

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
NOVEMBER 2, 2009
7:30 P.M.**

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and both branches of the Lakewood Public Library after noon on Friday before a Council meeting.

Section 121.08 of the Codified Ordinances of the City of Lakewood establishes rules for the public to follow when speaking before Council:

ADDRESSING COUNCIL – The President may recognize any non-member for addressing Council on any question then pending. In such cases, the person recognized shall address the chair, state his or her name and address and the subject matter he or she desires to discuss. Speakers must be courteous in their language and avoid personalities. When addressed by the Chair, the speaker must yield the floor and comply with all rulings of the chair, said rulings not being open to debate. Except with permission of Council specifically given, speakers shall be limited to five minutes. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

AGENDA ITEMS PROTOCOL:

The Clerk at the beginning of the meeting will present the AGENDA ITEMS sign-in sheet to the President of Council. Speakers will be called to address Council by the Chair. A citizen must first write his or her name, address and agenda item number on the designated sign-in sheet in order to be recognized.

PUBLIC COMMENT PROTOCOL:

The clerk at the end of the meeting will present the PUBLIC COMMENT sign-in sheet to the President of Council. Public Comment will be welcomed at the end of a Council Meeting on miscellaneous issues or issues other than agenda items. A citizen must first write his or her name, address and topic on the designated sign-in sheet in order to be recognized. The forum is not designed to be a question and answer session.

- I. Pledge of Allegiance
- II. Moment of Silence
- III. Roll Call
- Reading and disposal of the Minutes of the Regular Meeting of Council held October 19, 2009. Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Housing Committee Report regarding Ordinances, 74-09 & 75-09. (To be Provided)
2. **ORDINANCE NO. 74-09** – AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into a two year agreement with Cuyahoga County, the lead entity in the Cuyahoga Housing Consortium (“Consortium”) and various lending institutions and individuals participating in the Lakewood HOME Program (“Program”) for an amount not to exceed \$249,947. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 10/5/09, SECOND READING 10/19/09) (Pg.4)
3. **ORDINANCE NO. 75-09** – AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into an agreement with Cuyahoga Housing Consortium for an additional \$300,000 in HOME funds for the construction of single family homes in areas where properties need to be razed. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 10/5/09, SECOND READING 10/19/09) (Pg.5)
4. Rules & Ordinances Committee Report regarding Ordinances, 71-09 & 73-09. (To be Provided)
5. **ORDINANCE NO. 71-09** - AN ORDINANCE to amend Section 903.10, Duty to Repair and Maintain Sidewalks and Driveway Aprons and Section 903.99, Penalty within Chapter 903, Sidewalks and Curbs of the Codified Ordinances of the City of Lakewood to include tree lawn in the definition of sidewalk for the purpose of clarification and to create a penalty for failure to repair a sidewalk or driveway apron. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/21/09, SECOND READING 10/5/09) (Pg. 6)
6. **ORDINANCE NO. 73-09** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to authorize and set out the method of Original Appointments to the Division of Police, to include a combination of appointment from a certified list and lateral entry hire. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 10/5/09, SECOND READING 10/19/09) (Pg. 11)
7. Health& Human Services Committee Report regarding Ordinance 77-09. (To be Provided)
8. **ORDINANCE NO. 77-09** – AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee, for and on behalf of the City of Lakewood to enter into an amended agreement with the Cuyahoga County Board of County Commissioners, Department of Senior & Adult Services, to provide home delivered meals, homemaker services, personal care services, and medical transportation services under the Cuyahoga County Options for Elders Program that will extend the current agreement through June 30, 2010. (PLACED ON 1ST READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 10/19/09) (Pg. 14)

****NEW BUSINESS****

9. Communication from Mayor FitzGerald regarding implementing the principles of the housing initiative announced last fall. (Pg. 16)
10. Communication from Mayor FitzGerald regarding special home improvement financing opportunity with First Federal of Lakewood. (Pg. 18)
11. Communication from Mayor FitzGerald regarding an agreement with the District Advisory Council of Cuyahoga County for the provision of public health services for the 2010 calendar year. (Pg. 20)
12. **ORDINANCE NO. 78-09** AN ORDINANCE to enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed Two Hundred Nine Thousand Five Hundred Ninety Dollars (\$209,590.00) for a one year period commencing January 1, 2010. (Pg. 21)
13. Communication from Fire Chief Mroz regarding accepting and expending funds from the FY 2007 Urban Area Security Initiative. (Pg. 22)
14. **RESOLUTION NO. 8378-09** A RESOLUTION ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing the Mayor as Director of Public Safety, on behalf of the City, to enter into an Agreement with the Cuyahoga County Commissioners to accept and expend funds in the amount of \$302.78 for overtime created by the City of Lakewood, Division of Fire's, participation in an Urban Area Security Initiative. (Pg. 23)
15. Communication from Chief Malley regarding a trade-in of various weapons maintained by the Division of Police. (Pg. 25)
16. **ORDINANCE NO. 79-09** AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Director of Finance to sell, through trade-in, 127 weapons and accessories, having an estimated value of \$40,000, in conjunction with the purchase of new-state-of-the-art weapons for the Lakewood Division of Police. (Pg. 26)

Placed on 1st reading & referred
to HOUSING committee 10/5/09
Second reading 10/19/09

Ordinance No. 74-09

By:

AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into a two year agreement with Cuyahoga County, the lead entity in the Cuyahoga Housing Consortium ("Consortium") and various lending institutions and individuals participating in the Lakewood HOME Program ("Program") for an amount not to exceed \$249,947.

WHEREAS, the Cuyahoga Housing Consortium, has been designated by the U.S. Department of Housing and Urban Development (HUD) as a grantee of funds under HUD's Home Investment Partnership Program; and

WHEREAS, the City is a member of the Consortium and as such has been granted funds to assist eligible homebuyers; and

WHEREAS, the City has developed and implemented the Lakewood HOME Program to support home ownership affordability within the City among eligible homebuyers; and

WHEREAS, the City has modified the Program to improve home ownership affordability within the City among eligible homebuyers by providing additional down payment assistance and removing certain requirements making the program more beneficial to applicants; and

WHEREAS, continuation of the HOME Program will further promote home ownership of one and two-family property types. Now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That the Mayor, on behalf of the City, is hereby authorized and to enter into a two year agreement with Cuyahoga County, the lead entity in the Cuyahoga Housing Consortium ("Consortium") and various lending institutions and individuals participating in the Lakewood HOME Program ("Program") for an amount not to exceed \$249,947; said agreements to contain such terms and conditions as deemed necessary by the Director of Law to protect the public interest.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of the Council and an of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President of Council

Clerk of Council

75-09

Placed on 1st reading 10/5/09 & referred
to HOUSING Committee
Second reading 10/19/09

ORDINANCE NO. 75-09

BY:

AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into an agreement with the Cuyahoga Housing Consortium for an additional \$300,000 in HOME funds for the construction of single family homes in areas where properties need to be razed.

WHEREAS, the Cuyahoga Housing Consortium has approved \$300,000 in HOME funds for the City of Lakewood to mitigate the razing of structures within the City; and

WHEREAS, these funds can be used to construct single family, energy efficient, historically sympathetic homes within the City of Lakewood. Now Therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO

Section 1. That the Mayor, on behalf of the City of Lakewood, is hereby authorized to enter into an agreement with the Cuyahoga Housing Consortium for an additional \$300,000 in HOME funds for the construction of single family homes in areas where properties need to be razed.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/21/09, 2ND READING 10/5/09)

ORDINANCE NO.

71-09

BY:

AN ORDINANCE to amend Section 903.10, Duty to Repair and Maintain Sidewalks and Driveway Aprons and Section 903.99, Penalty within Chapter 903, Sidewalks and Curbs of the Codified Ordinances of the City of Lakewood to include tree lawn in the definition of sidewalk for the purpose of clarification and to create a penalty for failure to repair a sidewalk or driveway apron.

WHEREAS, the City recently updated Chapter 903, Sidewalks and Curbs, of the Codified Ordinances of the City of Lakewood; and

WHEREAS, during the legislative process, members of Council noted that this chapter lacked a criminal penalty for failure to repair a sidewalk or driveway aprons; and

WHEREAS, the Department of Public Works has requested clarification that the definition of sidewalk also includes the area in the public right-of-way referred to as the "tree lawn." Now Therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO

Section 1. That Section 903.10, Duty to Repair and Maintain Sidewalks and Driveway Aprons, within Chapter 903 Sidewalks and Curbs, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

903.10. Duty to Repair and Maintain Sidewalks and Driveway Aprons.

(a) For the purpose of this section, "sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(b) As used in this section, "driveway apron" means that area of the driveway from the curb to the sidewalk.

(c) The property owner whose property abuts any sidewalk shall be primarily responsible for the repair and maintenance of such sidewalk, driveway apron and tree lawn area.

(1) Any hole or defect, which is a tripping hazard, that is capable of causing

injury, inconvenience, annoyance or damage to sidewalk users shall be

repaired by the abutting property owner within a reasonable period of time from the time at which the property owner should have known of the necessity of such repair through the exercise of due diligence; or within such time as may be determined as reasonable by the Director of Public Works at the time the repair work is determined to be necessary.

(2) The failure of a property owner to reasonably repair such defect in

accordance with the applicable time frame shall be considered a negligent act as a matter of law, and the property owner shall be liable for any injury resulting from such defect.

(d) The Director of Public Works, upon determining that the condition of any sidewalk or driveway apron constitutes a public hazard, may order the abutting property owner to repair any sidewalk, or driveway apron which the City finds to be a nuisance or in an unsafe condition.

(1) The Director of Public Works shall serve a written notice of his or her

determination in the manner provided by law for service in a civil action, setting forth a duplicate of the sidewalk survey indicating which sidewalks or driveway aprons are to be repaired, the cost per square foot of those repairs and a time frame in which such work is to be completed.

(2) If a property owner fails to repair a sidewalk as required by such order,

the Director of Public Works may perform the work determined necessary

and assess the cost of such work to the abutting land owner.

(3) The Director of Public Works shall have the authority to inspect

any

sidewalk and issue a citation and order to repair to any property owner whose property abuts a sidewalk that is in an unreasonable state of disrepair or is determined to be a public hazard.

A. The order to repair and citation shall be in writing upon a

form

approved by the Director of Public Works setting forth the specific conditions determined to be a public hazard or unreasonable state of disrepair and shall contain a date for compliance not less than thirty days from the date of the issuance of the order and citation, unless a longer period is determined to be appropriate by the Director of Public Works.

B. If the repair work ordered in compliance with the order to repair and citation is not completed within the time specified, the Director of Public Works may assess, in addition to the charges for repair, a civil fine of one hundred dollars (\$100.00) upon the property owner so cited.

C. If the fine set forth above is not paid in full within thirty days from the issuance of written notice of such fine to the property owner, or in the event any charges due for repair are not paid in a timely manner by the property owner, either directly or by assessment upon property taxes in accordance with these Codified Ordinances and general laws of the State of Ohio, the Director of Law may take such action as is determined appropriate to collect such fine or costs of repair.

Shall be and is hereby amended to read as follows:

903.10 Duty to Repair and Maintain Sidewalks and Driveway Aprons.

(a) For the purpose of this section, "sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians, including the area commonly referred to as the "tree lawn."

(b) As used in this section, "driveway apron" means that area of the driveway from the curb to the sidewalk.

(c) The property owner whose property abuts any sidewalk shall be primarily responsible for the repair and maintenance of such sidewalk, driveway apron and tree lawn area.

(1) Any hole or defect, which is a tripping hazard, that is capable of causing

injury, inconvenience, annoyance or damage to sidewalk users shall be

repaired by the abutting property owner within a reasonable period of time from the time at which the property owner should have known of the necessity of such repair through the exercise of due diligence, or within such time as may be determined as reasonable by the Director of Public Works at the time the repair work is determined to be necessary.

(2) The failure of a property owner to reasonably repair such defect in

accordance with the applicable time frame shall be considered a negligent act as a matter of law, and the property owner shall be liable for any injury resulting from such defect.

(d) The Director of Public Works, upon determining that the condition of any sidewalk, driveway apron or tree lawn constitutes a public hazard, may order the abutting property owner to repair any sidewalk, driveway apron, or tree lawn which the City finds to be a nuisance or in an unsafe condition.

(1) The Director of Public Works shall serve a written notice of his or her

determination in the manner provided by law for service in a civil action, setting forth a duplicate of the sidewalk survey indicating which sidewalks, driveway aprons, or tree lawns are to be repaired, the cost per square foot of those repairs and a time frame in which such work is to be completed.

(2) If a property owner fails to repair a sidewalk or tree lawn as required by such order, the Director of Public Works may perform the work determined necessary and assess the cost of such work to the abutting land owner.

(3) The Director of Public Works shall have the authority to inspect

any

sidewalk or tree lawn and issue a citation and order to repair to any property owner whose property abuts a sidewalk or tree lawn that is in an unreasonable state of disrepair or is determined to be a public hazard.

A. The order to repair and citation shall be in writing upon a

form

approved by the Director of Public Works setting forth the specific conditions determined to be a public hazard or unreasonable state of disrepair and shall contain a date for compliance not less than thirty days from the date of the issuance of the order and citation, unless a longer period is determined to be appropriate by the Director of Public Works.

Section 2. That Section 903.99, Penalties, within Chapter 903, Sidewalks and Curbs, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

903.99 PENALTY.

Whoever violates Section 903.09 shall be fined not more than one hundred dollars (\$100).

Shall be and is hereby amended to read as follows:

903.99 PENALTY.

(a) Whoever violates Section 903.09 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars

(\$25.00) dollars nor more than one-thousand dollars (\$1,000) for a first offense, and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree.

(b) Whoever violates Section 903.10 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) dollars nor more than one-thousand dollars (\$1,000). Each day such violation occurs or continues shall constitute a separate offense.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five (5) of its members elected to Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

73-09

PLACED ON FIRST READING
& REFERRED TO THE RULES &
ORDINANCES COMMITTEE 10/5/09
SECOND READING 10/19/09

ORDINANCE NO. 73-09

BY:

AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to authorize and set out the method of Original Appointments to the Division of Police, to include a combination of appointment from a certified list and lateral entry hire.

WHEREAS, this ordinance is necessary in that any Rules and Regulations of the Lakewood Civil Service Commission which differ from the Ohio Revised Code must be enacted by ordinance; and

WHEREAS, the Police Chief has requested the Civil Service Commission to amend its rules and regulations to allow for the Division of Police to make Lateral Hires without a competitive civil service examination; and

WHEREAS, upon review of the Rules and Regulations and the evidence presented to the Civil Service Commission, the Commission recommends that the inclusion of lateral entry requirements for Patrol Officer be reflected as described in the proposed ordinance. Now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That a new Section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood is hereby created to read as follows:

144.14 Original Appointment to the Division of Police

(a) There shall be two methods for original appointment of police officers to the Division of Police: Civil Service Examination with placement on the certified eligible list and Lateral Hire. In either case, candidates must conform to certain minimum qualifications of the City of Lakewood Civil Service Rules and Regulations.

1. Civil Service Examination Process -

Applicants are required to complete a written examination as well as a physical agility test. The Civil Service Commission shall certify the names in accordance with its rules and regulations.

Candidates appointed to Police Officer through these procedures will be hired at Grade III first year and must successfully complete an 18

month probationary period or as otherwise provided by the collective bargaining agreement.

2. Lateral Hire –

Applicants will submit an employment application as well as a current certificate of physical agility to the Department of Human Resources. In addition, candidates must conform to all the minimum requirements of the Civil Service Rules and Regulations and all applicants for Lateral Hire shall meet the following prerequisites:

- A. Currently or have previously been employed as a peace officer;
- B. OPATA certified;
- C. For those previously employed there shall be no more than a one year break in service from previous employment as a peace officer;
- D. Current or previous peace officer employment must have been as a result of a civil service examination process.

The Police Chief, in conjunction with the Director of Human Resources and the Public Safety Director, will review resumes and applications to determine which applicants meet the lateral entry criteria. Lateral Entry candidates may be required to submit to the following, including but not limited to, a thorough background investigation, polygraph examination, psychological and medical evaluation, oral interview and drug screening as stated in the Police General Order 91-014 Selection Process.

Positions filled through these procedures are therefore exempt from competitive examination.

Candidates appointed to Police Officer through these procedures will be hired at Grade III first year and must successfully complete an 18 month probationary period or as otherwise provided by the collective bargaining agreement.

- A. Seniority for lateral entry Police Officer will be based on the date of hire with the City of Lakewood.

Employees selected through these procedures shall obtain and retain all other rights attributed to the classified service, following successful completion of the probationary period.

3. For every four (4) consecutive original appointments, not less than three (3) shall be from a certified eligible list and one (1) may be a lateral hire.
4. If a layoff list exists then the appointment will be subject to the City of Lakewood Civil Service Rules and Regulations.
5. The Civil Service Commission is authorized to promulgate rules and procedures for the administration of the test and selection methodology of both methods of original appointment not inconsistent with this Ordinance.

(b) Subsection (a) hereof is specifically intended to supersede State Code for Original Appointments to Patrol Officer positions in the Division of Police.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

Placed on 1st reading & referred to
Health & Human Services Committee
10/19/09

ORDINANCE NO. 77-09

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee, for and on behalf of the City of Lakewood to enter into an amended agreement with the Cuyahoga County Board of County Commissioners, Department of Senior & Adult Services, to provide home delivered meals, homemaker services, personal care services, and medical transportation services under the Cuyahoga County Options for Elders Program that will extend the current agreement through June 30, 2010.

WHEREAS, the Cuyahoga County Board of County Commissioners is administering a program of grants under the Cuyahoga County Options for Elders Program, whereby this City may obtain funds to provide programs for persons 60 years of age or older, and;

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this ordinance is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 and 13 of the SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the signed contract must be submitted to the Cuyahoga County Board of County Commissioners prior to the November 19, 2009 meeting. Now Therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That the Mayor or his designee, for and on behalf of the City of Lakewood, is hereby authorized and directed to enter into an amended contract with the Cuyahoga County Board of County Commissioners, providing partial funding of the City's program under Cuyahoga County Options for Elders Program.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five (5) of its members elected to Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



12650 DETROIT AVENUE • 44107 • 216/529-6600 • FAX 216/529-5652

WEBSITE: www.onelakewood.com

EDWARD FITZGERALD
MAYOR

November 2, 2009

Lakewood City Council
12650 Detroit Ave.
Lakewood, Ohio 44107

Dear Members of Council:

This communication is the latest installment in implementing the principles of the housing initiative we announced last fall. This past October, my communication dealt specifically with a new ordinance regarding the registration of vacant buildings in Lakewood. Now, I believe we must also consider overhauling our housing license process and requirements, with a special focus on encouraging true accountability for the owners of rental units.

To this end I am proposing that we commence committee hearings to draft new ordinances and regulations which would reflect the following principles and concepts:

1. **Housing License.** Landlords required to apply and obtain a Housing License per dwelling unit on a yearly basis.
2. **Housing License Applications.** In order to obtain a Housing License the Landlord would be required to provide information such as the name and address of the principal owners, lienholders, tenants, and information regarding the age of the structure and its mechanicals, such as heating systems.
3. **Housing Inspection Checklist.** Landlords, or their designee, required to tour their properties and certify that each dwelling unit have a working smoke detector, that there is hot and cold running water with no leaks, the furnace is operational, railings present on staircases, and no readily observable conditions that represent a threat to the health and safety of the occupant.
4. **Vacant Housing License.** Landlords/Banks/Mortgage Companies would be required to register and provide local agent for service for any property vacant for more than 3 months.
5. **Criminal Background and Eviction Checks.** Landlords will receive a discount on Housing License fees if they can provide documentation that a reputable and official tenant screening agency is being utilized to screen tenants for criminal histories and prior evictions.



Page Two

I believe that this global approach utilizing the Housing Licensure will be the most appropriate vehicle to help secure and keep our housing stock well into the future, while avoiding an approach which relies on adding more city employees. Again, I am requesting that you refer this communication to the appropriate committee so that we may consider its implementation as one component of our continuing housing strategy.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Edward FitzGerald". The signature is written in dark ink and is positioned above the printed name.

Edward FitzGerald



EDWARD FITZGERALD
MAYOR

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5936
www.oneLakewood.com

October 29, 2009

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

RE: Special Home Improvement Financing Opportunity with First Federal Lakewood

Dear Members of City Council,

While other components of our housing initiative focus on enforcement, it is also vital that we encourage investment in our housing stock whenever possible. In line with this philosophy of a balanced enforcement/investment housing strategy, the City of Lakewood has finalized an agreement with First Federal Lakewood which provides for special financing opportunities available exclusively to Lakewood residents for properties in our city.

Nationally, credit is tight. Locally, residents are committed to staying in their homes, and many want to upgrade their properties. First Federal Lakewood has partnered with the City to help Lakewood residents borrow to make improvements on their properties by waiving all fees for lines of credit and offering discounted rates on four different loan programs.

Effective immediately, Lakewood home owners can borrow up to \$250,000 at discounted rates on Home Equity Loans, Home Equity Lines of Credit, typically at a 0.50% discount to First Federal's prevailing rates. A summary is attached.

Additionally, our partnership will include a collaborative marketing initiative to promote this and other programs from the Division of Community Development, including the First Time Homebuyer Program.

Respectfully,

Edward FitzGerald

/ attachment

Summary of Agreement with First Federal Lakewood

FFL commits to provide a series of financing options to City of Lakewood residents who meet the following criteria:

1. Participants in the program must be Lakewood residents
2. The subject property must be located in Lakewood, and be one to four family
3. The recipient must hold title to the property in their name
4. The recipient must live in the home they propose to finance
5. The financing must be used for the expressed purpose of improving that property
6. FFL must be in first or second lien position
7. Normal FFL underwriting and borrow qualification guidelines apply
8. Maximum loan amount is \$250,000

For borrowers meeting the above criteria, FFL will offer four programs:

1. A ten-year, closed-end Home Equity Loan at 5.98%. Borrowers must have a Loan to Value of no greater than 80%. FFL will not charge any application fees or annual fees
2. An open-ended Home Equity Line of credit discounted 0.50% below FFL's prevailing Line of Credit rates. Current (October 2, 2009) rates are as low as 3.98%, which, for qualified borrowers, would be reduced to 3.48%. FFL will set a floor rate of 3.48% for this program. Depending on the Prime Rate, and borrower circumstances, rates may be higher than 3.48%, but will be consistent with FFL's normal rate structure. There will be no application or annual fees.
3. A closed-end Home Equity Loan discounted to 4.875% for one year (normal rate is 6.875%). The term will be 15 years to repay.
4. FFL will offer reduced inspection and draw fees for Lakewood residents needing a complete remodeling program.

In return for these options offered to Lakewood residents, the City of Lakewood shall:

- Assist FFL in determining that borrowers are likely to use loan proceeds to improve their residence
- Promote the programs to Lakewood residents through newsletters, seminars, websites and other means
- Refer loan inquiries from City residents as appropriate to FFL personnel



12650 DETROIT AVENUE • 44107 • 216/529-6600 • FAX 216/529-5652
WEBSITE: www.onelakewood.com

EDWARD FITZGERALD
MAYOR

November 2, 2009

Lakewood City Council
Lakewood, Ohio

Re: Agreement for Public Health Services

Dear Members of Council:

I have attached for your consideration legislation that will authorize the City of Lakewood to enter into an agreement with the District Advisory Council of Cuyahoga County for the provision of public health services as authorized by Ohio Revised Code 3709.07 for the 2010 calendar.

Please place this item on first reading and refer to the appropriate committee for further discussion.

Sincerely,


Edward FitzGerald



ORDINANCE NO. 78-09

BY:

AN ORDINANCE to enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed Two Hundred Nine Thousand Five Hundred Ninety Dollars (\$209,590.00) for a one year period commencing January 1, 2010.

WHEREAS, the Cuyahoga County Board of Health has proposed providing public health services for residents of the City of Lakewood at a per capita rate of \$3.70; and

WHEREAS, it is necessary to continue public health services to residents of the City of Lakewood through the District Advisory Council of Cuyahoga County, Ohio General District. Now Therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That the Mayor, on behalf of the City, is hereby authorized to enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed Two Hundred Nine Thousand Five Hundred Ninety Dollars (\$209,590.00) for a one year period commencing January 1, 2010 pursuant to the authority granted in Section 3709.07 of the Ohio Revised Code.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



LAWRENCE E. MROZ
FIRE CHIEF

Lakewood Fire Department • 14601 Madison Avenue • Lakewood, Ohio 44107
216-529-6656 Administration • 216-529-6660 Fire Prevention • 216-529-6657 CERT/Block Club • 216-226-9963 Fax • www.onelakewood.com

November 2, 2009

Lakewood City Council
Lakewood, Ohio

RE: Resolution to accept and expend funds from the FY 2007 Urban Area Security Initiative

Dear Members of Council:

Attached please find a resolution for your consideration, authorizing the City of Lakewood to enter into an Agreement with the Cuyahoga County Commissioners to accept and expend funds in the amount of \$302.78 for overtime created by an Urban Area Security Initiative.

The provided monies will be used as overtime reimbursement for our Hazmat Coordinator who took part in the Office of Domestic Preparedness Ohio Task Force's May 16, 2009 Hazmat Regional Exercise.

Thank you for your consideration.

Sincerely,

Lawrence E. Mroz
Fire Chief

RESOLUTION NO. 8378-09

BY:

A RESOLUTION ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing the Mayor as Director of Public Safety, on behalf of the City, to enter into an Agreement with the Cuyahoga County Commissioners to accept and expend funds in the amount of \$302.78 for overtime created by the City of Lakewood, Division of Fire's, participation in an Urban Area Security Initiative.

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 and 13 of the SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that this resolution is necessary to enter into the grant agreement in a timely manner. Now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO

Section 1. The Mayor as Director of Public Safety, is hereby authorized, on behalf of the City, to enter into an Agreement with Cuyahoga County Commissioners to accept and expend funds in the amount of \$302.78 for overtime created by the City of Lakewood, Division of Fire's, participation in an Urban Area Security Initiative

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for

the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five (5) of its members elected to Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor



12650 Detroit Avenue • 44107
Timothy J. Malley Chief of Police

Division of Police
216-529-6750
FAX 216-521-7727
www.onelakewood.com

November 2nd, 2009

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

RE: Trade of Equipment

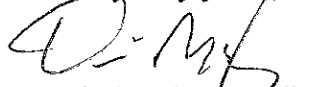
Dear Members of Council:

Attached please find an ordinance for your consideration authorizing the City of Lakewood to trade-in various weapons maintained by the Division of Police for new state of the art weapons and accessories needed to equip the Division of Police with current technology.

The Division of Police has the opportunity to trade in, at no cost to the department, 113 handguns and 14 rifle accessories. In return the Lakewood Police Department will obtain 115 new weapons to fully equip our department with the latest technology. The value of the weapons traded in and the new weapons received is approximately \$40,000. This provides an excellent opportunity for the Division of Police to update its weapons inventory and provide superior equipment to its officers at no cost.

Please refer to the appropriate committee.

Very truly yours,


Chief Timothy J. Malley



ORDINANCE NO. 79-09

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Director of Finance to sell, through trade-in, 127 weapons and accessories, having an estimated value of \$40,000, in conjunction with the purchase of new-state-of-the-art weapons for the Lakewood Division of Police.

WHEREAS, it is in the best interest of the City to sell through trade-in existing weapons,

WHEREAS, this Council by an affirmative vote of at least five (5) members elected thereto determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 and 13 of the SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD, and that it provides for the usual daily operation of municipal departments in that it is in the best interest of the City to sell obsolete equipment in a timely manner due to lack of physical storage at City Hall and delivery of new equipment. Now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That the Director of Finance be and she is hereby authorized to sell, through trade-in, 127 weapons and accessories, having an estimated value of \$40,000, in conjunction with the purchase of new state-of-the-art weapons for use by the Lakewood Division of Police.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the daily operation of municipal departments in the City for the reasons set forth in the preamble to this ordinance, and provided it received the affirmative vote of at least five (5) of its members elected to Council, this ordinance shall take effect and be in force immediately upon its

adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor