

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JANUARY 2, 2007
7:30 P.M.**

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

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Present: Councilmembers Nickie J. Antonio, Kevin Butler, Ryan Patrick Demro, Michael W. Dever, Edward FitzGerald, Mary Louise Madigan, Robert M. Seelie.

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Also Present: Mayor George, Law Director Corrigan, Finance Director Pae, Police Chief Malley, Fire Chief Mroz, Human Services Director Buckon, Public Works Director Beno, Project Administrator for New Lakewood Fitzgerald, Planning & Development Director Jordan, Human Resources Director Novak.

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Motion by Mr. Seelie, seconded by Mr. Dever, to approve the minutes of December 18, 2006 without the necessity of a reading.

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding Council appointments to various Boards and Commissions. (To Be Provided)

Mr. Seelie submitted the following report:

The Committee of the Whole met earlier and they made recommendations for all our Board appointments except for the Fair Employment Wage Board. And as we read the resolutions I'll move to insert the names that were recommended. Also there needs to be substitutions for some of these. The substitutions are to change the date on the Hospital Board and to put in emergency language for Civil Service, for Planning and for the Heritage Advisory Board so that they take effect immediately upon adoption.

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

Motion adopted. All members voting yea.

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2. **RESOLUTION NO. 8149-07** – A RESOLUTION to appoint _____ as a Community Trustee of the Lakewood Hospital Association Board for a five-year term, commencing January 1, 2007. (Pg. 6)
{A RESOLUTION to appoint _____) as a Community Trustee of the Lakewood Hospital Association Board for an unexpired five-year term, ending December 31, 2010.} (Substituted on the floor)

Motion by Mr. Seelie, seconded by Mr. Demro, to substitute and insert the name Nathan Kelly.

Motion adopted. All members voting yea.

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3. **RESOLUTION NO. 8150-07-** A RESOLUTION to appoint _____ as a Special Trustee of the Lakewood Hospital Association Board for a five-year term, commencing January 1, 2007. (Pg. 7)
{A RESOLUTION to appoint _____ as a Special Trustee of the Lakewood Hospital Association Board for an unexpired five-year term, ending December 31, 2010 – substituted on the floor).

Motion by Mr. Seelie, seconded by Ms. Madigan, to substitute and insert the name Thomas Kilbane.

Motion adopted. All members voting yea.

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4. **RESOLUTION NO. 8151-07** – A RESOLUTION to appoint _____ as a member of the Civil Service Commission for a three-year term, commencing January 1, 2007. (Pg. 8)
{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 Civil Service Commission for a three-year term, commencing January 1, 2007. substituted on the floor}

Motion by Mr. Seelie, seconded by Mr. Demro, to substitute Resolution No. 8151-07 and insert the name Kevin Spellacy.

Motion adopted. All members voting yea.

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5. **RESOLUTION NO. 8152-07** – A RESOLUTION to appoint _____ as a member of the Planning Commission for a six-year term, commencing January 1, 2007. (Pg. 9)
{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 Planning Commission for a six-year term, commencing January 1, 2007, substituted on the floor}.

Motion by Mr. Seelie, seconded by Ms. Antonio, substitute Resolution No. 8152-07 to insert the name Ruth Anne Gillett.

Motion adopted. All members voting yea.

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6. **RESOLUTION NO. 8153-07** – A RESOLUTION to appoint _____ as a member of the Lakewood Heritage Advisory Board for the full four-year term commencing January 1, 2007 and ending December 31, 2010. (To Be Provided) (Pg. 10)

{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 Lakewood Heritage Advisory Board for the full four-year term, commencing January 1, 2007. Substituted on the floor}

Motion by Mr. Seelie, seconded by Ms. Madigan, to substitute Resolution No. 8153-07 and insert the name James Dolce.

Motion adopted. All members voting yea.

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7. **RESOLUTION NO. 8154-07** – A RESOLUTION to appoint _____ as a member of the Lakewood Heritage Advisory Board for the full four-year term commencing January 1, 2007 and ending December 31, 2010. (To Be Provided) (Pg. 11)

{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 n forcer after the earliest period allowed by law, to appoint _____ as a member of the Lakewood Heritage Advisory Board for the full four-year term, commencing January 1, 2007. Substituted on the floor}

Motion by Mr. Seelie, seconded by Ms. Madigan, to substitute Resolution No. 8154-07 and insert the name Richard Sicha.

Motion adopted. All members voting yea.

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8. **RESOLUTION NO. 8155-07** – A RESOLUTION appointing _____ as a member of the Fair Employment Wage Board for a three-year term, commencing immediately and ending January 31, 2010. (Pg. 120)

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

Motion adopted. All members voting yea.

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9. **ORDINANCE NO. 75-06** – AN ORDINANCE to amend Ordinance No. 31-04 pertaining to Section 1321.02 Registration by Building Commissioner of the Codified Ordinances of the City of Lakewood, adopted May 4, 2004, for the purpose of updating registration fees of contractors performing work within the City of Lakewood to go into effect on March 1, 2007. (PLACED ON 1ST READING AND REFERRED TO THE FINANCE COMMITTEE 11/20/06, 2ND READING 12/4/06, REPORTED OUT ON, RECOMMENDED FOR ADOPTION & DEFERRED TO ALLOW FOR FULL THREE READINGS 12/18/06). (Pg. 13)

Motion by Mr. Seelie, seconded by Mr. Demro, to adopt Ordinance No. 75-06.
Motion adopted. All members voting yea.

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10. Health & Human Services Committee Report regarding Ordinance 91-06 – OPTIONS for Elders Program. (To Be Provided)

Ms. Madigan submitted the following report:

Mr. Chair, Members of Council, the Health and Human Services Committee met this evening at 5:30 and we recommend adoption for this. This is an extension of the contract through the end of 2007. There are no matching funds or change in program design. This will allow the Lakewood Department of Human Services to continue offering Lakewood residents Options services.

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

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11. **ORDINANCE NO. 91-06** – AN ORDINANCE authorizing the Mayor or his designee, for and on behalf of the City of Lakewood to extend the current 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 OPTIONS for Elders program through December 31, 2007. (PLACED ON 1ST READING & REFERED TO THE HEALTH & HUMAN SERVICES COMMITTEE 12/4/06, 2nd READING 12/18/06). (Pg. 16)

Motion by Mr. Demro, seconded by Mr. Seelie, to adopt Ordinance No. 91-06.
Motion adopted. All members voting yea.

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12. **HOUSING COMMITTEE REPORT** regarding Ordinances No. 90-06 – Welcome House and Ordinance No. 102-06 –Lakewood Home Program. (TO BE PROVIDED)

Ms. Antonio submitted the following report:

Dear Members of Council, the Housing Committee met tonight and in attendance were member Mary Louise Madigan and myself and also Councilmember Demro, Director Jordan and Mary Leigh from the Planning Department were also in attendance. We discussed the two issues that we have before us tonight. The Committee voted to recommend in favor of both issues; both the increase in the funds to make Welcome House ADA compliant and an increase in the amount of funds to be used to continue the Down payment Assistance Program for first time homebuyers in this City.

Motion by Mr. Demro, second by Ms. Madigan, to receive and file the oral report.
Motion adopted. All members voting yea.

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13. **ORDINANCE NO. 90-06** – AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into amended agreements with the Cuyahoga Housing Consortium

("Consortium") and/or the Cuyahoga County Department of Development and Welcome House, Inc., for participation in the U.S. Department of Housing and Urban Development (HUD) HOME Program ("Program") in an amount not to exceed Seventy-Two Thousand Dollars (\$72,000) for use in renovations for ADA compliance and any other use that the Consortium finds is consistent with the HOME Program. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 12/4/06, 2nd READING 12/18/06). (Pg. 17)

Motion by Ms. Antonio, seconded by Mr. Demro, to adopt Ordinance No. 90-06.
Motion adopted. All members voting yea.

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14. **ORDINANCE NO. 102-06** – AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into an agreement with the Cuyahoga Housing Consortium ("Consortium") and various lending institutions and individuals participating in the Lakewood Home Program and American Dream Down Payment Initiative (ADDI) in an amount not to exceed \$295,000. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 12/18/06) (Pg. 18)

Motion by Ms. Antonio, seconded by Mr. Demro, to amend Ordinance No. 102-06 to read \$395,392.42.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie

Nays: None

Motion adopted. Ordinance No. 102-06 amended.

Motion by Mr. Demro, seconded by Mr. Seelie, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 102-06 on final reading.

Ms. Antonio indicated that the Committee voted to recommend suspension of the rules to facilitate the issue being placed Cuyahoga County Commissioners docket for approval in order for those people waiting in Lakewood to apply for the loans as soon as possible.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 102-06 as amended.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie

Nays: None

Motion adopted. Ordinance No. 102-06 adopted as amended.

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15. Liquor Permit Application for new C1 and C2 permit classes to Riser Foods Company d/b/a Lakewood GETGO, 3831 – 14206 Detroit Avenue. (DEFERRED 12/4/06, DEFERRED 12/18/06) (Pg. 19).

Motion by Mr. FitzGerald, seconded by Mr. Demro, to defer action on this liquor permit application.

Motion adopted. All members voting yea.

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16. Liquor Permit Application for C2, C2X and D6 transfers to Riser Foods, Co d/b/a Lakewood Giant Eagle 5831 14100 Detroit Avenue, from TOPS Markets, d/b/a Tops, same address. (DEFERRED 12/18/06) (Pg. 20)

Motion by Mr. FitzGerald, seconded by Ms. Madigan, to defer action on this permit application.

Motion adopted. All members voting yea.

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17. **ORDINANCE NO. 92-06** – AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as hereinafter set forth and described as 1234 Webb Road (PP# 311-20-014) as part of the renovations to Horace Mann School. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/18/06) (Pg. 21)

Motion by Mr. Seelie, seconded by Ms. Madigan, to place Ordinance No. 92-06 on Second Reading and refer back to the Public Works Committee.

Motion adopted. All members voting yea.

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18. **ORDINANCE NO. 95-06** - 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 and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Infrastructure Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 12/18/06) (Pg.22)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 95-06 on Second Reading and refer back to the Public Works Committee.

Motion adopted. All members voting yea.

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19. **ORDINANCE NO. 96-06** - 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 for the purpose of authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to

engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **C.D.B.G. Fund Infrastructure Improvements** in accordance with the administrative code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 12/18/06) (Pg.24)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 96-06 on 2nd Reading and refer it back to the Public Works Committee.

Motion adopted. All members voting yea.

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20. **ORDINANCE NO. 97-06** - 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 and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Water System Replacement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 12/18/06) (Pg. 26)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 97-06 on 2nd Reading and refer back to the Public Works Committee.

Motion adopted. All members voting yea.

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21. **ORDINANCE NO. 98-06** - 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 and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Wastewater System Replacement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 12/18/06) (Pg. 28)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 98-06 on Second Reading and refer it back to the Public Works Committee.

Motion adopted. All members voting yea.

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22. **ORDINANCE NO. 99-06** - – 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 repeal Chapter 1721, Swimming Pools, of the Codified Ordinances of the City of Lakewood. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 99-06 PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/18/06) (Pg. 30)

Motion by Mr. Butler, seconded by Ms. Antonio, to substitute, place Ordinance No. 99-06 on Second Reading and refer back to the Rules & Ordinances Committee.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie.

Nays: None

Motion adopted. Ordinance substituted, 2nd reading and referred back to Rules & Ordinances Committee.

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23. **ORDINANCE NO. 100-06** – 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 enact a new Chapter within the Sanitary Code, of the Codified Ordinances of the City of Lakewood, titled Public Swimming Pools. (**PLEASE SUBSTITUTE** for Ordinance No. 100-06 PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/18/06) (Pg.41)

Motion by Mr. Butler, seconded by Ms. Madigan, to substitute, place Ordinance No. 100-06 on Second Reading and refer back to the Rules & Ordinances Committee.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie.

Nays: None

Motion adopted. Ordinance substituted, 2nd reading and referred back to Rules & Ordinances Committee.

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24. **ORDINANCE NO. 101-06** – 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 enact a new Chapter within the Sanitary Code, of the Codified Ordinances of the City of Lakewood, titled Family Swimming Pools. (**PLEASE SUBSTITUTE** for Ordinance No. 101-06 PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/18/06) (Pg. 43)

Motion by Mr. Butler, seconded by Ms. Madigan, to substitute, place Ordinance No. 101-06 on Second Reading and refer back to the Rules & Ordinances Committee.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie.

Nays: None

Motion adopted. Ordinance substituted, 2nd reading and referred back to Rules & Ordinances Committee.

****NEW BUSINESS****

25. Communication from Human Resources Director Novak regarding Lakewood Association of Fire Fighters Agreement. (Pg. 49)

Motion by Mr. Seelie, seconded by Mr. Demro, to receive, file and refer the communication to the Committee of the Whole.

Motion adopted. All members voting yea.

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26. **ORDINANCE NO. 1-07** – 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 of he City of Lakewood, Ohio, to enter in an Agreement with the Lakewood Association of Firefighters, Local #382 of the International Association of Fire Fighters, AFL-CIO for three year period commencing January 1, 2007. (Pg. 50)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 1-07 on First Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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27. Communication from Law Director Corrigan regarding Parades. (Pg. 51)

Motion by Mr. Seelie, seconded by Ms. Madigan, to receive, file and refer the communication to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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28. **ORDINANCE NO. 2-07** – AN ORDINANCE to amend Chapter 557, Parades, of the Codified Ordinances of the City of Lakewood for the purpose of requiring private entities who are organizing parades or special events in the City of Lakewood pay all related expenses. (Pg. 52)

Motion by Mr. Seelie, seconded by Mr. Demro, to place Ordinance No. 2-07 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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29. Communication from Mayor George regarding Mayoral Appointments to the Community Relations Advisory Commission. (Pg. 56)

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

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30. Communication from Mayor George regarding Reappointment of Curt Brosky as Special Trustee to the Lakewood Hospital Board. (Pg. 57)

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

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31. Communication from Mayor George regarding Mayoral Appointment to the Board of Zoning Appeals. (Pg. 58)

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

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Motion by Mr. Seelie, seconded by Ms. Madigan, to adjourn.
Motion adopted. All members voting yea.
Meeting adjourned 8:03 PM.

Approved: _____

President

Clerk