

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

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

Present: Councilmembers David Anderson, Thomas R. Bullock III, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Brian E. 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/Assistant Director of Public Safety for Housing and Building Siley, Human Resources Director Yousefi, Human Services Representative Hall.

Motion by Mr. Powers, seconded by Ms. Madigan, to excuse the absence of Mr. Bullock Motion adopted. All members present voting yea. (Mr. Bullock arrives soon after start of meeting at 7:46 PM.)

Motion by Mr. Powers, seconded by Ms. Madigan to approve the minutes of October 15, 2012.

Motion adopted. All members voting yea

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

1. **ORDINANCE NO. 47-12** – AN ORDINANCE repealing Chapter 157, Collective Bargaining, of the Codified Ordinances of the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 10/1/12, REPORTED OUT ON, PLACED ON 2ND READING, RECOMMENDED FOR ADOPTION 10/15/12) (Pg. 6)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance 47-12.

Motion adopted. Six members voting yea.

Mr. Bullock absent for vote

2. **ORDINANCE NO. 48-12** – AN ORDINANCE amending Section 741.05, Restrictions, of the Codified Ordinances of the City of Lakewood for the purpose of bringing the code into compliance with First Amendment case law. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES

COMMITTEE 10/1/12 REPORTED OUT ON, PLACED ON 2ND READING,
RECOMMENDED FOR ADOPTION 10/15/12) (Pg. 10)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 48-12.

Motion adopted.

Six members voting yea.

Mr. Bullock absent for vote.

3. **ORDINANCE NO. 49-12** - 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 Section 513.04, Use or Possession of Paraphernalia, and enacting Section 513.045, Use or Possession of Marihuana Paraphernalia, of the Codified Ordinances of the City of Lakewood for the purpose of complying with changes to the State of Ohio criminal code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/1/12, REPORTED OUT ON, PLACED ON 2ND READING, RECOMMENDED FOR ADOPTION 10/15/12) (Pg. 12)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 49-12

Motion adopted. Six members voting yea.

Mr. Bullock absent for vote.

Motion by Mr. Powers, seconded by Ms. Madigan, to direct the Clerk to read items 4-17 consecutively for blanket motion after item 17.

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

Nays: None

Motion adopted. Rules suspended.

*Items 4-17 (Ordinances 50-12 through and including 63-12 placed on 2nd Reading)

4. **ORDINANCE NO. 50-12** - 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, enacting Section 301.301, Beacon; Hybrid Beacon; enacting Section 301.161, Highway Traffic Signal; amending Section 301.17, Intersection; enacting Section 301.181, Median; amending Section 301.26, Private road or driveway; and amending Section 301.45, Traffic; of the Codified Ordinances of the City of Lakewood for the purpose of complying with newly enacted state code defining terms contained in the traffic laws of the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg. 19)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

5. **ORDINANCE NO. 51-12** - 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 Section 303.041, Emergency, Public Safety and Coroner's Vehicles Exempt, of the Codified Ordinances of the City of Lakewood for the purpose of complying with changes to the State of Ohio traffic code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg.23)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

6. **ORDINANCE NO. 52-12** - 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 Section 313.03, Traffic Control Signal Terms and Lights, and 313.05, Pedestrian Control Signals, of the Codified Ordinances of the City of Lakewood for the purpose of complying with changes to the State of Ohio traffic code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg. 26)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

7. **ORDINANCE NO. 53-12** - 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 Section 331.12, "U" Turns Restricted, of the Codified Ordinances of the City of Lakewood for the purpose of complying with changes to the State of Ohio traffic code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg. 35)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

8. **ORDINANCE NO. 54-12** - 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, enacting 331.51, Noise Disturbance from Motor Vehicle Prohibited, of the Codified Ordinances of the City of Lakewood to create a new offense in the traffic code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg.)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

9. **ORDINANCE NO. 55-12** - 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 Section 333.01, Driving Or Physical Control While Under the Influence, of the Codified Ordinances of the City of Lakewood for the purpose of complying with newly enacted state code provisions requiring an offender to provide proof of financial responsibility. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg. 40)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

10. **ORDINANCE NO. 56-12** - 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 Section 335.01, Driver's or Commercial Driver's License Required; Section 335.02, Permitting Operation Without a Valid License; and Section 335.05, Wrongful Entrustment of a Motor Vehicle; of the Codified Ordinances of the City of Lakewood to reflect recent changes in the State traffic code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg. 68)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

11. **ORDINANCE NO. 57-12** - 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 Section 335.06, Display of License, 335.07, Driving Under Suspension or License Restriction, and Section 335.071, Driving Under OVI Restriction, of the Codified Ordinances of the City of Lakewood to reflect recent changes in the State traffic code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg. 79)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

12. **ORDINANCE NO. 58-12** - 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 Section 335.072, Driving Under Financial Responsibility Law Suspension or Cancellation; amending Section 335.073, Driving Without Complying with License Reinstatement Requirements; enacting Section 335.074 Driving Under License Forfeiture or Child Support Suspension; amending Section 335.12, Stopping After Accident Upon Streets; amending Section 335.13, Stopping After Accident Upon Property Other Than Streets; and amending Section 335.14, Vehicle Accident Resulting in Damage to Realty, of the Codified Ordinances of the City of Lakewood to reflect recent changes in the State traffic code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg. 93)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

13. **ORDINANCE NO. 59-12** - 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, enacting Section 335.074, Driving Under License Forfeiture or Child Support Suspension, of the Codified Ordinances of the City of Lakewood to create a new offense in the traffic code (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg. 105)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

14. **ORDINANCE NO. 60-12** - 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 Section 337.22, Windshield and Windshield Wipers; Sign or Poster Thereon, Section 337.225, Use of Sunscreening and Nontransparent Reflectorized Materials, and Section 337.33, Bumper Heights, of the Codified Ordinances of the City of Lakewood for the purpose of complying with changes to the State of Ohio traffic code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg. 109)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

15. **ORDINANCE NO. 61-12** - 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 Section 339.03, Maximum Width, Height, and Length, of the Codified Ordinances of the City of Lakewood for the purpose of complying with changes to the State of Ohio traffic code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg. 120)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

16. **ORDINANCE NO. 62-12** - 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 Section 341.05, Criminal Offenses, of the Codified Ordinances of the City of Lakewood for the purpose of complying with newly enacted State Code pertaining to the same subject. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12) (Pg. 125)

*Motion and second made after item 17 to place on 2nd Reading; motion adopted.

17. **ORDINANCE NO. 63-12** - 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 Section 373.02, Riding Upon Seats; Handle Bars; Helmets And Glasses, of the Codified Ordinances of the City of Lakewood for the purpose of complying with changes to the State of Ohio traffic code (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/15/12). (Pg. 128)

Motion by MR. Powers, seconded by Ms. Madigan, to place items 4-17, Ordinances Nos. 50-12 through and including 63-12 on 2nd Reading.

Motion adopted. Six members voting yea.

Mr. Bullock absent for vote.

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

18. Communication from Council President Powers and Mayor Summers regarding Tree Task Force. (Pg. 132)

Mr. Bullock arrives 7:46 PM.

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

Motion adopted. All members voting yea.

19. **RESOLUTION NO. 8613-12** – A RESOLUTION creating the Lakewood Tree Task Force for the purpose of studying, advising municipal officials and the public and recommending action items on issues involving public and private trees in the Cit of Lakewood. (Pg. 133)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8613-12.

Motion adopted. All members voting yea.

20. Communication from Human Services Director Buckon regarding Juvenile Diversion Program. (Pg.135)

The time sensitivity on the adoption of the Resolution for signing the contract was discussed; deadline put forward was November 17th.

The question as to how many families were expected to be served was asked and the response provide:

In 2011 – Serviced 143 youth, 179 parents. Of the youth – two re-offended, twenty had to be sent back because of inaccurate addresses; other issues.

2012 – January – September – so far 111 youth, 158 parents and no re-offending.

The Grant was further defined was accepting for 2013.

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

Motion adopted. All members voting yea.

21. **RESOLUTION NO. 8614-12** - 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 to enter into an Agreement with the Cuyahoga County Juvenile Court to accept funds in an amount estimated at \$14,400.00 for the City’s Juvenile Diversion Program. (Pg.136)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8614-12.

Motion adopted. All members voting yea.

**Public Comment
Non-Agenda Items**

President of Friends of Lakewood Dog Park Elana Fey; Cleveland

Ms. Fey came to address Council in her role as President of the Friends of Lakewood Dog Park to report that the year has been successful and productive. She thanked the Mayor and Public Works Director Joe Beno for their efforts and support. The dog park

now has crushed limestone, lighting, and an extensive list of improvements. Ms. Fey thanked the Parks Department, the Police Department, especially Animal Control. She thanked the Planning and Building Department for help coordinating with the Eagle Scout project to go in the park. She thanked the water department and Law Director Kevin Butler in his efforts to draft rules for the Park to ensure safety. Ms. Fey stated that the Park has had a record setting fundraising year and that they have \$10,000 in their bank account. The Park has collaborated with other Lakewood non-profits for fundraising and improvements. She encouraged everyone to visit and see the progress. She stated that she would be moving on from her position and thanked everyone again.

Cohasset Avenue Resident

Mr. Slavik thanked the Mayor for meeting with him and discussing his concerns and thanked Chief Malley for responding by putting an officer on his street to monitor speeding. He reported that two drivers were ticketed for speeding.

Mr. Slavik complained that there was not enough parking at the Headstart on Parkwood and Madison. He stated that there are signs indicating 15 minute drop off parking but that the owner of an auto garage at that location uses the spaces to park his vehicles. Mr. Slavik has heard that the owner of the garage has been reprimanded before and that his cars were towed. He got into an exchange with the owner, who told him that certain spots were reserved for him. Mr. Slavik asked Council to please follow up on this issue.

Mr. Slavik reported that when standing outside the Madison Tavern he observed a constant stream of people pulling up to the Family Dollar to conduct what appeared to be drug deals. He has called the police about it several times.

Mr. Slavik described a parking problem for patrons of the Winchester Music Hall. He asked that the City consider using the Newman corner for public parking.

Mayor Summers thanked Mr. Slavik for sharing concerns. He indicated he expects Chief Malley will follow up if it is not already something he is aware of.

The Mayor stated that the City is aware of the parking problem at Parkwood and Madison and has worked hard to enforce laws regarding the issue. He stated t will continue efforts toward full compliance.

The Mayor acknowledged that parking in all commercial corridors is a challenge in the City. The City expects to dedicate efforts to re-shaping Madison Ave and parking will be one of the points to consider. He stated that those processes are in the early stages. Some conversations with Madison businesses have already begun. The process will continue to move forward and it will take some time.

Detroit Ext Resident

Mr. Dudley thanked the Mayor and the administration for their response to the hurricane. Mr. Dudley stated that he was out of power for three days but that he appreciated receiving regular updates on twitter. He observed work going on at all hours. Trees had fallen near his apartment and when he called there was a very quick response. He noticed a tremendous City effort. He noticed the police at intersections directing traffic when signals were out. He wanted to express his thanks.

President Powers followed up to thank all City Hall Departments for their efforts during the storm.

Motion by Mr. Powers, seconded by Ms. Madigan, to adjourn the meeting.
Meeting adjourned 8:24 PM.

Approved: _____

CLERK

PRESIDENT