We met again tonight to again discuss 2-12 and 16-12. Present were Councilmember Juris,

Councilmember Anderson was initially excused and then was able to attend later in the meeting, Directors Beno and Butler and Chief Malley were present. A substituted version of 2-12 was brought to us by Director Butler essentially defining an animal rescue organization so that it was a 501 (c) 3 and also included, replaced references to approved organizations to charitable organizations and so we moved to recommend adoption of the substituted version of 2-12 to the full Council. We then moved our discussion to proposed ordinance 16-12. There was a great discussion about the ordinance which essentially deals with adjusting the park closing times for Kauffman and Madison parks in an effort to try to curb vandalism and loitering at both of those parks. It was noted that the only park that would remain open all year until 11:00 was Lakewood Park, one of the reasons being is that it is staffed full time and it is also set up in a way that allows the park to be better well lit than the other parks. It was also noted that changing the closing time of Kauffman and Madison Parks to an hour after sunset would fall in line to the closing times for all the playgrounds attached to schools throughout the school district, so some uniformity there. There was some concern raised about the proposed ordinance in that perhaps vandalism occurs more often in parks when people aren't in parks and extending closing times would not be an appropriate solution and that we shouldn't be closing parks to the people who want to use them. But, the motion was made to recommend adoption to full Council. Councilmembers Juris and I voted for it, Councilman Anderson voted against it so that motion did pass.

Smith: Can I ask you a question related to some of the information you just gave in the report. I'm sorry I was unable to attend the Public Safety Committee meeting where you discussed the ordinances so in regards to 2-12, I wanted to know if organizations that can be designated as animal rescues can include, for example, the one that we know we have in the City which is a persons residence as well. Was there discussion about that? What does that mean as far as...was there discussion about that?

Nowlin: As specific as that, there was not. Director Butler may have a ...

Butler: There was not specific discussion of whether the business could be located at a person's residence. We would assume that that would be handled by the provisions of the zoning code impacting business use in residential districts. There are several provisions in the zoning code which would apply. But, there's no mention in this section of the code of whether or not the 501(c) 3 would be in a residential district or commercial district.

Smith: So, if Zoning allows the organization to reside in a residential property then pit bulls or canary dogs and otherwise prohibited animals can be on the property at that residence. Just wanted to clarify that.

Butler: Yes, that would be right.

Powers: Councilman Bullock

Bullock: On the other topic related to park closing hours, proposed ordinance 16-12, unless this was caught already, unless I'm mistaken, the proper spelling of Kauffman is with two "f"s and we've got one "f" throughout this ordinance. It's a minor point. Secondly, I'm a little torn on this. I applaud the Directors careful monitoring of the potential for safety, problems for vandalism certainly. I agree with the arguments that presence in parks tends to be helpful so, what I would request - I plan to support this tonight - what I would request though is that we get a report from the Public Works Director three months out, six months out, to see what the actual experience on the ground is in terms of behavior at the parks because, to constrain the availability of the parks hours is not something that I intrinsically think of as a positive. On the other hand, to have appropriate rules so that the parks are healthily maintained and are safely conducted is appropriate. So, I'd just like to get that verbal commitment from the Director that we'll get an update as to the actual track record if this were to move forward. Thanks.

Powers: To the Director, quickly, on that point, any comment?

Beno: I agree. I could follow up on that and give just a kind of general opinion on if it has helped out between myself and the Police, you know, has it helped out or has it stayed the same. I want to reinforce that we're not trying to cut down on the usage of the parks; we're curtailing these hours that are after dark hours. There really isn't much going on there.

Powers: Councilmember Anderson then back to Councilmember Bullock.

Anderson: Thank you. I stated earlier that tonight how much I appreciate the thought that's going into trying to make the parks safer and I don't pretend to be a Public Safety expert nor do I want to play one here on Council. I am concerned about the message this is sending and I think the message we should be sending is that Council, the Administration, the Police Department stand ready to stop vandalism at every turn all while allowing everyone to freely enjoy our City parks during their long established hours of operation. The symbolism of closing parks to residents either one way or earlier in the evenings in an effort to curtail vandalism is hard for me to accept. But, I appreciate the thought that went into this and I appreciate the leadership on the committee tonight. I want to add a little bit to Councilman Bullock's request and maybe we could also provide a bit of a collaborative effort with Director Beno and the Police Chief to see what the patrol officers have been witnessing at the park an hour after sunset over the next few months so we can have more of a complete picture. Again, I'm not going to support this but I'd appreciate the collaborative effort between the two departments going forward. Thank you.



Powers: To Director Beno, I believe I almost said Director Bullock... Director Beno, I believe you mentioned in your comment earlier that you would talk to the Police Chief when you came back and if that's acceptable to you, I'll leave it up to you and the Chief to coordinate, communicate and get back to us as you had mentioned.

(discussion regarding the correct spelling of "Kauffman ")

Powers: Councilman Juris

Juris: Thank you. Thank you. If I could, just to state publicly, I certainly don't believe that the intent of this is to close parks or take away amenities from citizens that intend to use them for good, legitimate purposes after dark. Certainly if there are good, legitimate purposes to use a park after dark, I certainly would be open to hearing what those are however I have not heard those examples so as we discuss that in public and members of the media and whatnot, rather than simply relaying that it's Council taking something away from citizens, I would really like to know what specifically is being taken away and who is losing some asset in some way by closing a park that is dark.

Powers: Any other questions?

Anderson: Yes, real briefly, I would like to have the answers to those questions as well. The issue is, we've had about a half an hour to discuss this in committee and I don't think we've had enough time to fully analyze the potential consequences or the benefits of this. That's all. Thank you.

Madigan: Mr. Chair.

Powers: To the Vice President.

Madigan: On both ends of this podium I think you both bring up good points. We've had time in committee, you're right, to talk about this but we've also had time to talk about it since it's been introduced much like any piece of legislation, with the people we represent. So, that is why I have no problem voting for this and I'm voting for this because I believe that Madison Park, if it closes an hour after dark, we can live with that on the east end for now and we'll see how it goes. Mr. Beno, I'd like to have some sense of what it is you're going to report out on in three months because... I like the idea of that but I just have never heard on the whole time I've been living in Lakewood, when do we know when graffiti occurs? So, I hope if you're doing a three-month report, are you going to be able to tell us that graffiti has declined or increased, whatever the results are, but how are we ever going to know that graffiti happens an hour after the park closes or two hours or three hours. So in many ways, we're looking for answers that we don't really have any way of tracking. Let's just keep that point out there as well. In any case, that's the last, I think maybe, on discussion on this subject.

Powers: Thank you. I'll also clarify on behalf of Council, our process on this law so no one gets the wrong idea. This law has been pending for a month. It's been read, this is the third time it's been read before Council. I don't want anybody to think we only spent a limited amount of time on it. True, the committee meeting lasted a half hour but certainly all of us on Council spent time throughout the month hopefully doing our job which is to communicate with residents. I think that their input with respect to these and come to committee meetings fully apprised and prepared to have those discussions and the committee did vote two to one to recommend to the full body here that we adopt it and that's the committee process and the way it works. So, I want to make sure everyone understands that we followed the process here that we did its job and reported out to us fully and fairly this evening. To the Law Director, any official word on our spelling?

Butler: With apologies to Mayor Amos Kauffman, it's two "f"s. So, we support the motion.

Discussion on item #13 – ordinance 2-12

Smith: I think, because I still have a little discomfort about the idea of having prohibited animals potentially at a residence in the City, I'm not totally comfortable with this ordinance as it's written. So, I think I will probably plan to vote no on it. Thank you.

Powers: I will also note that there are still 18 of these animals that were grandparented in under our law. That is one of the reasons I proposed this, those animals are sometimes in need of service and that was one of the reasons for the clarification here. That's just to let you know there are animals who might otherwise be prohibited by this law who are perfectly legally maintained in our residential areas already and we have a pretty good handle on that – just for informational purposes. Any other discussion on the motion?

Smith: Mr. Chair. So, on that point, so maybe this will help me get more comfortable on this. So, then of course if prohibited animals are allowed to be present at a shelter that is also a residence then those animals have to ...the way that those animals are kept has to abide by all the rules that are in place for people who are allowed to keep prohibited animals legally, right? So in terms of the way you have to muzzle it or whatever, I don't know the details, honestly I wasn't on Council at the time and I don't have it in front of me...

Powers: I don't think that was addressed in this particular...it's a different area. I wasn't bringing up to say that they're the same thing. I was just letting you know that there are dogs of this type in our community today and they are well monitored and I would suspect that people who have gone to the length of being veterinarians or an animal shelter or a charitable shelter would be taking even more so than the general public but I don't know that this law itself requires that but to the Law Director...

Butler: The law merely requires that the veterinarian or charitable animal rescue organization abide by all orders of the Director of Public Safety or designee to maintain the dog in a way that's safe for the community. That by the way, mimics language that appears in a prior, already existing section of the code with respect to dangerous dogs that are permitted to remain in the City anyway. So, any imposition of additional safeguards would include muzzles, leashes, pens and any other reasonable safeguards that would protect the public. Bear in mind, these animals can only remain in the City for no longer than 60 days so I believe it does make sense to give to the Animal Control Officers some discretion as to how much protection, additional protection to order in these situations. For example, animal hospitals already have pens for the dogs that run around behind the hospital and it may not make sense for the Animal Control Officer to order that those be enclosed just for this one animal. So that's why we leave the Animal Control Officer some discretion in the version that's before you tonight.

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

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13. **ORDINANCE NO. 2-12** – AN ORDINANCE amending Section 506.04 of the Codified Ordinances, Exception, Registration and Fee, for the purpose of permitting temporary exceptions to the prohibition of pit bull dogs and canary dogs benefiting licenses veterinarians and animal hospitals and approved animal rescue organizations. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 2/6/12, 2<sup>ND</sup> READING 2/21/12) (Pg. 24)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 2-12.  
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith  
Nays: None  
Motion adopted. Ordinance No. 2-12 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 2-12.

Ms. Smith made the following comment:

Because I still have a little bit of discomfort about the idea of having prohibited animals potentially at a residence in the City I'm not totally comfortable with this ordinance as it is written. I plan to vote no on it.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers  
Nays: Smith  
Motion adopted. Ordinance No. 2-12 adopted as substituted.

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14. **ORDINANCE NO. 16-12** – AN ORDINANCE amending Section 905.02, Hours Open to the Public, to allow the Director of Public Works to control park hours by season and

events in an effort to curtail vandalism. (PLACED ON 1<sup>ST</sup> READING & REFERED TO THE PUBLIC SAFETY COMMITTEE 2/6/12, 2<sup>ND</sup> READING 2/21/12) (Pg. 29)

Motion by Mr. Nowlin, seconded by Mr. Powers, to amend the Ordinance to replace “Kaufman” with the properly spelled “Kauffman”.

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

Nays: None

Motion adopted. Ordinance No. 16-12 amended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 16-12 as amended.

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

Nays: Anderson

Motion adopted. Ordinance No. 16-12 adopted as amended.

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15. Rules & Ordinances Committee Report regarding Ordinance No. 13-12. (To Be Provided)

#### **# 15 R&O Committee report regarding ordinance 13-12 - Bullock**

Tonight the Rules and Ordinances Committee met and discussed the proposal prepared by the Law Director to amend Lakewood’s criminal codes to conform with State Code changes. The State Code trumps our local ordinances relating to crime so we need to come into conformity with them anyway and this does that. In essence what the State has done is expanded the dollar amount which is classified as a misdemeanor for theft and a series of other crimes. That means the penalties aren’t as severe and I think Law Director Butler referred to a State debate relating to prison time and population. That decision was made at the State level and we’re coming into conformity with it. I appreciate the administration for essentially for being good housekeepers of our Code. The other substantive change introduced which I think is really ours, not the State’s, is to change the way victims of property theft would be compensated. If the stolen item is found by the police investigation at a resale shop, this would allow the stolen item to be confiscated by the Police and restored to the original victim. Our current practice is that the victim has to buy back their stolen item, which is of course a double frustration to use mild terminology. So, I think, and the committee agreed, that was a reasonable proposed change and so we recommended to full Council that we adopt the ordinance tonight. Thank you.

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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16. **ORDINANCE NO. 13-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect at the earliest period allowed by law, amending Sections 517.05, Cheating, 525.02, Falsification, 541.02, Arson, 545.05, Petty Theft, 545.07, Insurance Fraud, 545.09,

Passing Bad Checks, 545.10, Misuse of Credit Cards, 545.14, Tampering with Records, 545.15, Securing Writings by Deception, 545.18, Receiving Stolen Property, 545.20, Criminal Simulation, and 545.21, Taking the Identity of Another, of the Codified Ordinances of the City of Lakewood for the purpose of complying with newly enacted state code affecting the classification of misdemeanor theft-related offenses and providing additional protections to victims of receiving stolen property. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 2/6/12, 2<sup>ND</sup> READING 2/21/12) (Pg. 31)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 13-12.  
Motion adopted. All members voting yea.

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17. Housing Committee Report regarding Ordinance 15-12 (To Be Provided)

**#17 Housing Committee report regarding ordinance 15-12 - Anderson**

This evening we had a meeting of the Housing Committee. Present were all members of the committee and Councilman Juris joined us, Director Siley, other members of the Administration and public. We spoke specifically of 15-12 which is listed as exhibit A in tonight's packet. There are five parcels that we discussed tonight. Two of the parcels, Lakewood Avenue, 1459 and 1195 Gladys are renovation projects and very much in consistent form with past renovation projects from last year. Properties 1549-59 Lakewood and 2042 Dowd are vacant lots. The request from administration is to provide authorization so they can start to market these via a real estate agent. Again, this is very much in similar fashion to the ordinance we passed last year. We had a good discussion on the overall strategy and policy and how we're using Neighborhood Stabilization Program funds and Community Development Block Grants to conduct these activities. The Committee voted unanimously for Council to approve this ordinance this evening.

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

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18. **ORDINANCE NO. 15-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale various parcels of real property, further described in Exhibit A, currently owned by the City of Lakewood, pursuant to Section 155.07 of the Codified Ordinances. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HOUSING COMMITTEE 2/6/12, 2<sup>ND</sup> READING 2/21/12) (Pg.38)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 15-12.  
Motion adopted. All members voting yea.

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Motion by Mr. Powers, seconded by Ms. Madigan, to suspend the rules and direct the Clerk to read items 19-26 – consecutively for one blanket motion.

Motion adopted. All members voting yea.

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19. **ORDINANCE NO. 17-12** - AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five members of Council or otherwise, to take effect and be in force after the earliest period allowed by law authorizing the transfer and advance of certain funds. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/21/12) (Pg. 41)

\*Blanket motion was made after item 26 to place on 2<sup>nd</sup> Reading and refer back to the Finance Committee Meeting.

20. **ORDINANCE NO. 18-12** - AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five members of Council or 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 **Wastewater Treatment Plant 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. ((PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/21/12) Pg.43)

\*Blanket motion was made after item 26 to place on 2<sup>nd</sup> Reading and refer back to the Finance Committee Meeting.

21. **ORDINANCE NO. 19-12** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE PRINCIPAL AMOUNT OF \$6,025,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO REFUND THE CITY'S OUTSTANDING VARIOUS PURPOSE GENERAL OBLIGATION BONDS, SERIES 2003; APPROVING AND AUTHORIZING THE SIGNING OF AN ESCROW AGREEMENT; AND DECLARING AN EMERGENCY. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/21/12) (Pg.45)

\*Blanket motion was made after item 26 to place on 2<sup>nd</sup> Reading and refer back to the Finance Committee Meeting.

22. **ORDINANCE NO. 20-12** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN

FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE PRINCIPAL AMOUNT OF \$1,948,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF VARIOUS IMPROVEMENTS, AND DECLARING AN EMERGENCY. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/21/12) (Pg. 51)

\*Blanket motion was made after item 26 to place on 2<sup>nd</sup> Reading and refer back to the Finance Committee Meeting.

23. **ORDINANCE NO. 21-12** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$205,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING MADISON AVENUE, BETWEEN CERTAIN TERMINI, BY PROVIDING NEW TRAFFIC SIGNALIZATION, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/21/12) (Pg. 56)

\*Blanket motion was made after item 26 to place on 2<sup>nd</sup> Reading and refer back to the Finance Committee Meeting.

24. **ORDINANCE NO. 22-12** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$130,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING AND RENOVATING THE REFUSE FACILITY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/21/12) (Pg. 61).

\*Blanket motion was made after item 26 to place on 2<sup>nd</sup> Reading and refer back to the Finance Committee Meeting.

25. **ORDINANCE NO. 23-12** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$255,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF REPLACING THE ROOF ON CITY HALL, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/21/12) (Pg.65)

\*Blanket motion was made after item 26 to place on 2<sup>nd</sup> Reading and refer back to the Finance Committee Meeting.

26. **ORDINANCE NO. 24-12** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,410,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF RESURFACING ATKINS AVENUE, BROCKLEY AVENUE, HIRD AVENUE, LAKELAND ROAD, LAUDERDALE AVENUE, MCKINLEY AVENUE, NORTHLAND AVENUE, ST. CHARLES AVENUE, WATERBURY ROAD, WYANDOTTE AVENUE, AND OTHER STREETS LOCATED WITHIN THE CITY, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/21/12) (Pg.69)

\*Blanket motion by Mr. Powers, seconded by Ms. Madigan, place items 19-20, 21, 22, 23, 24, 25 & 26 on 2<sup>nd</sup> Reading and refer back to the Finance Committee Meeting.

Motion adopted. All members voting yea.

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27. **ORDINANCE NO. 25-12** - AN ORDINANCE amending Sections 510.01, Declaration of Nuisances, and 510.04, Board of Nuisance Abatement Appeals, of the Codified Ordinances of the City of Lakewood for the purpose of imposing actual, not predefined, costs of nuisance abatement and revising the hearing schedule of the appeals board. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 2/21/12) (Pg.74)

Motion by MR. Powers, seconded by Ms. Madigan, to place Ordinance No. 25-12 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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

28. Communication from Council President Powers regarding Appointing Councilmember Madigan to Boards and Commissions Ad-hoc Committee. (Pg. 80)

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

Motion adopted. All members voting yea.

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29. Communication from Council President Powers regarding Commending Dr. William W. Wagner. (Pg. 81)

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

Motion adopted. All members voting yea.

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30. **RESOLUTION NO. 8564-12** – A RESOLUTION to commend Dr. William W. Wagner, Principal of Lakewood High School, on the occasion of being named “Ohio High School Principal of the Year” by the Ohio Association of Secondary School Administrators. (Pg. 82)

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

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31. Communication from Councilmember Bullock regarding Tim Rosenberger to Citizens Advisory Committee. (Pg. 83)

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

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32. Communication from Law Director Butler; Ordinance regarding right turns on red. (Pg. 84)

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

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33. **ORDINANCE NO. 26-12** – AN ORDINANCE to amend section 313.10, Prohibited Turns on Red Signals, of the Lakewood Codified Ordinances of the City of Lakewood to allow the Director of Public Safety or Council to establish intersections at which prohibited right turns against a steady red signal shall be prohibited and require the Director of Public Safety to maintain a list of such intersection on file (Pg. 85)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 26-12 on 1<sup>st</sup> Reading and refer it to the Public Safety Committee.  
Motion adopted. All members voting yea.

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34. Communication from Fire Chief Gilman regarding Severe Weather Awareness Week. (Pg. 90)

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

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35. **RESOLUTION NO. 8565-12** – A RESOLUTION proclaiming March 26<sup>th</sup> through March 30<sup>th</sup>, 2012 “Severe Weather Awareness Week”. (Pg. 91)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8565-12.  
Motion adopted. All members voting yea.

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36. Communication from Public Works Director Beno regarding Enterprise GIS Feasibility Study and Local Government Innovation Fund Grant (Pg. 92)

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

Motion adopted. All members voting yea.

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37. **RESOLUTION NO. 8566-12** – 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 supporting the Enterprise GIS Feasibility Study for Cuyahoga County, the local municipalities within the County, and Regional Service Agencies through the Local Government Innovation Fund Grant applications submitted by Cuyahoga County. (Pg. 93)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8566-12.

Motion adopted. All members voting yea.

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38. Liquor Permit Application for D2 class to Eddy & Iggys, 17900 Detroit Avenue, from Blue Diamond Grill, d/b/a Stouts Ave Grille, 9055 Mentor Avenue, Mentor, Ohio. (Pg. 95)

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

Motion adopted. All members voting yea.

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39. Liquor Permit Application for a new C2 class to Gifted Basket, 1495 Warren Road. (Pg. 96)

Motion by Mr. Nowlin, seconded by Mr. Bullock, to file no objection to this liquor permit.

Motion adopted. All members voting yea.

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:52 PM.

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

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CLERK

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PRESIDENT