

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

Regular Meeting of the Lakewood City Council called to order at 7:34 PM by Acting President Dever.

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

Also Present: Mayor George, Law Director Corrigan, Acting Finance Director Pae, Police Chief Malley, Fire Division Representative, Human Services Director Buckon, Public Works Director Beno, Safety Director for Housing and Building 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 Special Meeting of Council held March 8 , 2007.

Motion adopted. All members voting yea.

Motion by Mr. Seelie, seconded by Mr. Dever, to defer action on the Minutes of the Regular Meeting of Council held April 6, 2007 without the necessity of a reading.

Motion adopted. Six members present voting yea.
Mr. Seelie abstains.

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

1. Finance Committee Report (to be provided) regarding Ordinance No. 74-06A.

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. **ORDINANCE NO. 74-06A** – 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 Ordinance 74-06, adopted December 18, 2006 for the purpose of adding and deleting

contracting authority for 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 enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2007 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 4/16/07) (Pg. 7)

Motion by Mr. Seelie, seconded by Mr. Dever, to substitute.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Seelie
Madigan absent for vote
Nays: None
Motion adopted. Ordinance 74-06A substituted.

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. 74-06A on final reading.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Seelie
Madigan absent for vote
Nays: None
Motion adopted. Rules suspended.

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 74-06A as substituted.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None.
Motion adopted. Ordinance No.74-06A adopted as substituted.

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3. Rules and Ordinances Committee Report regarding Civil Service Regulation Ordinances 79 through 89 - (06) and ORDINANCE NO. 2-07 Parade Fees. (Pg. 13)

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

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4. **ORDINANCE NO. 79-06** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to define the duties of the Secretary of the Civil Service Commission. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 11/20/06, 2nd 12/4/06). (Pg. 14)

Motion by Mr. Butler, seconded by Mr. Dever, to adopt Ordinance No. 79-06.
Motion adopted. All members voting yea.

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5. **ORDINANCE NO. 80-06** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to set out age requirements for entry level positions in the Fire Department. (PLACED ON 1ST READING & REFERRED TO THE RULES ORDINANCES COMMITTEE 11/20/06, 2nd 12/4/06). (Pg. 15)

Motion by Mr. Butler, seconded by Mr. Dever, to adopt Ordinance No. 80-06.

Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 81-06** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to set out additional credits extended to candidates for original appointment to a civil service position. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 81-06 PLACED ON 1ST READING & REFERRED TO THE RULES ORDINANCES COMMITTEE 11/20/06). (Pg. 16)

Motion by Mr. Seelie, seconded by Mr. Demro, to substitute Ordinance No. 81-06.

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

Nays: None

Motion adopted. Ordinance No. 81-06 substituted.

Motion by Mr. Butler, seconded by Mr. FitzGearld, to adopt Ordinance No. 81-06 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 81-06 adopted as substituted.

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7. **ORDINANCE NO. 82-06** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to set out the procedure for deciding tie scores on civil service examinations. (PLACED ON 1ST READING & REFERRED TO THE RULES ORDINANCES COMMITTEE 11/20/06, 2nd 12/4/06). (Pg. 19)

Motion by Mr. Butler, seconded by Mr. Dever, to adopt Ordinance No. 82-06.

Motion adopted. All members voting yea. Ordinance No. 82-06 adopted.

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8. **ORDINANCE NO. 83-06** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to set out the procedure for temporary appointments. (PLACED ON 1ST READING &

REFERRED TO THE RULES ORDINANCES COMMITTEE 11/20/06, 2nd 12/4/06).
(Pg. 21)

Motion by Mr. Butler, seconded by Mr. Dever, to adopt Ordinance No. 83-06.
Motion adopted. All members voting yea.

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9. **ORDINANCE NO. 84-06** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to set out general promotional appointments to a civil service position. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 84-06 PLACED ON 1ST READING & REFERRED TO THE RULES ORDINANCES COMMITTEE 11/20/06, 2nd 12/4/06).
(Pg. 23)

Motion by Mr. Butler, seconded by Mr. Dever, to substitute Ordinance No. 84-06.
Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None
Motion adopted. Ordinance No. 84-06 substituted.

Motion by Mr. Butler, seconded by MR. Dever, to adopt Ordinance No. 84-06 as substituted.
Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie.
Nays: None
Motion adopted. Ordinance No. 84-06 adopted as substituted.

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10. **ORDINANCE NO. 85-06** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to set out promotions for uniformed police and fire. (PLACED ON 1ST READING & REFERRED TO THE RULES ORDINANCES COMMITTEE 11/20/06, 2nd 12/4/06).
(Pg. 25)

Motion by Mr. Butler, seconded by Mr. Dever, to substitute Ordinance No. 85-06.
Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None
Motion adopted. Ordinance No. 85-06 substituted.

Motion by Mr. Butler, seconded by MR. Dever, to adopt Ordinance No. 85-06 as substituted.
Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays; None
Motion adopted. Ordinance No. 85-06 adopted as substituted.

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11. **ORDINANCE NO. 86-06** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to set out the probationary period for original and promotional appointments. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 86-06 PLACED ON 1ST READING &

REFERRED TO THE RULES ORDINANCES COMMITTEE 11/20/06, 2nd 12/4/06).
(Pg. 27)

Motion by Mr. Butler, seconded by Mr. Dever, to substitute Ordinance No. 86-06.

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

Nays: None

Motion adopted. Ordinance No. 86-06 substituted.

Motion by Mr. Dever, seconded by Mr. Seelie, to adopt Ordinance No .86-06 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 86-06 adopted as substituted.

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12. **ORDINANCE NO. 87-06** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to set out the order of lay-off of a civil service position. (PLACED ON 1ST READING & REFERRED TO THE RULES ORDINANCES COMMITTEE 11/20/06, 2nd 12/4/06).
(Pg. 29)

Motion by Mr. Butler, seconded by Mr. Dever, to adopt Ordinance No. 87-06.

Motion adopted. All members voting yea.

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13. **ORDINANCE NO. 88-06** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to set out lay-off lists for appointment to a civil service position. (PLACED ON 1ST READING & REFERRED TO THE RULES ORDINANCES COMMITTEE 11/20/06, 2nd 12/4/06).
(Pg. 31)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 88-06.

Motion adopted. All members voting yea.

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14. **ORDINANCE NO. 89-06** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to set out abolishment of a civil service position. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 89-06 PLACED ON 1ST READING & REFERRED TO THE RULES ORDINANCES COMMITTEE 11/20/06, 2nd 12/4/06). (Pg. 33)

Motion by Mr. Butler, seconded by Mr. Dever, to substitute Ordinance No .89-06.

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

Nays: None

Motion adopted. Ordinance No. 89-06 substituted.

Motion by Mr. Butler, seconded by Mr. Dever, to adopt Ordinance No. 89-06 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 89-06 adopted as substituted.

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15. **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. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 2-07 PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 1/2/07, 2nd Read 1/16/07)(Pg. 35)

Motion by Mr. Butler, seconded by Butler, seconded by Ms. Antonio, to substitute Ordinance No. 2-07.

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

Nays: None

Motion adopted. Ordinance No. 2-07 substituted.

Motion by Mr. Butler, seconded by MR. Dever, to adopt Ordinance No. 2-07 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 2-07 adopted as substituted.

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16. 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, 4/2/07 and 4/16/07) (Pg. 39)

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

Motion adopted. All members voting yea.

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

17. Communication from Councilmember Demro regarding Revising Curfew Law. (Pg.40)

Motion by Mr. Demro, seconded by Mr. Butler, to amend the communication to include the names of Councilmembers Butler and Madigan on the communication.

Motion adopted. All members voting yea.

Motion by Mr. Demro, seconded by Ms. Madigan, to receive, file and refer this communication as amended to the Public Safety Committee.

Motion adopted. All members voting yea.

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18. **ORDINANCE NO. 45-07** – AN ORDINANCE amending Chapter 509 of the General Offenses Code of the Codified Ordinances of the City of Lakewood relating to the curfew within the City. (Pg.41)

Motion by Mr. Demro, seconded by Mr. Dever, to place Ordinance No. 45-07 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

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19. Communication regarding Resolution to rename Madison Park Pool the Mariann Miller Becks Community Pool. (To be Provided).

Motion by Ms. Madigan, seconded by Mr. Demro, to include all members of Council on the Communication and to receive and file.

Motion adopted. All members voting yea.

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20. **RESOLUTION NO. 8174-07** A RESOLUTION renaming Madison Park Pool the Mariann Miller Becks Community Pool. (Pg. 43)

Motion by MR. Seelie, seconded by Ms. Madigan, to adopt Resolution No. 8174-07.

Motion adopted. All members voting yea.

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21. Communication from Councilmember Antonio regarding Adding the name of Navy Petty Officer Michael J. Holtz to Veterans Memorial Plaque. (Pg. 43A)

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

Motion adopted. All members voting yea.

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22. Communication from Finance Director Pae regarding Amendment to Ordinance No. 23-07. (Pg. 44)

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

Motion adopted. All members voting yea.

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23. **ORDINANCE NO. 23-07A** – 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 amend Ordinance No. 23-07, adopted March 26, 2007 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. (Pg.45)

Motion by Mr. Seelie, seconded by Mr. Butler, to suspend the rules requiring this Ordinance be read on three separate days and Placing Ordinance No. 23-07A on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Seelie, seconded by Ms. Madigan, to adopt Ordinance No. 23-07A

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

Nays: None

Motion adopted. Ordinance No. 23-7A adopted.

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24. Communication from Public Works Director Beno regarding Gypsy Moth Control Program. (Pg. 58)

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

Motion adopted. All members voting yea.

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25. **RESOLUTION NO. 8175-07** – 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 declaring spraying on private property for gypsy moths a public purpose. (Pg.59)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8175-07.

Motion adopted. All members voting yea.

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26. Communication from Finance Director Pae regarding Auction of Obsolete and Forfeited Vehicles. (Pg. 60)

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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27. **ORDINANCE NO. 46-07** – 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 on an ongoing basis, through public auctions, various obsolete, surplus and non-functioning City vehicles. (Pg.61)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 46-07 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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28. Communication from Police Chief Malley regarding Nutro Products Donation. (Pg. 62)

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

Motion adopted. All members voting yea.

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29. **RESOLUTION NO. 8176-07** – 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, on behalf of the City of Lakewood, coupons for the purchase of Nutro Max dog Food for one of the Lakewood K-9 nits from Nutro Products valued at over \$450 annually. (Pg. 63)

Motion by Mr. Seelie, seconded by Ms. Madigan, to adopt Resolution No. 8176-07.

Motion adopted. All members voting yea.

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30. Communication from Police Chief Malley regarding National Police Week. (Pg. 64)

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

Motion adopted. All members voting yea.

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31. **RESOLUTION NO. 8177-07** – A RESOLUTION to recognize members of the Lakewood Division of Police and all peace officers during National Police Week 2007. (Pg.65)

Motion by Mr. Seelie, seconded by Ms. Madigan, to adopt Resolution No. 8177-07.

Motion adopted. All members voting yea.

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32. Communication from Finance Director Pae regarding TIF G.O. Bond Anticipation Note Authorization for the Cliffs Project. (Pg. 66)

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

Motion adopted. All members voting yea.

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33. Fiscal Officers Certificate Not to Exceed \$2,700,000 The Cliffs Redevelopment Project Taxable Bond Anticipation Notes, Series 2007.(Pg.67)

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

Motion adopted. All members voting yea.

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34. **ORDINANCE NO. 47-07** – 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 of Lakewood, Ohio, in anticipation of the issuance of bonds, in the principal amount of not to exceed \$2,700,000 for the purpose of paying the costs of public infrastructure improvements for the Cliffs Project. (Pg.68)

Motion by Mr. Seelie, seconded by Ms. Madigan, to place Ordinance No. 47-07 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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35. Communication from Planning and Development Director Jordan regarding Joint Economic Development Zone Agreement. (Pg. 72)

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

Motion adopted. All members voting yea.

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36. **ORDINANCE NO. 48-07** – 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 at the earliest time permitted by law, authorizing the Mayor to enter into a Joint Economic Development Zone Agreement with the City of Cleveland in connection with both the reduction of Cleveland’s water rate increases adopted through 2010 and the reduction of any further increases during the balance of the twenty-year term of the JEDZ Agreement. (Pg.73)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 48-07 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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37. Liquor Permit Transfer of C1, C2 D6 classifications to Brimar Enterprises, Inc. d/b/a Lakewood Beverage & Deli 15512 Madison Avenue from Dunav Beverage and Deli Co. Inc. d/b/a Lakewood Beverage & Deli, same address. (Pg.82)

Motion by Mr. FitzGerald, seconded by MR. Demro, to defer action on this liquor permit.
Motion adopted. Six members voting yea.
Mr. Butler abstains.

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Motion by Mr. Seelie, seconded by Mr. Demro, to adjourn the meeting.

Motion adopted. All members voting yea.

Meeting adjourned 9:00 PM.

Approved: _____

President

Clerk