

**MINUTES  
OF THE  
REGULAR MEETING OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
JUNE 4, 2007  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:38 PM by President Seelie.

....

Present: Councilmembers Nickie J. Antonio, Kevin Butler, Ryan Patrick Demro, Edward FitzGerald (Mr. FitzGerald arrives at 7:53 PM and leaves at 8:20 PM) Mary Louise Madigan, Robert M. Seelie.

Also Present: Mayor George, Assistant Law Director Tom Corrigan, Finance Director Pae, Police Chief Malley, Fire Representative, Human Services Director Buckon, Public Works Director Beno, Building Representative Fillar, Planning & Development Director Jordan, Human Resources Director Novak.

....

Motion by Mr. Seelie, seconded by Ms. Madigan, to excuse the absences of Mr. Dever and Mr. FitzGerald (Mr. FitzGerald arrives at 7:53 PM).

Motion adopted. All members present voting yea.

Motion by Mr. Demro, seconded by Mr. Dever, to approve the minutes of Regular Meetings of Council held May 7, 2007 and May 21, 2007.

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

Without objection from Council, items 10, 11, 20 and 21 were read first respectively in the agenda order.

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

1. Committee of the Whole Report regarding Settlement Agreement. (Pg.5)

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

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

2. Finance Committee Report regarding Ordinances Nos. 46-07 (City Auction) and Ordinance 53-07 (Administrative Salary Bands). (Pg.6)

Motion by Mr. Seelie, seconded by Ms. Antonio, to receive and file the report.  
Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

3. **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 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 5/7/07, 2<sup>ND</sup> READING 5/21/07) (Pg. 7)

Motion by Mr. Seelie, seconded by Ms. Madigan, to adopt Ordinance No. 46-07.  
Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

4. **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. (PLACED ON 1<sup>ST</sup> READING AND REFERRED TO THE FINANCE COMMITTEE 5/21/07) (Pg. 8)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Ordinance No. 53-07.  
Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

5. Public Works Committee Report regarding Ordinance No. 48-07 – JEDZ Agreement. (Pg.12)

Motion by Mr. Demro, seconded by Ms. Madigan, to receive and file the report.  
Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

6. **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 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 5/7/07, 2<sup>ND</sup> READING 5/21/07 – SUBSTITUTE TO BE PROVIDED) (Pg. 13)

Motion by Mr. Seelie, seconded by Ms. Antonio, to substitute Ordinance No. 48-07.

Yeas: Antonio, Butler, Demro, Madigan, Seelie

Nays: None

Mr. Dever; Mr. FitzGerald absent

Motion adopted. Ordinance No. 48-07 substituted.

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Ordinance No. 48-07.

Yeas: Antonio, Butler, Demro, Madigan, Seelie

Nays: None

Mr. Dever; Mr. FitzGerald, absent

Motion adopted. Ordinance No. 48-07 adopted as substituted.

- ....
7. Public Safety Committee Report regarding Ordinance No. 45-07 (To be provided).

Mr. FitzGerald arrived at 7:53 PM and provided the following report:

The Public Safety Committee met On Friday, June 1st, at 4:30 p.m. in the Council conference room. In attendance were the committee members, Councilpersons Demro and Madigan, Lt. Ciresi on behalf of Chief Malley, and Human Services Director Buckon.

Lt. Ciresi confirmed that this proposal has merit. He also stated that the police department had begun citing parents under the current statute in the last two weeks. I requested some historical data on curfew citations and arrests, which he will provide at a later date. He also stated that the police use discretion in their enforcement of these laws, so as not to punish those with legitimate reasons to be out after curfew.

The general intent of the legislation is to provide another tool to combat juvenile misbehavior. There was agreement among all present that the new ordinance would be an improvement over the existing law.

Currently, our curfew ordinance states that children under 15 cannot be out from 11:00 p.m. until 4:00 a.m.; children 15 - 17 cannot be out from 12:30 a.m. until 4 a.m.

The new ordinance would states that children 13 and under cannot be out from 9:30 p.m. until 5:00 a.m.; children ages 14 and 15 cannot be out from 10:00 a.m. until 5:00 a.m.; and children 16 and 17 cannot be out from 11:00 p.m. until 5 a.m.

Councilman Demro explained that part of the purpose of this ordinance was to respond to the City of Cleveland's recent change in their curfew ordinances. Councilman Demro did not have the Cleveland ordinance information at the committee meeting, but my research indicates that Cleveland's new ordinance states that children aged 13 and 14 cannot be

out from 9:30 p.m. until 5:00 a.m., children aged 15 and 16 cannot be out from 11:00 p.m. until 5:00 a.m., and children aged 17 cannot be out after midnight. Because the our new ordinance is still less restrictive for 14 year olds, I will be suggesting a change in tonight's ordinance so that it conforms with that aspect of the Cleveland ordinance.

The Committee voted unanimously to recommend adoption of the ordinance by City Council, and to do so expeditiously so that it can be in effect for this summer. We also requested that the Law Department review the ordinance and make any appropriate drafting suggestions.

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

Motion adopted. Six members voting yea.  
Mr. Dever absent

....

8. **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 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 5/7/07, 2<sup>ND</sup> READING 5/21/07)(Pg. 17)

Motion by Ms. Antonio, seconded by Mr. Demro, to amend Ordinance No. 45-07 by extending the curfew time in the morning until 6:00 a.m.

Discussion was had indicating the new ordinance would state that children 13 and under cannot be out from 9:30 p.m. until 5:00 a.m.; children ages 14 and 15 cannot be out from 10:00 a.m. until 5:00 a.m.; and children 16 and 17 cannot be out from 11:00 p.m. until 5 a.m”.

It was explained that part of the purpose of the ordinance was to respond to the City of Cleveland's recent change in their curfew ordinances. IT was indicated that Cleveland's new ordinance states that children aged 13 and 14 cannot be out from 9:30 p.m. until 5:00 a.m., children aged 15 and 16 cannot be out from 11:00 p.m. until 5:00 a.m., and children aged 17 cannot be out after midnight. It was indicated that the new ordinance is still less restrictive for 14 year olds. A change in the ordinance was discussed to that it conforms with the aspects described in the Cleveland ordinance.

It was indicated that a correction was to be made to the section "under 14" as it originally didn't include 14 year olds. It was indicated that the Cleveland ordinance includes anyone of or under the age of 14.

Assistant Law Director Corrigan indicated amendments to A & B would include the words "of or under".

A clarification was made indicating the following:

".... on the second page of the substitute in Section A add after the words, "no child" - "of" and then "or".. Section B - of/or in all the areas that it refers to".

It was also amended to read; "and then in those sections, after the semi-colon - "nor shall any parent or guardian of any child...." removing of/ or"

Additionally, "...of or over the age of 14..." both A & B.

On the amendments:

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

Nays; None

Mr. Dever absent

Motion adopted. Ordinance No. 45-07 amended.

Motion by Mr. Seelie, seconded by Mr. FitzGerald, to adopt as amended.

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

Nays: None

Mr. Dever absent

Motion adopted. Ordinance No. 45-07 adopted as amended.

....

9. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/21/07) (Pg. 19)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 49-07 on 2<sup>nd</sup> Reading.

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

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

10. Communication from Councilmember Antonio regarding Dignity of Human Rights Pride Week. (Pg. 24)

{Items 10 was read first in the agenda order}

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

Motion adopted. Five members voting yea.

Mr. Demro voting nay

Mr. Dever absent

....

11. **RESOLUTION NO. 8180-07** – A RESOLUTION to proclaim the week of June 16, 2007 as Dignity of Human Rights Pride Week in Lakewood, Ohio, thereby recognizing the LGBT community for its many and varied contributions that have enriched our civic life and aided in creating a more accepting and diverse society and community. (Pg 25)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Resolution No. 8180-07.

Motion adopted. Five members voting yea

Mr. Demro voting nay

Mr. Dever absent

Resolution No. 8180-07 adopted.

- ....
12. Communication from Councilmember Madigan regarding Preventing Neighborhood Eyesores. (Pg. 26)

Motion by Ms. Madigan, seconded by Ms. Antonio, to receive, file and refer the communication to the Housing Committee.

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

- ....
13. Communication from Finance Director Pae regarding Updated Appropriations Ordinance. (Pg. 27)

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

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

- ....
14. **ORDINANCE NO. 54-07** – 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 additional appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2007. (Pg. 28)

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. 54-07 on final reading.

Yeas: Antonio, Butler, Demro, Madigan, Seelie

Nays: None

Mr. Dever and Mr. FitzGerald absent

Motion adopted. Rules suspended.

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Ordinance 54-07.

Yeas: Antonio, Butler, Demro, Madigan, Seelie  
Nays: None  
Mr. Dever and Mr. FitzGerald absent  
Motion adopted. Ordinance No. 54-07 adopted.

....

15. Communication from Finance Director Pae regarding Amendment to Purchasing & Contracting Ordinance. (Pg. 30)

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

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

16. **ORDINANCE NO. 74-06B** – 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 74-06A, adopted May 9, 2007 for the purpose of adding and deleting contracting authority for the Mayor (Director of Public Safety), the Director for 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 Appropriations Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 31)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 74-06 B on 1<sup>st</sup> Reading and refer it to the Committee of the Whole

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

17. Communication from Planning & Development Director Jordan regarding Referral to the Planning Commission on the Hogsback Lane Study. (Pg.37)

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

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

18. Communication from Planning & Development Director Jordan regarding Creation of a Land Bank. (Pg. 38)

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

communication to the Finance Committee.

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

19. **ORDINANCE NO. 55-07** – 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 City of Lakewood to establish a Land Reutilization Program as provided in Chapter 5722 of the Ohio Revised Code. (Pg. 39)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 55-07 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

20. Communication from Mayor George regarding Lakewood Chamber of Commerce. (Pg. 41)

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

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

21. **RESOLUTION NO. 8181-07** – A RESOLUTION to congratulate the Lakewood Chamber of Commerce on being awarded honorable mention in the Northern Ohio Area Chambers of Commerce Growth Chamber Challenge. (Pg. 42)

Motion by Mr. Seelie, seconded by Mr. Demro, to adopt Resolution No. 8181-07.

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

22. Communication from Law Director Corrigan regarding Erosion Control measures at 1000 Estill Drive, Lakewood, Ohio. (Pg. 43)

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

Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

....

23. **RESOLUTION NO. 8182-07** – A RESOLUTION approving the use of submerged land for property located at and abutting 1000 Estill Drive in the City of Lakewood, Ohio (a legal description of which is attached hereto as “Exhibit A”) so that the owner can undertake lakeshore protection measures. (Pg. 44)

Motion by Mr. Seelie, seconded by Ms. Madigan, to adopt Resolution No. 8182-07.



Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.  
Resolution No. 8182-07 adopted.

....

Motion by Mr. Butler, seconded by Ms. Antonio, to adjourn the meeting.  
Motion adopted. Five members voting yea. Mr. Dever; Mr. FitzGerald absent.

Meeting adjourned 9:04 PM.

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

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk