

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
OCTOBER 20, 2008
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by President Dever.

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Present: Councilmembers Nickie J. Antonio, Thomas Bullock, Kevin Butler, Michael W. Dever, Mary Louise Madigan, Michael P. Summers, Brian Powers.

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Also Present: Mayor FitzGerald, Law Director Hurley, Finance Director Pae, Police Captain Stone, Fire Representative, Human Services Representative Hall, Public Works Director Beno, Planning & Development Director Kelly, Project Administrator for New Lakewood Fitzgerald.

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{Without objection from Council, item 22 was read at the beginning of the agenda}

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

1. Committee of the Whole report regarding Animal Safety and Welfare Advisory Board. (To Be Provided)

Motion by Mr. Dever, seconded by Ms. Madigan, to defer action on this item.

Motion adopted. All members voting yea.

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2. **RESOLUTION NO. 8291-08** - A RESOLUTION 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, to appoint _____ as a member of the Animal Safety and Welfare Advisory Board for a two-year term, ending December 31, 2010. (Pg. 7)

Motion by Mr. Dever, seconded by Ms. Madigan, to defer action on this item.

Motion adopted. All members voting yea.

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3. Finance Committee Report regarding Use of City Property and Fees – Ordinances Nos. 65, 66, and 67-08. (To Be Provided)

Mr. Summers submitted the following report:

#3 Finance Committee Report – Mike Summers

The Finance Committee is considering revising and updating two ordinances and repealing an ancient one that deals with the rental fees for City property particularly regarding picnic pavilions and this auditorium and the Woman’s Pavilion in Lakewood Park. The picnic fees were actually last established and reviewed in 1985. It is appropriate that we would update and review them as well and simplify who would have access to these great facilities and the procedure by which we would grant them access and manage it. Things have changed since 1985 and 1978 when the original ordinance was passed so we’re in the process of streamlining both the process and updating the fees. But tonight we’re not ready to consider those changes so I would ask that items 4, 5 and 6, ordinance 65-08, 66-08 and 67-08 be referred back to the Finance Committee for further consideration.

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

Motion adopted. All members voting yea.

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4. **ORDINANCE NO. 65-08** - 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, amending section 905.15, Picnic Areas, Permit for use of Picnic Pavilions of the Codified Ordinances of the City of Lakewood for the purpose of establishing fees for reservation of the Kiwanis Pavilion by permit. (PLACED ON 1ST READING & REFERED TO THE FINANCE COMMITTEE 7/7/08, 2ND READING 7/21/0) (Pg. 8)

Motion by Mr. Dever, seconded by Ms. Madigan, to defer action on this.

Motion adopted. All members voting yea.

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5. **ORDINANCE NO. 66-08** - 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, creating a new section 905.21, Rental of City Property of the Codified Ordinances of the City of Lakewood for the purpose of establishing facilities that shall be made available to the public for rent and to establish fees for such rental. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 7/7/08, 2ND READING 7/21/08) (Pg. 11)

Motion by Mr. Dever, seconded by Ms. Madigan, to defer action on this item.

Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 67-08** - 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, repealing Ordinance No. 45-78, adopted May 1, 1978. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 7/7/08, 2ND READING 7/21/08) (Pg. 13)

Motion by Mr. Dever, seconded by Ms. Madigan, to defer action on this item.
Motion adopted. All members voting yea.

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7. Finance Committee Report regarding 3rd Quarter Transfers & Advances (To Be Provided)

Mr. Summers submitted the following report:

#7 Finance Committee Report – 3rd Quarter Transfers - Mike Summers

Ordinance 83-08 is a fine-tuning of our work prior to this regarding balancing our budget for 2008. You have before you in your packet a listing of transfers in and out of the various funds that will allow us to actually achieve a balance particularly of the General Fund. I would bring your attention specifically to item 404 on the transfers, which is the Land Acquisition Fund. This is an amount of money that was strategically placed by prior Councils for consideration of economic development activity. This money is now going to be moved into the General Fund for consideration. A subject of concern and consideration was what about future land acquisition issues. They're going to be important to the growth of Lakewood and those monies will be more than likely in the economic development area but not necessarily in this budget. If this Council or future councils choose to fund this we're going to have to starting from a zero base. Other than that, the movements are pretty routine in nature and I would recommend that we suspend the rules and adopt these transfers on our second reading.

Motion by Mr. Dever, seconded by Ms. Antonio, to receive and file the oral report.
Motion adopted. All members voting yea.

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8. **ORDINANCE NO. 83-08** - 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 to authorize the transfer and advance of certain funds. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 10/6/08) (Pg.17)

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this ordinance be read on three separate days and placing Ordinance No. 83-08 on final reading.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers.

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Mr. Butler, to adopt Ordinance No. 83-08.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers

Nays: None

Motion adopted. Ordinance NO. 83-08 adopted.

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9. Finance Committee Report regarding 2008 Appropriations Ordinance. (To Be Provided)

Mr. Summers submitted the following report:

#9 Finance Committee Report – 2008 Appropriations – Summers

Thank you Mr. President. You have in your packets a fine-tuning of the appropriations that we last visited in July of this year. Actually, I will be making a substitution, adding an additional \$17,260 in a revised version of these appropriations. The additional cost that we're adding tonight, \$17,260 beyond what's in your docket primarily pertains to two major cost categories. One deals with police expenses dealing with the West Shore Enforcement Bureau which is our SWAT relationship and also advertising costs for entry level exams for both police and fire. Those additional sums and expenditures, this appropriation amendment reflects the changes as a result of operational shifts, unemployment costs, payout costs, personnel shifts, fuel and utilities. So, it fine-tunes what we started in March and gained further accuracy in July and now as we approach the final months of 2008, this appropriation, I think, will address very accurately our expenditures. The Finance Committee considered these changes and recommends to this council that we substitute 84-08 with this revision, suspend the rules and pass this on second reading.

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

Motion adopted. All members voting yea.

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10. **ORDINANCE NO. 84-08** - 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 to establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2008. (PLACED ON 1ST READINDG & REFERRED TO THE FINANCE COMMITTEE 10/6/08) (Pg. 19)

Motion by Mr. Dever, seconded by Ms. Madigan, to substitute Ordinance No. 84-08.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers

Nays: None

Motion adopted. Ordinance No. 84-08 adopted.

Motion by Mr. Dever, seconded by Ms. Antonio, to suspend the rules requiring this Ordinance is read on three separate days and placing Ordinance No. 84-08 on final reading.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 84-08 as amended.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers

Nays: None

Motion adopted. Ordinance No. 84-08 adopted as amended.

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11. Finance Committee Report regarding Resolution No. 8300-08. (To Be Provided)

Mr. Summers submitted the following report:

#11 – Financial Report – 8300-08 – Mike Summers

Thank you Mr. President. The Finance Committee, in their last action at this evening’s meeting, considered Resolution 8300-08 which is receipt of recommendations from the Citizens Advisory Committee ably led by Chairman Pat Metzger. These citizens met vigorously and seriously and considered all options that were presented to them regarding the \$2.1 million federal block grant money. They have submitted to us a list of recommendations and after a series of clarifying questions and procedural issues, particularly regarding CDBG conformance and expectations the Finance Committee moves that we accept the recommendations from the Citizens Advisory Committee as submitted to us

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

Motion adopted. All members voting yea.

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12. **RESOLUTION NO. 8300-08** – A RESOLUTION to take effect immediately provided it received the affirmative vote 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 and directing the Mayor to submit the Fiscal year (FY) 2009 One-year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Shelter Grant (ESG) funds, and incorporates the City’s application for CDBG funds, ESG Funds, HOME Investment Partnership funds, American Dream Downpayment Initiative (ADDI) funds, and all amendments thereto and all understandings and assurances contained therein, to

the U.S. Department of Housing and Urban Development (HUD). (REFERRED TO THE FINANCE COMMITTEE 10/6/08) (Pg.32)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8300-08.
Motion adopted. All members voting yea.

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13. Housing Committee Report regarding Ordinance No. 81-08. (Pg. 36)

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

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14. **ORDINANCE NO. 81-08** - 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 Director of Planning and Development to enter into an Amendment to an Agreement with the Board of Cuyahoga County Commissioners for the reimbursement of the City of Lakewood's cost in administering the HOME Program in an amount not to exceed \$15,962.22. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 9/15/08, 2ND READING 10/6/08) (Pg. 37)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 81-08.
Motion adopted. All members voting yea.

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15. Planning Commission Report regarding Ordinance 82-08. (Pg.39)

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

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16. **ORDINANCE NO. 82-08** - AN ORDINANCE authorize and direct the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property, Permanent Parcel Number 314-02-038 located approximately 1581 Elmwood Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 9/15/08, 2ND READING 10/6/08) (Pg. 40)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 82-08.
Motion adopted. All members voting yea.

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17. Liquor Permit Application for new C1 and C2 permit classes to Lakewood Supermarket 14235 Madison Avenue. (DEFERRED 9/15/08, 10/6/08) (Pg. 42)

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

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18. Liquor Permit Application for C1 and C2 transfers to ARD Enterprises d/b/a Hot Spot Food Mart, 16403 Detroit Road, from YLLI & Alma Recka d/b/a Europe Mart, same address. (Deferred 10/6/08) (Pg. 43)

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

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

19. Communication from Councilmember Summers regarding Housing Inspections at Time of Sale of Home. (Pg.44)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive, file and refer the communication to the Housing Committee.

Motion adopted. All members voting yea.

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20. Communication from Mayor FitzGerald and Councilmember Madigan regarding Dana's Legacy Program. (Pg. 45)

Motion by Ms. Madigan, seconded by Mr. Dever, to receive and file the communication.
Motion adopted. All members voting yea.

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21. **RESOLUTION NO. 8301-08** – A RESOLUTION 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 to accept and expend on behalf of the City of Lakewood a donation from Mrs. Judy Frankel in the amount of \$1,000 to create a donation and memorial program for the City of Lakewood titled Dana's Legacy Program. (Pg. 46)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8301-08.
Motion adopted. All members voting yea.

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22. Communication from Councilmember Antonio regarding Cuyahoga County Board of Health Presentation. (Pg.48)

Terry Allan, Health Commissioner
RE: Brief Update on Public Health Services
Public Health

Prevent. Promote. Protect.

Northeast Ohio Public Health Partnership

Public Health Services in the City of Lakewood Since May of 2008

Environmental Health Services

Pools inspections 44

Schools inspections 8

Nuisance complaints 24

Animal bites investigations 46

Rodent control responses 30

Food Inspections 177

Met with the Trustees of Clifton Lagoons and conducted a survey of the beach as part of our Bathing Beach Program

- Staff attended "Meet the Trucks" Day, educating residents about mosquito borne diseases and providing insect repellent to families

Community Health and Nursing Services

Lakewood Hospital recently joined as a provider under the Breast and Cervical Cancer Program

September we partnered with North Coast Health Ministry and Lakewood Hospital to conduct mammogram screenings for low income and uninsured women at the Lakewood Medical Building, reaching 35 women.

The Dental Options program is currently working to link 16 Lakewood residents to non-emergency dental services in the community

Serving the cities, villages and townships of Cuyahoga County since 1919

Help Me Grow and Bureau for Children With Medical Handicaps (BCMh) public health nursing services continue to be provided to families in Lakewood who have

children with special health care needs or who are at risk. Approximately 150 families currently receive such services as home visits, service coordination, health and developmental screenings, health education and referrals to medical providers and community services.

- On Jan.19, 2008 our BCMh nurses hosted BCMh Family Fun Day at the Lakewood Women's Pavilion, serving 35 families. General health education is provided to child care settings under Healthy Child Care Ohio.

- Five childcare centers are currently receiving ongoing services related to child-specific training for children with a special health care need through our Starting Point contract. 281 vaccines were administered to 118 clients since May through a routine vaccine clinic held 2 days per month

- Flu vaccination clinics so far this year: 2 large clinics in the Women's Pavilion Lakewood Park, 2 Senior centers, Lakewood Board of Education for teachers and staff

- Eighteen lead tests in CCBH clinics and during home visits since 7/08 to date.

Lead clinic began at Lakewood Health Department in September. Lead clinic: are scheduled until the end at the year.

- Seven Lakewood families have borrowed HEPA vacuums since April 108.
 - Fifteen lead investigations have been conducted among children with elevated lead levels
 - We have 6 clinic aides working part-time in Lakewood City Schools assisting the nurses in providing school health services and our school health management staff at CCBH serves as a resource for the Lakewood school nurses
 - Immunization education sessions conducted for 9 medical providers in pediatric and family practice offices
- Epidemiology Surveillance and Informatics Services

Case/Disease Management:

Since May, we have received 50 disease reports on residents of Lakewood. Here are the top five diseases:

Chronic Hep C - 15

Chronic Hep B - 11

Campylobacter - 7

Salmonella - 5

Giardia - 4

Emergency Preparedness:

Met with the fire chief and the CERT coordinator to explain how we provide technical assistance to our communities. During the summer, we have been working with members of the Westshore Region to develop a more regional approach to mass dispensing. We also reached out to the school system to begin drafting an MOU for a Lakewood Point of Dispensing (POD) for antibiotics or vaccines during an emergency.

Motion by Ms. Antonio, seconded by Mr. Dever, to receive and file the communication.

Motion adopted. All members voting yea.

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23. Communication from Mayor FitzGerald regarding Housing. (Pg.49)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive, file and refer the communication to the Housing Committee.

Motion adopted. All members voting yea.

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24. Communication from Mayor FitzGerald regarding Donation to Winterhurst. (Pg.51)

Motion by Mr. Dever, seconded by Ms. Antonio, to receive and file the communication.

Motion adopted. All members voting yea.

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25. **RESOLUTION NO. 8302-08** - A RESOLUTION 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 at the earliest period allowed by law authorizing the Mayor to accept, on behalf of the City of Lakewood, an anonymous donation in the amount of \$20,000 for continuing and rejuvenating the adult skate sessions at Winterhurst Ice Rink. (Pg. 52)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8302-08.
Motion adopted. All members voting yea.

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26. Communication from Mayor FitzGerald regarding Agreement for Public Health Services. (Pg.54)

Motion by Mr. Dever, seconded by Ms. Antonio, to receive, file and refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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27. **ORDINANCE NO. 85-08** - 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, 2009. (Pg.55)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 85-08 on 1st Reading and refer it to the Health & Human Services Committee.
Motion adopted. All members voting yea.

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28. Communication from Law Director Hurley regarding Acceptance of Landscaping Funds from AT&T. (Pg.56)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive, file and refer the communication to the Committee of the Whole.

Motion adopted. All members voting yea.

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29. **RESOLUTION NO. 8303-08** - A RESOLUTION 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 at the earliest period allowed by law, authorizing the Director of Finance to accept funds from the Ohio Bell Telephone Company, d/b/a AT&T Ohio (AT&T) in conjunction with future

installations of Project Lightspeed boxes. These payments from AT&T are to be in increments of \$1,000 per each lightspeed box that is installed after May 1, 2008. These funds are to be designated for landscaping purposes around the lightspeed boxes, the need to be determined by the City of Lakewood. (Pg. 57)

Motion by Mr. Dever, seconded by Ms. Madigan, to refer Resolution No. 8303-08 to the Committee of the Whole.

Motion adopted. All members voting yea.

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30. Communication from Health & Human Services Director Buckon regarding Resolution of partnership with Cleveland Christian Home for Tapestry System of Care Parent Advocate Services. (Pg. 59)

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

Motion adopted. All members voting yea.

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31. **RESOLUTION 8304-08** – A RESOLUTION 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 possible period allowed by law, authority to the Mayor, or his designee, on behalf of the City, to enter into a Partnership Agreement with Cleveland Christian Home of the Community Care Network to enable to receive the services of a Tapestry System of Care Parent Advocate for the period of November 1, 2008 to October 31, 2009. (Pg.60)

Motion by Ms. Antonio, seconded by Mr. Dever, to adopt Resolution No. 8304-08.

Motion adopted. All members voting yea.

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ADD-0N

- 31A. Communication from Human Services Director Buckon regarding Local Registrar Resignation.

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

Motion adopted. All members voting yea.

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32. Communication from Police Chief Malley regarding Neighborhood Police Officers. (Pg. 62)

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

Motion adopted. All members voting yea.

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33. **RESOLUTION NO. 8305-08** - A RESOLUTION 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 at the earliest period allowed by law authorizing the Mayor to accept, on behalf of the City of Lakewood, the donation of office equipment from Bowne of Cleveland for purposes of furnishing Neighborhood Police Offices valued at \$250.00. (Pg 63).

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8305-08.
Motion adopted. All members voting yea.

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34. **RESOLUTION NO. 8306-08** - 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 at the earliest period allowed by law authorizing the Mayor to accept, on behalf of the City of Lakewood, the donation of office equipment from Energizer for purposes of furnishing Neighborhood Police Offices valued at \$500.00. (Pg.65)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8306-08.
Motion adopted. All members voting yea.

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Motion by Mr. Dever, seconded by Ms. Madigan, to adjourn.
Motion adopted. All members voting yea.
Meeting adjourned 9:52 PM.

Approved: _____

CLERK

PRESIDENT