

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 5, 2007
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:37 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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Motion by Mr. Seelie, seconded by Mr. Dever, to excuse the absence of Mr. FitzGerald .
Motion adopted. All members present voting yea. (Mr. FitzGerald arrives at 7:37 PM)

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

Motion by Mr. Seelie, seconded by Ms. Madigan, to defer the minutes of the Regular meeting of Council held February 20, 2007.

Motion adopted. All members voting yea.

****OLD BUSINESS****

1. Center for Nonprofit Policy and Practice 2006 Lakewood City Mission Final Report. (Pg. 6)

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

Motion adopted. All members voting yea.

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2. ORDINANCE NO. 19-07 – AN ORDINANCE to prohibit all City vehicles and equipment from idling in non-emergency situations. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 2/20/07). (Pg. 25)

Motion by Mr. Dever, seconded by Mr. Demro, to place Ordinance No. 19-07 on 2nd Reading.

Motion adopted. All members voting yea.

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3. ORDINANCE NO. 20-07- AN ORDINANCE authorizing the Mayor or his designee to renew an agreement with Lakewood Senior Citizens, Inc. that will permit the City to continue to assign three full-time City employees to act as service coordinators for the Westerly 1, II, and III senior buildings and to accept reimbursement from Lakewood Senior Citizens, Inc. for expenses related to these positions. (PLEASE SUBSTITUTE FOR ORDINANCE NO. 20-07 PLACED ON 1ST READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 2/20/07). (Pg.26)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 20-07 on 2nd Reading.
Motion adopted. All members voting yea.

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4. ORDINANCE NO. 21-07 – AN ORDINANCE authorizing the Mayor or his designee to renew an agreement with Saints Cyril and Methodius Haven, Inc. that will permit the City to continue to assign a full-time City employee to act as service coordinator for Fedor Manor and to accept reimbursement from Saints Cyril and Methodius Haven, Inc., for expenses related to these positions. (PLEASE SUBSTITUTE FOR ORDINANCE NO. 21-07 PLACED ON 1ST READING AND REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 2/20/07). (Pg.27)

Motion by Mr. Seelie, seconded by Mr. Deer, to place Ordinance No. 21-07 on 2nd Reading.

Motion adopted. Six members voting yea.
Ms. Antonio absent for vote.

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5. ORDINANCE NO. 22-07 – 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 to authorize the transfer and advance of certain funds. (PLACED ON 1ST READING AND REFERRED TO THE FINANCE COMMITTEE 2/20/07) (Pg. 28)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 22-07 on 2nd Reading.

Motion adopted. Six members voting yea.

Ms. Antonio absent for vote.

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6. ORDINANCE NO. 23-07 – 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 to establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal

year ending December 31, 2007. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/20/07). (Pg. 30)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 23-07 on 2nd Reading.

Motion adopted. Six members voting yea.
Ms. Antonio absent for vote.

****NEW BUSINESS****

7. Communication from Councilmember Butler regarding Ordinances addressing Repeated Noise Disturbances. (Pg. 32)

Motion by Mr. Seelie, seconded by Mr. Dever, to receive, file and refer the communication to the Public Safety Committee.
Motion adopted. Six members voting yea.
Ms. Antonio absent for vote.

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8. ORDINANCE NO. 24-07 – AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) elected members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Section 509.14 of the Codified Ordinances to include the issuance of noise abatement orders and notices of violation among the events that must occur in order to classify a noise violation as a nuisance activity for the purposes of the Criminal Activity Nuisances ordinance. (Pg.33)

Motion by Mr. Seelie, seconded by Mr. Butler, to place Ordinance No. 24-07 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. Six members voting yea.
Ms. Antonio absent for vote.

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9. ORDINANCE NO. 25-07 – AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) elected members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Section 515.13 of the Codified Ordinances to clarify the definition of an order requiring the immediate abatement of any source of sound alleged to be in violation of Chapter 515 of the Codified Ordinances. (Pg.40)

Motion by Mr. Seelie, seconded by Mr. Butler, to place Ordinance No. 25-07 on 1st Reading and refer it to the Public Safety Committee.
Motion adopted. Six members voting yea.

Ms. Antonio absent for vote.

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10. Communication from Councilmembers Antonio, Butler, Demro, Dever, FitzGerald, Madigan and Seelie regarding Endorsing Bond Issue for Lakewood City Schools. (Pg. 42)

Motion by Ms. Antonio, seconded by Ms. Madigan, to ensure all the members of Council appear on the communication.

Motion adopted. All members voting yea.

Motion by Mr. Demro, seconded by Mr. Seelie, to receive and file the communication as amended.

Motion adopted. All members voting yea.

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11. RESOLUTION NO. 8163-07 – A RESOLUTION to support the Lakewood City School District in its effort to secure funding for Phase II of the Designing the Next Fifty Years school rebuilding project. (Pg.43)

Motion by Mr. Seelie, seconded by Mr. Demro, to adopt Resolution No. 8163-07.

Motion adopted. All members voting yea.

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12. Communication from Planning & Development Director Jordan regarding Referral to the Planning Commission on the Detroit Avenue Streetscape. (Pg. 44)

Motion by Mr. Seelie, seconded by Ms. Madigan, to receive, file and refer the communication to the Planning Commission.

Motion adopted. All members voting yea.

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13. Planning Commission Report regarding Rezoning Permanent Parcel 315-10-140 and 141 (1422 Hopkins Avenue) and Permanent Parcel 315-10-114 (1417 Winchester Avenue_ from R2, Single – and Two-Family Residential District to an existing Planning Development. (Pg. 45)

Motion by Mr. Seelie, seconded by Ms. Antonio, to receive, file and refer the report to the Committee of the Whole.

Motion adopted. All members voting yea.

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14. ORDINANCE NO. 26-07 – 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 1422 Hopkins Avenue (PP# 315-10-140 and 141) and 1417 Winchester Avenue (PP# 315-10-114) as a

major modification to the existing Planned Development located at 12101-95 Detroit Avenue and known as Phase 1B of Rockport Square. (Pg. 46)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 26-07 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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15. Communication from Human Services Director Buckon regarding Juvenile Diversion Program. (Pg. 47)

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

Motion adopted. All members voting yea.

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16. RESOLUTION NO. 8164-07 – A RESOLUTION authorizing and directing the Mayor for and on behalf of the City of Lakewood to enter into an Agreement with the Cuyahoga County Juvenile Court to accept funds for the City’s juvenile Diversion Program. (Pg. 48)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8164-07.

Motion adopted. All members voting yea.

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17. Communication from Planning and Development Director Jordan regarding Lakewood’s Start Up and Existing Entrepreneurial Development Program (“SEED”). (Pg. 49)

Motion by Mr. Seelie, 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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18. ORDINANCE NO. 27-07 – AN ORDINANCE to authorize the Director of Planning and Development to enter into an agreement with WECO Fund, Inc. (WECO) to administer the Lakewood Start Up and Existing Entrepreneurial Development Program (SEED) in an amount not to exceed \$100,000. (Pg. 50)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 27-07 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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19. Communication from Human Services Director Buckon regarding Resolution for Public Health Subsidy Agreement. (Pg. 51)

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

Motion adopted. All members voting yea.

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20. RESOLUTION NO. 8165-07 – A RESOLUTION authorizing and directing the Mayor or his designee, for an don behalf of the City of Lakewood to enter into a Subsidy Agreement with the State of Ohio, Ohio Department of Health to enhance the public health services of the Department of Human Services/Division of Health associated with the implementation of Chapter 3794 of the Ohio Revised Code for the time period from January 2, 2007 through June 30, 2007 in the amount of \$2,171.00. (Pg. 52)

Motion by Mr. Seelie, seconded by Ms. Madigan, to adopt Resolution No. 8165-07.

Motion adopted. All members voting yea.

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21. Communication from Finance Director Pae regarding 2007 Capital Contracting Ordinances: Parks & Pool Improvements. (Pg. 53)

Motion by Mr. Seelie, seconded by Ms. Antonio, to receive, file and refer the communication to the Public Works Committee.

Motion adopted. All members voting yea.

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22. ORDINANCE NO. 27-A-07 (CORRECTION DUE TO NUMBER DUPLICATION) – 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 Parks & Pools Improvements in accordance with the Administrative Code for the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 54)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 27-A-07 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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23. ORDINANCE NO. 28-07- AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) embers 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 Manger to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for Parks & Pools 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. (Pg. 56)

Motion by Mr. Seelie, seconded by Mr. Devr, to place Ordinance No. 28-07 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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24. Communication from Finance Director Pae regarding \$2,623,000 City of Lakewood, Ohio 2007 Various Purpose General Obligation Anticipation Notes. (Pg. 58)

Motion by Mr. Seelie, seconded by Ms. Antonio, to receive, file and refer the communication to the Finance Committee.

Motion adopted. All members voting yea.

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25. Fiscal Officers' Certificate of Maximum Maturity – Street Improvement Notes, Series 2007. (Pg. 59)

*BLANKET MOTION by Mr. Seelie, seconded by Mr. Demro, to receive and file the Fiscal Officers' Certificates in items 27, 29, 31, 33.

Motion adopted. All members voting yea.

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26. ORDINANCE NO. 29-07 – AN ORIDNANCE 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 provide for the issuance and sale of notes of the City in a maximum principal amount of \$1,929,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of improving certain streets in the City, and declaring an emergency. (Pg. 60)

****WITHOUT OBJECTION MR. SEELIE CALLS FOR BLANKET Motion TO BE MADE AT THE COMPLETION OF READING THE BOND NOTE ORDINANCES.**

Motion made after Item 34.

27. Fiscal Officer's Certificate of Maximum Maturity – Buildings and Facilities Notes, Series 2007. (Pg. 68)

*Blanket Motion made on Fiscal Officer's certificates – See item 25.

28. ORDINANCE NO. 30-07 – 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, to provide for the issuance and sale of notes of the City in a maximum principal amount of \$181,000, in anticipation of the

issuance of bonds, for the purpose of paying the costs of reconstructing, renovating, and improving certain City buildings and facilities, and declaring an emergency. (Pg. 69)

**Blanket Motion made after Item 34.

29. Fiscal Officer's Certificate of Maximum Maturity – Sidewalk Program Notes, Series 2007. (Pg. 77)

*Blanket Motion made – See item 25.

30. ORDINANCE NO. 31-07 – AN ORDINANCE to take effect immediately provided I 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 provide for the issuance and sale of notes of the City in a maximum principal amount of \$201,000, in anticipation of the issuance of bonds, and the levy and collection of special assessments, for the purpose of paying the costs of the City's 2007 sidewalk program, and declaring emergency. (Pg. 78)

**Blanket Motion made after Item 34.

31. Fiscal Officer's Certificate of Maximum Maturity - Municipal Recreational Facilities Notes, Series 2007. (Pg. 86)

*Blanket Motion made – See item 25.

32. ORDINANCE NO. 32-07- 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, to provide for the issuance and sale of notes of the City in a maximum principal amount of \$252,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of improving municipal recreational facilities, and declaring an emergency. (Pg. 87)

**Blanket Motion made after Item 34.

33. Fiscal Officer's Certificate of Maximum Maturity – Reforestation Program Notes, Series 2007. (Pg. 95)

*Blanket Motion made – See item 25.

34. ORDINANCE NO. 33-07 – 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, to provide for the issuance and sale of notes of the City in a maximum principal amount of \$60,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of the City's reforestation program, and declaring an emergency. (Pg. 96)

**BLANKET MOTION BY Mr. Seelie, seconded by Mr. Butler, to place Ordinance No. 29, 30, 31, 32 and 33-07.

Motion adopted. Six members voting yea.

Mr. Dever absent for vote.

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35. Liquor Permit Application for C1, C2, D8 stocks to TAP ON TAP d/b/a Friendly Mini Mart; 16708 Detroit Avenue. (Pg. 104)

Motion by Mr. FitzGerald, seconded by Mr. Dever, to file no objection.
Motion adopted. All members voting yea.

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Motion by Mr. Seelie, seconded by Ms. Antonio, to adjourn the meeting.
Motion adopted.
Meeting adjourned 9:10PM.

Approved: _____

President

Clerk