

**MINUTES  
OF THE  
REGULAR MEETING OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
APRIL 2, 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 Ms. Antonio.

Motion adopted. All members present voting yea.

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

Motion by Mr. Seelie, seconded by Mr. Dever, to approve the minutes of the Regular meetings of Council held March 19, 2007.

Motion adopted. All members present voting yea.

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**\*\*\*\*OLD BUSINESS\*\*\*\***

1. Committee of the Whole Oral Report regarding Ordinance No. 26-07.

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

Motion adopted. All members voting yea.

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2. **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.

(PLACED ON 1<sup>ST</sup> READING & REFERRED TO The COMMITTEE OF The WHOLE 3/5/07, 2<sup>ND</sup> READING 3/19/07) (Pg. 6)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 26-07.

Motion adopted. All members voting yea.

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3. Committee of the Whole Oral Report regarding Ordinance No. 27-07.

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

Motion adopted. All members voting yea.

4. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 3/5/07, 2<sup>ND</sup> READING 3/19/07) (Pg. 7)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 27-07.

Motion adopted. All members voting yea.

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5. Committee of the Whole Oral report regarding Creating a “Fiscal Reserve Fund” and Creating an Economic Development Revolving Loan Fund.

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

Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 34-07** – AN ORDINANCE to enact a new section of the Codified Ordinances of the City of Lakewood entitled Fiscal Reserve Fund, for the purposes of maintaining a financial reserve for the operations of the City of Lakewood. (1<sup>ST</sup> READING 3/19/07, 2<sup>ND</sup> READING 3/26/07) (Pg.8)

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

Motion adopted. All members voting yea.

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7. **ORDINANCE NO. 35-07** – AN ORDINANCE to enact a new section of the Codified Ordinances of the City of Lakewood entitled Economic Development Revolving Loan Fund, for the purpose of accruing funds to be used to stimulate and maintain economic growth in the City of Lakewood. (1<sup>ST</sup> READING 3/19/07, 2<sup>ND</sup> READING 3/26/07) (Pg. 9)

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

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8. Committee of the Whole Report regarding Ordinance No. 36-07. (Pg.10)

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

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9. Fiscal Officer's Certificate – Various Purpose General Obligation Bonds, Series 2007.  
(Pg. 12)

Motion by Mr. Seelie, seconded by Mr. Dever, to receive and file the certificate.  
Motion adopted. All members voting yea.

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10. **ORDINANCE NO. 36-07** – 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 bonds of the City in a maximum principal amount of \$9,425,000, to retire certain outstanding notes of the City, and declaring an emergency. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 36-07 PLACED ON 1<sup>st</sup> Reading and REFERRED TO THE FNIANCE COMMITTEE 3/19/07, 2<sup>ND</sup> READING 3/26/07(Pg.13)

Motion by Mr. Seelie, seconded by Mr. Dever, to substituted Ordinance No. 36-07.

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

Nays: None

Motion adopted. Ordinances substituted.

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 36-07.

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

Nays: None

Motion adopted. Ordinance No. 36-07 adopted as substituted.

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11. Committee of the Whole Report regarding Ordinance No. 37-07. (Pg.20)

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

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12. Fiscal Officer's Certificate – Various Purpose General Obligation Bonds, Series 2007.  
(Pg. 22)

Motion by Mr. Seelie, seconded by Mr. Demro, to receive and file the certificate.  
Motion adopted. All members voting yea.

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13. **ORDINANCE NO. 37-07** – 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 bonds of the City in a maximum principal amount of \$11,235,000, to advance refund certain outstanding bonds of the City, and declaring an emergency. **(PLEASE SUBSTITUTE FOR ORDINANCE NO. 37-07 PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 3/19/07, 2<sup>ND</sup> READING 3/26/07)** (Pg. 23)

Motion by Mr. Seelie, seconded by Mr. Dever, to substitute Ordinance No. 37-07.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie  
Nays: None  
Ordinance No. 37-07 substituted.

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 37-07.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie  
Nays: None  
Ordinance No. 37-07 adopted as substituted.

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14. Communication from Finance Director Pae regarding Roll over of 2005/06 G.O. Notes totaling \$2,525,000 for motorized vehicles and \$975,000 for Computerized Systems. (Pg. 32)

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

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15. **ORDINANCE NO. 40-07** – AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least (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 \$2,525,000, in anticipation of the issuance of bonds, for the purpose of retiring outstanding motorized equipment notes of the City, and declaring an emergency. (Pg. 33)

Motion by Mr. Seelie, seconded by Mr. Dever, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 40-07 on final reading.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie  
Nays: None  
Motion adopted. Rules Suspended.

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Ordinance No. 40-07.

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

Nays: None

Motion adopted. Ordinance No. 40-07 adopted.

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16. **ORDINANCE NO. 41-07** – AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least (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 \$975,000, in anticipation of the issuance of bonds, for the purpose of retiring outstanding computer notes of the City, and declaring an emergency. (Pg. 38)

Motion by Mr. Seelie, seconded by Ms. Antonio, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 41-07 on final reading.

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

Nays: None

Motion adopted. Rules Suspended.

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Ordinance No. 41-07.

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

Nays: None

Motion adopted. Ordinance No. 41-07 adopted.

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17. **ORDINANCE NO. 38-07** – 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 Director of Finance to sell, through public internet auctions, various obsolete, surplus and non-functioning City vehicles, materials and/or equipment as authorized by Ohio Revised Code §721.55(D). (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 3/19/07. (Pg.43)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 38-07 on 2<sup>nd</sup> Reading.  
Motion adopted. All members voting yea.

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18. Liquor Permit transfer of a D5 permit class to Leedy & Ginnard Inc. d/b/a FAIS DO DO, 16017 Detroit Avenue from Leedy & Ginnard d/b/a Martinis Restaurant, 15315 Madison Avenue & Patio, Lakewood, Ohio. (DEFERRED 3/19/07) (Pg. 45)

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

Motion adopted. All members voting yea.

\*\*\*\*NEW BUSINESS\*\*\*\*

19. Communication from Councilmember Demro regarding Recurring Lakewood Center North Noise Nuisance. (Pg. 46)

Motion by Mr. Demro, 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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20. Communication from Councilmember Demro regarding Street Lights On St. Charles Avenue. (Pg. 47)

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

Motion adopted. All members voting yea.

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21. Communication from Finance Director Pae regarding 2006 Wastewater Treatment Plan Improvements Contracting Authority Ordinance. (Pg. 48)

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

Motion adopted. All members voting yea.

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22. **ORDINANCE NO. 11-06B** – 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, amending Ordinance 11-06A adopted December 18, 2006 for the purpose of adding contracting authority authorizing and directing the Director of Public Works to advertise for bids and enter into a contract with the lowest and best bidder for Wastewater Treatment Plan 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. 49)

Motion by Mr. Seelie, seconded by Mr. Dever, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 11-06B on final reading.

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

Nays None.

Rules suspended.

Motion by Mr. Dever, seconded by Mr. Seelie, to adopt Ordinance No. 11-06B.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie  
Nays None.  
Ordinance No. 11-06B adopted.

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23. Communication from Finance Director Pae regarding Auction of Obsolete Equipment.  
(Pg. 51)

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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24. **ORDINANCE NO. 42-07** - 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 and directing the Director of Finance to sell, through public auctions, various obsolete, surplus and non-functioning City vehicles, materials and/or equipment. (Pg. 52)

Motion by Mr. Seelie, seconded by Ms. Madigan, to place Ordinance No. 42-07 on 1<sup>st</sup> Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

25. Communication form Mayor George regarding the Retirement of Delores Chisar. (Pg. 53)

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

Motion adopted. All members voting yea.

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26. **RESOLUTION NO. 8167-07** – A RESOLUTION to commend Delores Chisar on the occasion of her retirement from the Department of Public Works. (Pg. 54)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8167-07.

Motion adopted. All members voting yea.

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27. Communication from Mayor George regarding Charles E. Barrett. (Pg. 55)

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

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28. **RESOLUTION NO. 8168-07** – A RESOLUTION to commend Charles E. Barrett for his public service in the Division of Housing and Building for the City of Lakewood. (Pg. 56)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8168-07.  
Motion adopted. All members voting yea.

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29. Communication from Mayor George regarding Public Health Week April 2<sup>nd</sup>-8<sup>th</sup>, 2007. (Pg. 57)

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

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30. **RESOLUTION NO. 8169-07** – A RESOLUTION declaring the week of April 2<sup>nd</sup> – 8<sup>th</sup>, 2007 as **Public Health Week** in the City of Lakewood. (Pg. 58)

Motion by Mr. Seelie, seconded by Ms. Madigan, to adopt Resolution No. 8169-07.  
Motion adopted. All members voting yea.

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31. Add-on Communication from Law Director Corrigan regarding Proposed Amendments to Attack Problem of Misclassification of Workers And Non-payment of Income Taxes on Construction Sites in Lakewood. (Pg. 59)

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

Motion adopted. All members voting yea.

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32. Add-on **ORDINANCE NO. 43-07** – 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 add Section 128.2703 of the Lakewood Codified Ordinances, entitled “LIABILITY OF CONSTRUCTION CONTRACTORS, SUBCONTRACTORS, AND INDEPENDENT CONTRACTORS”, for the purposes of expanding the Administrative Code to provide for the collection of municipal income taxes by the City of Lakewood Tax Department for construction employers. (Pg. 60)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 43-07 on 1<sup>st</sup> Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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33. Add-on **ORDINANCE NO. 44-07** – AN ORDINANCE to take effect immediately provided I 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 add subsection (3) to Section 1323.01 of the Lakewood Codified Ordinances to reinforce the obligation of Lakewood construction contractors to employ only those who have the legal right to work in the United States of America. (Pg. 62)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 44-07 on 1<sup>st</sup> Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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Meeting adjourned 9:04 PM.

Approved: \_\_\_\_\_

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President

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Clerk