

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JANUARY 7, 2013
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:34 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, Human Services Director Buckon, Director of Planning and Development/Assistant Director of Public Safety for Housing and Building Siley.

Motion by Mr. Powers, seconded by Ms. Madigan to approve the minutes of the Regular Meeting of Council held December 3, 2012 without the necessity of a reading.

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

1. Committee of the Whole Report regarding Council Board/Commission/Task Force Appointments. Mr. Powers, Chair (To Be Provided)

Mr. Powers remarked that Committee of the Whole met the evening of Jan 7th with all members of Council present. The Committee determined that it would schedule its next Committee of the Whole meeting for Monday Jan 14th at 6:30PM to interview candidates for the open positions on Audit Committee and Planning Commission. The Committee may be prepared that evening to vote to make recommendations before full Council.

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

Motion adopted. All members voting yea.

2. **RESOLUTION NO. 8622-12** - 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 Planning

Commission for the full term beginning January 1, 2013 and ending December 31, 2018. (REFERRED TO COMMITTEE OF THE WHOLE 12/3/12, DEFERRED 12/17/12) (Pg. 5)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer action on this item (item 2) and Items 3 & 4.

Motion adopted. All members voting yea.

3. **RESOLUTION NO. 8625-12A** - 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 Audit Committee for a one-year term beginning January 1, 2013 and ending December 31, 2013. (Pg. 6)

Deferred per previous item.

4. **RESOLUTION NO. 8626-12** - 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 _____, _____, and _____ to the Lakewood Tree Task Force. (REFERRED TO COMMITTEE OF THE WHOLE 12/3/12, DEFERRED 12/17/12) (Pg. 7)

Deferred per previous item.

5. Public Safety Committee Report regarding Ordinances Nos. 38-12 and 44-12. (To Be Provided). Mr. Nowlin, Chair.

Councilmember Nowlin remarked that the Public Safety Committee met the evening of Jan 7th with all members present. The Committee discussed proposed ordinance 38-12 which proposes to eliminate fees for the dangerous dog registration after the initial registration. The Committee also considered proposed ordinance 44-12. Ordinance 44-12 concerns a ban on texting while driving. Both ordinances were discussed at multiple meetings.

There was a very good discussion on ordinance 38-12. The impetus of the ordinance was to adjust the annual registration fee from \$50 to \$0. This affects residents who own dogs subject to this law. There was a question about whether or not the fee contributes to a tangible benefit by dog owners. The Committee heard from animal control officers about the process of registration. The process appears to entail limited effort. Because of the limited effort involved, the question of the fee's need was put forward. The Committee discusses the possible purpose of the fee. The prevailing conclusion of the Committee was that the fee was established as part of a package of negotiations at the time the ordinance was passed. Part of the reason why some dogs were allowed to stay in the City

was because owners would pay a fee annually. No legislative history was found to explain why the fee was \$50 and why it occurs each year.

After a full conversation, the motion to recommend adoption before the full Council failed with a vote of 2-1. Councilman Anderson voted for the ordinance. Councilman Juris and Nowlin voted against. As a result of the vote, item number 6 on the docket should be skipped.

The Committee continued discussion on the texting while driving ordinance. The Committee was not prepared to vote on the ordinance. The Committee intends to re-visit the ordinance at a follow up meeting prior to the next Council meeting and have a vote. As a result, please defer action on agenda item number 7 tonight.

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

6. **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, 2ND READING 9/17/12) (Pg. 8)

(Item 6 was removed from the agenda)

7. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/17/12, 2ND READING 10/1/12, DEFERRED 12/3/12) (Pg. 12)

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

8. Communication form Human Services Director Buckon regarding Resolution commending Cox Cleveland and Cox Charities Cleveland for support of H20 (Help to Others) youth volunteer program. (deferred 12/3/12 & 12/17/12)(Pg. 16)

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

Motion adopted. All members voting yea.

9. **RESOLUTION NO. 8628-12** – A RESOLUTION expressing appreciation to Cox Cleveland and Cox Charities Cleveland for their monetary, volunteer and technological contributions in support of the H2O (Help to Others), a youth volunteer program of the Department of Human Services, Division of Youth. (DEFERRED 12/3/12 & 12/17/12)(Pg. 18)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8628-12.
Motion adopted. All members voting yea.

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

10. Certificate of Result of Election regarding Charter Amendment; Article XIX, Section 6, Declarations of Candidacy. (Pg.19)

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

11. Communication from Mayor Summers regarding Mayoral Appointment to the Lakewood Hospital Board of Trustees. (Pg. 20)

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

Motion adopted. All members voting yea.

12. Communication from Mayor Summers regarding Mayoral Appointment to the Loan Approval Board. (Pg.21)

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

Motion adopted. All members voting yea.

13. Communication from Mayor Summers regarding Mayoral Appointment to the Nuisance Abatement Appeals Board. (Pg.22)

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

Motion adopted. All members voting yea.

14. Communication from Police Chief Malley regarding US Marshal Service Reimbursement. (Pg.23)

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

Motion adopted. All members voting yea.

15. Communication from Human Resources Director Yousefi regarding Collective Bargaining 1-year Extensions. (Pg. 24)

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

Motion adopted. All members voting yea.

16. **RESOLUTION NO. 8631-13** - 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, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Local 1043 (Public Works Employees Unit), AFL-CIO and Ohio Council 8, American Federation of State, County and Municipal Employees for a one-year period commencing upon January 1, 2013 and ending December 31, 2013. (Pg. 25)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8631-13.

Motion adopted. All members voting yea.

17. **RESOLUTION NO. 8632-13** - 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, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Local 1043 (Administrative Employees Unit), AFL-CIO and Ohio Council 8, American Federation of State, County and Municipal Employees for a one-year period commencing upon January 1, 2013 and ending December 31, 2013. (Pg. 27)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8632-13.

Motion adopted. All members voting yea.

18. **RESOLUTION NO. 8633-13** -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, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an agreement with the Fraternal Order of Police/Ohio Labor Council (FOP/OLC), Inc. (Dispatcher Unit), for a one-year period commencing upon the date of ratification and ending December 31, 2013. (Pg. 29)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8633-13.

Motion adopted. All members voting yea.

19. Communication from Law Director Butler regarding Resolution ratifying one-year extension of collective bargaining agreement with Lakewood Paramedic Association. (Pg.31)

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

Motion adopted. All members voting yea.

20. **RESOLUTION NO. 8634-13** - 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, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Lakewood Paramedic Association for a one-year period commencing upon the date of ratification and ending December 31, 2013. (Pg. 32)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8634-13.

Motion adopted. All members voting yea.

21. Communication from Human Services Director Buckon regarding Support of H20 (Help to Others) Program. (Pg. 34)

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

Motion adopted. All members voting yea.

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

Motion adopted. All members voting yea.

Meeting adjourned 7:57 PM.

Approved: _____

CLERK

PRESIDENT