

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
APRIL 2, 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, 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, Director of Planning and Development and Assistant Director of Public Safety for Housing and Building Siley.

Motion by Mr. Powers, seconded by Ms. Madigan to excuse the absence of Mr. Bullock.
Motion adopted. All members present voting yea.

Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes of the Regular Meeting of Council held March 19, 2012 without the necessity of a reading.

Motion adopted. All members present voting yea.

Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes of the Special Meeting of Council held March 28, 2012 without the necessity of a reading.

Motion adopted. Five members present voting yea.
Mr. Anderson abstaining having had an excused absence from the Special Meeting.

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

1. Committee of the Whole Report regarding Resolution No. 8569-12. (To Be Provided)

#1 Committee of the Whole Report regarding Resolution 8569-12- Powers

The Committee of the Whole met this evening and had a discussion regarding a resolution relating to the Discount Drug Mart property located at 11900 Detroit Ave. There has been historically, an understanding between the owners of the property and the City whereby the property owners would have access to the back parcel of their land including loading and unloading on the back which requires them to drive through the City property. It's on the side and back of their building. We will do more justice to this, I'm sure, when the Director addresses the topic but we had a full and robust discussion in the Committee of the Whole.

Ultimately the administration came before us asking if we could, at this point and time, make that historical understanding a permanent agreement and we have before us a resolution this evening to address that topic. The Committee of the Whole voted unanimously to recommend to full Council that we adopt this evening the resolution.

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

Motion adopted. All members present voting yea.

2. **RESOLUTION NO. 8569-12** - 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 Mayor to enter into a shared access easement agreement with Discount Drug Mart, Inc., an Ohio corporation, governing the rights of the parties relative to a parcel located adjacent to 11900 Detroit Avenue. (REFERRED to the COMMITTEE OF THE WHOLE 3/19/12) (Pg. 3)

Council President Powers asked Mr. Siley to address the Resolution.

Director Siley: Thank you for your summary. I think as far as memorializing what has been an understanding, that's a fair sum, the other piece to this that I think is worth noting, what this does, this easement does, is not only memorialize that understanding but I think it contributes to the longer term viability of this property as a commercial property in Lakewood. Right now as it stands the privately held property is just the building that is 11900 Detroit, Discount Drug Mart and the 35 parking spots or so in front of that building on the south side along Detroit. By our own code, this would leave this building significantly under-parked by less than half of what it should have. The easement then memorializes an agreement of understanding and gives Discount Drug Mart access to that parking, would make it part of their parking, functionally, should they wish to invest in this property again, they would be more able to procure construction loans. Should they wish to sell this property, the property is more viable as a salable property because of the parking situation being resolved. I think that the benefit that the City is receiving, taking the burden off of our services by having another party handle the snow removal, is also an appropriate trade off.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8569-12.

3. Public Safety Committee Report regarding Ordinances Nos. 6-12. Mr. Nowlin, Chair. (To Be Provided)

#3 Public Safety Committee Report regarding Ordinance 26-12- Nowlin

This evening the Public Safety Committee met. Present were all members of the committee as well as Directors Beno and Butler. We continued our discussion that we start a couple of weeks ago regarding the proposed ordinance number 26-12 which, if adopted would remove from the codified ordinances the intersections at which right turns on red are prohibited or limited and exchange it for a system where the Director of Public Safety can fix those restrictions as needed. One of the items that we discussed a couple of weeks ago was including some additional

language that provided for some official notice time for the Director of Public Safety to get to Council about which intersections would be changed. We received a substitute version earlier today and this evening. The substituted version had a couple of corrections to language, just changing some general typographical issues but included an additional subsection wherein the Director of Public Safety would provide no less than 30 days, written notice to Council of the intent to change the no right turn on red in a particular intersection and also carved out some language that in no event shall the Director of Public Safety implement a proposed change if Council has introduced legislation that would supercede the authority of the Director of Public Safety to do so. So, not only is allowing for some notice to Council but it is specifically allowing Council to introduce legislation to keep a change from being made if the Councilmembers feel it is necessary also noting that the members of Council can consult with administration without the need to introduce legislation if there is a potential conflict. After having some of that discussion, the Public Safety Committee unanimously moved to recommend adoption of the substituted version to full Council.

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

4. **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 (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 3/5/12, 2nd READING 3/19/12) (Pg. 16)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 26-12.

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

Nays: None

Motion adopted. Ordinance 26-12 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 26-12 as substituted.

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

Nays: None

Motion adopted. Ordinance 26-12 adopted as substituted.

5. **ORDINANCE NO. 27-12** – AN ORDINANCE to amend Section 905.13, Disorderly Conduct; Intoxication, of the Codified Ordinances of the City of Lakewood for the purpose of prohibiting smoking in parks. (PLACED ON 1ST READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 3/19/12) (Pg.21)

A Lakewood Heights Boulevard resident spoke in opposition to the ordinance referencing the following:

undermines rights as a smoker; restricts her use of park; relies on unscientific data as to detriment, sends a poor message for regulating other personal decisions, choices or

characteristics. Unfair to address cigarette smoking without recognizing smoke from other sources; Cigarette litter is not as prevalent as geese nuisance.

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 27-12 on Second Reading.

Motion adopted. All members present voting yea.

6. Public Works Committee Report regarding Streets and Sidewalks Discussion – Mr. Juris, Chair. (To Be Provided)

#6 Public Works Committee Report regarding Streets & Sidewalks Discussion- Juris

Dear Members of Council, the Public Works Committee met Monday March 12, 2012 to discuss the Pavement Condition Rating report, sidewalk inspection, enforcement and funding and begin a conversation about the long term streets strategy. The ongoing review and determination of streets to be repaved were discussed along with some more in depth discussion of the complexities of street maintenance which included funding sources, sidewalks, curbs, water main repairs and developing technologies that are being considered to keep pace. While the specific streets to receive the full attention of a new surface this year are subject to bids which may allow for more streets if bids are in our favor, a systematic approach was evident to maintaining the Lakewood roads. For the purpose of this meeting, the PCR report was broken into 3 parts; asphalt streets, concrete streets and those which are qualified for CDBG funds. As CDBG funds are evaluated separately by the Citizens Advisory Committee, our attention was on the first two. Of the asphalt streets in greatest need, 8 were resurfaced in 2011 and ten to twelve are estimated for this year. With this pace we are making good progress and are able to begin to ask the question if we should be raising the bar or if we should be expanding the amount of work we're doing on these projects. Of the concrete streets, two of the streets that fell below a score of 65, which we consider to be fair, are scheduled for repair this year which may incorporate new techniques which do not require the previously extensive amount of work and cost. The sidewalk strategy was discussed and remains an ongoing conversation. The aspects which remain to be determined are under which circumstances city funds will be expensed to repair sidewalks, how these costs will be assessed to the property owner and how the city will systematically monitor the sidewalk conditions. Following this committee meeting, I had the opportunity to meet again with Director Beno and remain confident that the administration will have a reasonable approach that will help keep the City of Lakewood walkable while maintaining our fiscal responsibility. The last item, the long-term streets strategy, will remain an item on the Public Works agenda throughout the year.

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

Motion adopted. All members present voting yea.

****NEW BUSINESS****

7. Communication from Law Director Butler regarding Extension of Moratorium on Internet Gaming Cafes, Sweepstakes Gaming Cafes and Computer Game Centers. (Pg. 23)

Motion by Mr. Powers, seconded by Ms. Madigan, to receive file and refer the communication to the Committee of the Whole.

Motion adopted. All members present voting yea.

8. **ORDINANCE NO. 28-12** - 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 at the earliest period allowed by law, to extend the moratorium enacted by Ord. 72-10 on the granting of permits to operate an Internet Café, Sweepstakes Gaming Café or Computer Game Center for a period not to exceed six (6) months from April 18, 2012 in order to allow Council and the Lakewood Planning Commission to continue to review applicable case law, Ohio statute, criminal codes and the Lakewood Zoning Code relative to these establishments. (Pg. 24)

Law Director Butler stated there was some indication from the Attorney General that there would be legislation coming forward on the issue of Internet cafes.

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 28-12 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting yea.

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

Motion adopted. All members present voting yea.

Meeting adjourned 7:55 PM.

Approved: _____

CLERK



PRESIDENT