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Lakewood City Council

KEVIN BUTLER, PRESIDENT

MARY LOUISE MADIGAN, VICE PRESIDENT

SPECIAL COUNCIL MEETING — PLEASE POST

In accordance with Article III, Section 4 of the Second Amended Charter of the City of Lakewood, you are hereby notified that I am calling and there will be a Special Meeting of Council **Sunday, January 2, 2011 at noon** in the Auditorium of Lakewood City Hall to discuss the following items:

1. Communication from Council President Butler and Law Director Hurley regarding resignation of Mayor Ed FitzGerald; declination of those in Charter line of succession to serve as acting mayor; and the prior resolution of Council naming Michael P. Summers as Council's prospective appointee (to be provided)
2. **Prop. Resolution 8475-11**, A RESOLUTION appointing Michael P. Summers to the vacant office of Mayor of the City of Lakewood for the unexpired term ending December 31, 2011, pursuant to Article II, Section 8 of the Second Amended Charter (Pg. 1)
3. Communication from Council President Butler and Law Director Hurley regarding resignations of Councilmembers Nickie J. Antonio, at-large, and Michael P. Summers, Ward 3; and the prior resolutions of Council (to be provided)
4. **Prop. Resolution 8476-11**, A RESOLUTION appointing Ryan P. Nowlin to the vacant office of at-large Councilmember for the unexpired term ending December 31, 2013, pursuant to Article III, Section 2 of the Second Amended Charter (Pg. 3)
5. **Prop. Resolution 8477-11**, A RESOLUTION appointing Shawn P. Juris to the vacant office of Ward 3 Councilmember for the unexpired term ending December 31, 2011, pursuant to Article III, Section 2 of the Second Amended Charter (Pg. 5)
6. Swearing-in of newly appointed officials

Kevin Butler
President of Council

RESOLUTION NO. 8475-11

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing Michael P. Summers to the vacant office of Mayor of the City of Lakewood for the unexpired term ending December 31, 2011, pursuant to Article II, Section 8 of the Second Amended Charter of the City of Lakewood.

WHEREAS, by virtue of his election as Cuyahoga County Executive and subsequent resignation as Mayor of the City of Lakewood, Ed FitzGerald has resigned and vacated the Mayor's office effective at midnight, December 31, 2010; and

WHEREAS, Article II, Section 8 of the Second Amended Charter of the City of Lakewood provides that "[i]f the Mayor's office becomes vacant, the following individuals shall succeed to the office in the following order: Director of Law, Director of Finance, Director of Public Works, President of Council, and an elector of the City chosen by Council"; and

WHEREAS, Council has received and maintains written notification from the Director of Law, Director of Finance, Director of Public Works and President of Council declining to succeed to the vacant Mayor's office; and

WHEREAS, it has thus become incumbent upon Council to appoint an elector of the City to the Mayor's office; and

WHEREAS, having previously resolved to identify Michael P. Summers, an elector of the City, as Council's prospective appointee to the office of Mayor, Council intends to carry that appointment forward; and

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this resolution 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 position of Mayor is currently vacant; now, therefore

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

Section 1. This Council hereby appoints Michael P. Summers, an elector of the City, to the vacant office of Mayor of the City of Lakewood for the unexpired term ending December 31, 2011, pursuant to Article II, Section 8 of the Second Amended Charter of the City of Lakewood.

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 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 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, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

RESOLUTION NO. 8476-11

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing Ryan P. Nowlin to the vacant office of at-large Councilmember of the City of Lakewood for the unexpired term ending December 31, 2013, pursuant to Article III, Section 2 of the Second Amended Charter of the City of Lakewood.

WHEREAS, by virtue of her election as Member of the Ohio House of Representatives, at-large Councilmember Nickie J. Antonio has resigned and vacated the at-large Council position as of January 2, 2011; and

WHEREAS, Article III, Section 2 of the Second Amended Charter of the City of Lakewood provides that “[v]acancies in Council shall be filled by the remaining members thereof, provided that in the event Council does not so appoint a successor within sixty (60) days of the occurrence of a vacancy, the Mayor may fill the vacancy”; and

WHEREAS, it has thus become incumbent upon Council to appoint an elector of the City to the office of at-large Councilmember; and

WHEREAS, having previously resolved to identify Ryan P. Nowlin, an elector of the City, as Council’s prospective appointee to the office of at-large Councilmember, Council intends to carry that appointment forward; and

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this resolution 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 position of at-large Councilmember is currently vacant; now, therefore

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

Section 1. This Council hereby appoints Ryan P. Nowlin to the vacant office of at-large Councilmember of the City of Lakewood for the unexpired term ending December 31, 2013, pursuant to Article III, Section 2 of the Second Amended Charter of the City of Lakewood.

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 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 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, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

RESOLUTION NO. 8477-11

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing Shawn P. Juris to the vacant office of Ward 3 Councilmember of the City of Lakewood for the unexpired term ending December 31, 2011, pursuant to Article III, Section 2 of the Second Amended Charter of the City of Lakewood.

WHEREAS, by virtue of his appointment as Acting Mayor of the City of Lakewood, Ward 3 Councilman Michael P. Summers has resigned and vacated the Ward 3 Council position as of January 2, 2011; and

WHEREAS, Article III, Section 2 of the Second Amended Charter of the City of Lakewood provides that “[v]acancies in Council shall be filled by the remaining members thereof, provided that in the event Council does not so appoint a successor within sixty (60) days of the occurrence of a vacancy, the Mayor may fill the vacancy”; and

WHEREAS, it has thus become incumbent upon Council to appoint an elector of Ward 3 to the office of Ward 3 Councilmember; and

WHEREAS, having previously resolved to identify Shawn P. Juris, an elector of Ward 3, as Council’s prospective appointee to the office of Ward 3 Councilmember, Council intends to carry that appointment forward; and

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this resolution 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 position of Ward 3 Councilmember is currently vacant; now, therefore

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

Section 1. This Council hereby appoints Shawn P. Juris to the vacant office of Ward 3 Councilmember of the City of Lakewood for the unexpired term ending December 31, 2011, pursuant to Article III, Section 2 of the Second Amended Charter of the City of Lakewood.

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 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 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, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor