

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JANUARY 22, 2013
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35 PM by President Powers.

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

Motion by Mr. Powers, seconded by Ms. Madigan, to excuse the absence of Ms. Smith due to the birth of her child.

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Also Present: Mayor Summers, Law Director Butler

Motion by Mr. Powers, seconded by Ms. Madigan to approve the minutes of the Regular Meeting of Council held January 7, 2013 without the necessity of a reading.

Motion adopted. All members present voting yea.

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

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

Mr. Powers provided the following oral report:

Dear Members of Council, as you know the Committee of the whole met to interview and discuss appointments to a number of Boards and Commissions and we have two recommendations that came out of that on our last meeting. The Committee recommended to the full Council that we insert the name William Gaydos into the resolution regarding the Planning Commission and that we insert the name Michelle McCue in the resolution regarding the Audit Committee. They are two very fine, upstanding members of our community who bring diverse set of talents to our community and we appreciate the willingness to serve and both of these individuals have acknowledged that should we vote tonight to approve those resolutions they would fulfill all the duties of these positions and we will make those motions shortly.

We also had some discussion around the Lakewood Tree task Force that was deferred out of that meeting of the Committee of the Whole and we continued earlier this evening and will continue that discussion again, tonight after the full Council meeting. Executive Session is expected to be called with respect to finalization, hopefully of our Tree Task Force appointments.

Motion by Mr. Powers, seconded by Ms. Madigan, to receive and file the report.
Motion adopted. All members present 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 William J. Gaydos to the vacancy on the Planning Commission for the full term beginning January 1, 2013 and ending December 31, 2018. (**PLEASE SUBSTITUTE** FOR RESOLUTION NO. 8622-12 REFERRED TO COMMITTEE OF THE WHOLE 12/3/12, DEFERRED 12/17/12, 1/7/13) (Pg. 4)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Resolution No. 8622-12.

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

Nays: None

Motion adopted. Resolution substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8622-12 as substituted.

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

Nays: None

Motion adopted. Resolution No. 8622-12 adopted as substituted.

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 Michelle McCue to the vacancy on the Audit Committee for a one-year term beginning January 1, 2013 and ending December 31, 2013. (**PLEASE SUBSTITUTE** FOR RESOLUTION NO. 8625-12A DEFERRED 1/7/13)(Pg. 5)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Resolution No. 8625—12A.

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

Nays: None

Motion adopted. Resolution substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8625-12A as substituted.

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

Nays: None

Motion adopted. Resolution No. 8625-12A adopted as substituted.

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. 6)

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

Motion adopted. All members present voting yea.

5. Public Safety Committee Report regarding Ordinances No. 44-12. (To Be Provided).
Mr. Nowlin, Chair.

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

5. Public Safety Committee Report regarding Ordinances Nos. 44-12. Mr. Nowlin, Chair.

The Public Safety Committee met prior to the Council meeting. All members of the Committee were present as well as Law Director Butler and members of the public. Proposed Ordinance 44-12 was the sole item on the agenda and relates to texting while driving. The Committee has discussed the ordinance for some time and one of the key elements of the discussion is trying to raise public awareness as to the dangers of this behavior. Councilman Anderson addressed the ordinance from the beginning and has done a great job shepherding it through and working with everyone to get the issue in the public forefront.

The Committee had a good discussion. The proposed ordinance would mirror the state's recently passed law concerning texting while driving with the exception of making it a primary offense for adults. What we gathered from discussion, testimony, and conversations with members of the administration and the police department was that the full time and attention ordinance basically already achieves that goal of making texting while driving a primary offense for adults. So, the proposed ordinance would not have been necessary.

The Committee discussed a desire to continue to work with the administration in increasing public awareness and potentially putting up signage around the city to make motorists aware that texting while driving is illegal through this ordinance and the full time and attention ordinance. It was noted by Councilman Anderson in our discussion that there was a study in *Car and Driver* in 2009 that showed drivers 25 and older demonstrating slower reaction times when texting and driving than driver younger than 25. The point is that we need to ensure that all members of the community, not just the young folks, are aware of the dangers of texting while driving.

To that end, the Committee unanimously recommended adoption of a revised ordinance to Council. That version will mirror the state code and is different from the original version in that it drops the language of making texting while driving a primary offense. Police will not be able to pull adults over solely for texting while driving although they so have the option of doing that under the full time and attention ordinance.

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

Motion adopted. All members present voting yea.

6. **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, 1/7/13) (Pg. 12)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 44-12.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 44-12 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 44-12 adopted as substituted.

7. **Housing Committee Report regarding Resolution No. 8629-12 - Neighborhood Stabilization Program 3 Grant –Deadline Extension.** Mr. Anderson, Chair (To Be Provided)

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

Motion adopted. All members voting yea.

January 16, 2013

Lakewood City Council
Lakewood, Ohio 44107

Hello:

The Housing Committee met at 6:30 p.m. on Monday, January 14, 2013. All members of the Committee were present and three items were discussed.

1. **Resolution No. 8629-12 – extension of time by which the City of Lakewood may spend funds under the Neighborhood Stabilization Program III area grant.** Council approved the acceptance of a \$250,000 NSP III Grant from Cuyahoga County in September, 2011. These funds were designed to acquire and rehab three distressed or foreclosed homes located in NSP III target areas with an anticipated completion deadline of January 11, 2013. On December 17,

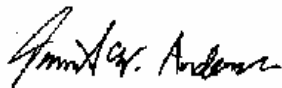
2012, Mayor Summers' administration asked Council to consider Resolution 8629-12 that would amend the current NSP III agreement by extending the completion deadline to December 31, 2013.

By way of an update, two Lakewood properties have been purchased with NSP III funds. The house at 1459 Lakewood has been rehabbed and is on the market now. Work nears completion at 1437 Hall and is expected to be on the market this upcoming June. A third property has been identified and a bid is pending. The requested extension specifies that this third property be market ready by the end of 2013.

The Administration reported that the Cuyahoga County Department of Development agreed to this extension. Committee members voted unanimously to recommend Council's approval of this Resolution. The Committee and Administration also pledged to hold a hearing in the near future regarding all NSP funded projects in the City of Lakewood.

2. **Discussion of Housing License Fees** – The Committee and Administration briefly discussed the issue of housing licenses for rental properties. Currently, a party that purchased, for example, a Lakewood three family home in October 2012 would have to pay the full \$180 fee for all of 2012 then pay the exact same fee for 2013 just two months later. The Administration pledged to work with the Committee to determine how many new owners are impacted by this policy in any given year. Should the numbers show that this is a compelling issue to address, the Committee will extend a discussion on a number of different scenarios and suggestions including many that were briefly offered during the January 14 Committee hearing.
3. **Housing Forward 2012 – Update** – The Administration reported that the 1,700 category “three” homes identified for specific intervention have been reassessed and has decreased significantly to 900. Communication to the owners of these remaining 900 will occur around late March 2013.

Yours in service,



David W. Anderson
Councilman, Ward 1

Motion by Mr. Anderson, seconded by Ms. Madigan, to receive and file the report.
Motion adopted. All members present. voting yea.

8. **RESOLUTION NO. 8629-12** – A RESOLUTION 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, authorizing the Mayor or his designee, on behalf of the City, to enter into amended agreements with Cuyahoga County to extend the time in which the City of Lakewood has to spend funds under the Neighborhood Stabilization III(NSPIII) area grant. (REFERRED TO THE HOUSING COMMITTEE 12/17/12) (Pg. 11)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8629-12.
Motion adopted. All members present voting yea.

POST AGENDA COMMENTS

Parkwood Resident

dresses Council regarding Ordinance 1793. The Ordinance states that a licensed physician is required to oversee all tattooing within the City. The resident and a business partner are seeking to establish a tattoo business in Lakewood. He is looking for support from Council to amend the ordinance. He stated that the ordinance was enacted in 1996. He assumed this was for health reasons because the State did not begin regulating tattoos until 1997. Tattooing was not legalized in Cleveland until 2001. The resident stated that the State thoroughly regulates tattooing as in other states where he has worked. He stated that he has a potential location selected for a business adjacent to The Shore Diner. He indicates the business owners are supportive of him. He indicates he moved to Lakewood with his wife in 2011. He works in Elyria as a tattoo artist. He stated he would prefer to work in Lakewood to be close to his home and family.

He stated he believes that a tattoo business would benefit Lakewood by filling empty storefronts and generating taxes. As a tattoo artist his business partner has worked with charitable organizations such as March of Dimes, Humane Society, and Susan G. Komen. He is interested in continuing these efforts within Lakewood. He works with two other artists at Chronic Tattoo in Elyria. All currently live in Lakewood and would love to work in and contribute to the community that they live in. The resident indicated his business partner has an established business of over 20 years with no record of health code violation.

Lakewood Ave Resident

stated that he is the owner of the quadricycle bike. He acquired the bike to transport his autistic son. The quadricycle is the only transportation he has during the day when his girlfriend takes the family car to work. He says the quadricycle is sturdy and secure and he is confident his son is safe next to him on it. He stated his desire to continue

Approved: _____

CLERK

PRESIDENT