

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 17, 2012
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:37 PM by Acting President Madigan.

Present: Councilmembers David Anderson, Thomas R. Bullock III, Shawn Juris, Mary Louise Madigan, Ryan Nowlin

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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/Assistant Director of Public Safety for Housing and Building Siley, Human Resources Director Yousefi.

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

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

Motion by Mr. Powers, seconded by Ms. Madigan to approve the minutes of September 4 Motion adopted. All members present voting yea.

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

1. Committee of the Whole Report regarding Council Appointment to the Board of Zoning Appeals. (To Be Provided)

Ms. Madigan provided for the following report:

The Committee of the Whole met today at 7:00 PM to discuss the Board of Zoning Appeals appointment. Very recently, Mary Breiner, one of our neighbors, community members serving on that Board resigned effective in August. We thank her for her service and we have only currently four people serving on that board. We had the recommendation of a neighbor and we are recommending for appointment for the remainder of the term.

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

Motion adopted. All members present voting yea.

- 2. **RESOLUTION NO. 8602-12** – A RESOLUTION to take effect immediately provided it receives 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, appointing _____ to the vacancy on the Board of Zoning Appeals for the term expiring December 31, 2012. (REFERRED TO THE COMMITTEE OF THE WHOLE 9/4/12) (Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Bullock, to amend Resolution No. 8602-12 by inserting the name Samuel T. O’Leary into the blank.

Motion adopted. All members present voting yea.

- 3. Finance Committee Report regarding Ordinances Nos., 39-12, 40-12, 58-11B, 41-12, 60-11B, Resolution Nos. 8599-12 & 8600-12. (Pg. 8)

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

Motion adopted. All members present voting yea.

- 4. Fiscal Officer’s Certificate - \$6,150,000. (Pg.10)

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

Motion adopted. All members present voting yea.

- 5. **ORDINANCE NO. 39-12** - 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 BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,150,000 TO PAY COSTS OF VARIOUS IMPROVEMENTS; AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/4/12) (Pg. 11)

Motion by Ms. Madigan, seconded by Mr. Bullock, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 39-12 on final reading.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Ordinance No. 39-12.

Anderson, Bullock, Juris, Madigan, Nowlin

Nays: None

Motion adopted. Motion adopted. Ordinance No. 39-12 adopted.

6. Fiscal Officer's Certificate - \$1,948,000. (Pg.26)

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

Motion adopted. All members present voting yea.

7. **ORDINANCE NO. 40-12** - 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 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/4/12). (Pg. 27)

Motion by Ms. Madigan, seconded by Mr. Bullock, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 40-12 on final reading.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Ordinance No. 40-12.

Anderson, Bullock, Juris, Madigan, Nowlin

Nays: None

Motion adopted. Motion adopted. Ordinance No. 40-12 adopted.

8. **RESOLUTION NO. 8599-12** - 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 accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. (REFERRED TO THE FINANCE COMMITTEE 9/4/12) (Pg.34)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution No. 8599-12.

Motion adopted. All members present voting yea.

9. **RESOLUTION NO. 8600-12** - 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 requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real;

personal property; estate taxes and special assessments collected in the year 2013 in such amounts as may be requested and available. (REFERRED TO THE FINANCE COMMITTEE 9/4/12) (Pg. 36)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution No. 8600-12.
Motion adopted. All members present voting yea.

10. **ORDINANCE NO. 58-11B** - 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 58-11A, adopted February 6, 2012 for the purpose of adding, deleting, and increasing contracting authority for 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 9/4/12) (Pg. 38)

Motion by Ms. Madigan, seconded by Mr. Bullock, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 58-11B on final reading.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Ordinance No. 58-11B.

Anderson, Bullock, Juris, Madigan, Nowlin

Nays: None

Motion adopted. Motion adopted. Ordinance No. 58-11B adopted.

11. **ORDINANCE NO. 60-11B** - AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members of Council or otherwise, it shall take effect and be in force after the earliest period allowed by law, amending Ordinance No. 60-11A and 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 Ordinance of Council. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/4/12) (Pg. 44)

Motion by Ms. Madigan, seconded by Mr. Bullock, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 60-11B on final reading.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Ordinance No. 60-11B.
Anderson, Bullock, Juris, Madigan, Nowlin

Nays: None

Motion adopted. Motion adopted. Ordinance No. 60-11B adopted.

12. **ORDINANCE NO. 41-12** - 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 the transfer and advance of certain funds. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/4/12) (Pg. 50)

Motion by Ms. Madigan, seconded by Mr. Bullock, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 41-12 on final reading.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Ordinance No. 41-12.
Anderson, Bullock, Juris, Madigan, Nowlin

Nays: None

Motion adopted. Motion adopted. Ordinance No. 41-12 adopted.

13. **ORDINANCE NO. 37-12** - AN ORDINANCE to take effect immediately provided it receives 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, establishing Section 111.14, Authority to Accept Income or Other Things of Value, in order to provide for proper municipal control over the City's receipt of donations, grants, goods and services. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 7/16/12, REPORTED OUT ON, PLACED ON 2ND READING & RECOMMENDED FOR ADOPTION ON ITS THIRD READING 9/4/12) (Pg.52)

Motion by Ms. Madigan, seconded by MR. Bullock, to adopt Ordinance No. 37-12.

Motion adopted. All members present voting yea.

14. Public Safety Committee Report regarding Ordinance No. 38-2012, and Communication from Mayor re: Homeland Security Grant & Costs to Comply with FCC Narrowband Upgrade Mandate. (To be provided)

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

15. **ORDINANCE NO. 38-12** - AN ORDINANCE amending Section 506.04 of the Codified Ordinances, Exception, Registration and Fee, for the purpose of eliminating the fees associated with the annual renewal of registrations of dangerous animals. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/4/12) (Pg.54)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place Ordinance No. 38-12 on 2nd Reading and refer back to the Public Safety Committee.

Motion adopted. All members present voting yea.

16. **ORDINANCE NO. 42-12** - 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, to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. ((PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/4/12)(Pg. 58)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place Ordinance No. 42-12 on 2nd Reading.

Motion adopted. All members present voting yea.

****NEW BUSINESS****

17. Communication from Council President Powers regarding Proposed Ordinance Regarding Vacant Lots. (Pg.61)

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

Motion adopted. All members present voting yea.

18. **ORDINANCE NO. 43-12**- AN ORDINANCE amending Section 1325.08, Parking Design, of the Codified Ordinances of the City of Lakewood to establish regulations for the maintenance and design of vacant and unimproved properties. (Pg.62)

Motion by Ms. Madigan, seconded by Mr. Bullcok, to place Ordinance No. 43-12 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting yea.

19. Communication from Councilmember Anderson regarding Texting While Driving. (Pg. 67)

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

Motion adopted. All members present voting yea.

20. **ORDINANCE NO. 44-12** – 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, enacting Section 331.345, Using Communications Device While Driving, of the Codified Ordinances of the City of Lakewood to establish a new offense within the Traffic Code. (Pg.69)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place Ordinance No. 44-12 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members present voting yea.

21. Communication from Public Works Director Beno regarding Cuyahoga County Solid Waste District Solid Waste Management Plan. (Pg. 73)

Motion by Ms. Madigan, seconded by Mr. Anderson, to receive, file and refer the communication to the Public Works Committee.

Motion adopted. All members present voting yea.

22. **RESOLUTION NO. 8603-12** – A RESOLUTION adopting the Solid Waste Management Plan for the Cuyahoga County Solid Waste Management District. {Complete Copy of the Solid Waste Management Plan is available online at <http://www.cuyahogaswd.org/> or can be viewed in the Clerk of Council Office during regular business hours) (Pg. 74)

Motion by Ms. Madigan, seconded by Mr. Bullock, to refer Resolution No. 8603-12 to the Public Works Committee.

Motion adopted. All members present voting yea.

23. Communication from Planning & Development Director Siley regarding Sale Ordinance for 1436 Grace Avenue and 1446 Mars Avenue. (Pg.75)

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

Motion adopted. All members present voting yea.

24. **ORDINANCE NO. 45-12** - 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 Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1436 Grace Avenue and 1446 Mars Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (Pg. 76)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place Ordinance No. 45-12 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members present voting yea.

25. Communication from Planning & Development Director Siley regarding Economic Development Fund (EDF) Loan Cornucopia, Inc. (Pg. 78)

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

Motion adopted. All members present voting yea.

26. **RESOLUTION NO. 8604-12** - 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 at the earliest period allowed by law, authorizing the Mayor or his designee to enter into an agreement with Cornucopia, Inc. for participation in the Lakewood Business Investment Program (BIP) of the Economic Development Fund (EDF) for a five (5) year forgivable loan in an amount of \$75,000.00. (Pg. 83)

Motion by Ms. Madigan, seconded by Mr. Bullock, to refer Resolution No. 8604-12 to the Committee of the Whole.

Motion adopted. All members present voting yea.

27. Communication from Planning & Development Director Siley regarding Fiscal Year 2013 CDBG, ESG, and HOME. (Pg. 85)

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

Motion adopted. All members present voting yea.

28. **RESOLUTION NO. 8605-12** - 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, authorizing and directing the Mayor to submit the Fiscal Year (FY) 2013 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. 88)

Motion by Ms. Madigan, seconded by Mr. Bullock, to receive, file and refer Resolution No. 8605-12 to the Committee of the Whole.

Motion adopted. All members present voting yea.

29. Communication from Planning & Development Director Siley regarding Moving Ohio Forward Program - \$100,000 Demolition Grant. (Pg. 91)

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

Motion adopted. All members present voting yea.

30. **RESOLUTION NO. 8606-12** - 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, authorizing the Mayor or his designee, on behalf of the City, to accept funds from the Moving Ohio Forward Grant Program in the amount of \$100,000 and to enter into an Agreement with Cuyahoga County Land Reutilization Corporation to administer those funds allowing the City of Lakewood to demolish blighted or nuisance properties. (Pg. 92)

Motion by Ms. Madigan, seconded by Mr. Bullock, to receive, file and refer Resolution No. 8606-12 to the Housing Committee.

Motion adopted. All members present voting yea.

31. Communication from Fire Chief Gilman regarding Repealing Chapter 1502, Returning Underground Tank Inspection Authority to the State of Ohio. (Pg. 94)

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

Motion adopted. All members present voting yea.

32. **ORDINANCE NO. 46-12** - 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, repealing Chapter 1502 of the Lakewood Codified Ordinances and repealing Ord. 73-91 to rescind the City's authority, delegated by the State Fire Marshal, to inspect underground storage tanks. (Pg. 95)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place on Ordinance No. 45-12 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members present voting yea.

33. Liquor Permit for D1, D2, D3 and D3A transfers to DKN Tavern, d/b/a Iggys, 13401-05 Madison Avenue, from Gianna Enterprises, same address. (Pg.99)

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

Motion adopted. All members present voting yea.

Motion by Ms. Madigan, seconded by Mr. Bullock to adjourn.

Motion adopted. All members present voting yea.

Meeting adjourned 8:18 PM.