

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
May 21, 2007
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:38 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.

Also Present: Law Director Corrigan, Finance Director Pae, , 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. Demro, seconded by Mr. Dever, to approve the minutes of Regular Meeting of Council held May 7, 2007.

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report (to be provided) labor contracts.

Mr. Seelie provided the following report:

The Committee of the Whole met earlier this evening to discuss labor contracts with regard to correctional officers and the dispatchers. After discussion in the Committee meeting, there was a decision to unanimously recommend to suspend the rules and to pass both of these contracts this evening which will be on item 15 and 17 later in the agenda.

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

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2. Housing Committee Report regarding Ordinance No. 79-05. (Pg.6)

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

Motion adopted. All members voting yea.

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3. **ORDINANCE NO. 79-05** – 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, creating a new Section in Chapter 1306, “Property Maintenance and Safety Code”. (**PLEASE SUBSTITUTE** for Ordinance No. 79-05 Placed on 1st Reading and referred to the Housing Committee 9/6/05, 2nd Reading 10/3/05). (Pg.7)

Motion by Mr. Seelie, seconded by Ms. Antonio, to substitute Ordinance No. 79-05.

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

Nays: None

Motion adopted. Ordinance No. 79-05 substituted.

Motion by Mr. Seelie seconded by Mr. Dever, to adopt Ordinance No. 79-05 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 79-05 adopted as substituted.

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4. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 5/7/07)(Pg. 10)

Motion by Mr. Seelie, seconded by Mr. FitzGerald, to place Ordinance No. 45-07 on Second reading and refer it back to the Public Safety Committee.

Motion adopted. All members voting yea.

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5. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 5/7/07) (Pg. 12)

Motion by Mr. Seelie, seconded by Mr. Butler, to place Ordinance No. 46-07 on Second reading and refer it back to the Finance Committee.

Motion adopted. All members voting yea.

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6. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 5/7/07) (Pg. 13)

Motion by Mr. Seelie, seconded by Ms. Madigan, to place Ordinance No. 47-07 on second reading and refer it back to the Finance Committee.

Motion adopted. All members voting yea.

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7. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 5/7/07) (Pg. 17)

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

Motion adopted. All members voting yea.

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8. 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, 4/16/07 and 5/7/07) (Pg. 23)

Motion by Mr. FitzGerald, seconded by Mr. Dever, to file no objection to the permit application.

Motion adopted. All members voting yea.

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9. 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. (DEFERRED 5/7/07) (Pg.24)

Motion by Mr. FitzGerald, seconded by Mr. Demro, to file no objection to the permit application.

Motion adopted. Six members voting yea
Mr. Butler abstains.

****NEW BUSINESS****

10. Communication from Councilmember Dever regarding Update of Municipal Fire Alarm System and School Crossing Guard Hours. (Pg. 25)

Motion by Mr. Dever, 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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11. Communication from Councilmember Butler regarding Replacing Chapter 373 - Bicycle Code. (Pg.26)

Motion by Mr. Butler, 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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12. **ORDINANCE NO. 49-07** – 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, repealing and replacing Chapter 373 of the Codified Ordinances to update the traffic laws regarding bicycle operation in the City of Lakewood in accordance with 126 H.B. 389 as enacted.(Pg.27)

Motion by Mr. Butler, seconded by Mr. Dever, to place Ordinance No. 49-07 on First Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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13. Communication from Councilmember Demro regarding Warren Road. (Pg. 42)

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

Motion adopted. All members voting yea.

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14. Communication from Law Director Corrigan regarding Fraternal Order of Police Ohio Labor Council Inc. (Jailers). (Pg.43)

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. 50-07** – 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 the City of Lakewood, Ohio, to enter into an Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc. (Correction Officers) for a three year period commencing January 1, 2007. (Pg.44)

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. 50-07 on final reading.

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. 50-07.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None
Motion adopted. Ordinance No. 50-07 adopted.

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16. Communication from Law Director Corrigan regarding Fraternal Order of Police, Ohio Labor Council Inc. (Dispatchers/Matrons). (Pg. 45)

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

Motion adopted. All members voting yea.

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17. **ORDINANCE NO. 51-07** – 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 the City of Lakewood, Ohio, to enter into an Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc. (Dispatchers) for a three year period commencing January 1, 2007. (Pg.46)

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. 51-07 on final reading.

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. 51-07.

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

Nays: None

Motion adopted. Ordinance No. 51-07 adopted.

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18. Communication from Mayor George and Heritage Advisory Board Chair Sicha regarding 2007 City of Lakewood Preservation Awards Program. (Pg. 47)

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

Motion adopted. All members voting yea.

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19. **RESOLUTION NO. 8178-07** – A RESOLUTION recognizing that the month May 2007 has been designated as National Preservation Month and acknowledging the 2007 Preservation Award winners within the City of Lakewood. (Pg.48)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8178-07.

Motion adopted. All members voting yea.

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20. Communication from Mayor George regarding Emergency Medical Services Week – May 20-26th. (Pg.49)

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

Motion adopted. All members voting yea.

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21. **RESOLUTION NO. 8179-07** – A RESOLUTION authorizing the Mayor as Director of Public Safety, on behalf of the City, to proclaim May 20-26th, 2007 as Emergency Medical Services Week. (Pg. 50)

Motion by Mr. Seelie, seconded by Mr. Butler, to adopt Resolution No. 8179-07.

Motion adopted. All members voting yea.

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22. Communication from Finance Director Pae regarding 2007 Ohio Public Employees Retirement System pick-up plan Documentation Requirement. (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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23. **ORDINANCE NO. 52-07** – 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, authorizing the City of Lakewood to pick up the statutorily

required contribution to the Public Employees Retirement System of Ohio for the employees of the City pursuant to Internal Revenue Code Section 414 (h) (2). (Pg.52)

Motion by Mr. Seelie, seconded by Mr. Butler, to suspend the rules requiring this Ordinance be read on three separate days and placing

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. 52-07.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: Non
Motion adopted. Ordinance No. 52-07 adopted.

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24. Communication from Finance Director Pae regarding 2007 Salary Ordinance. (Pg.54)

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

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25. ORDINANCE NO. 53-07 – 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, creating positions and providing for rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners, effective January 1, 2007. (Pg.55)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 53-07 on First Reading and refer it to the Finance Committee.

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Motion by Mr. Seelie, seconded by Ms. Madigan, to adjourn the meeting.
Motion adopted. All members voting yea.

Meeting adjourned 8:33 PM.

Approved: _____

President

Clerk

