

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JUNE 18, 2007
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:34 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: Mayor George, Law Director Corrigan, Finance Director Pae, Police Chief Malley, Fire Chief Mroz, Human Services Director Buckon, Public Works Director Beno, Project Administrator for New Lakewood Fitzgerald, Planning & Development Director Jordan, Human Resources Director Novak.

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Motion adopted. All members present voting yea.

Motion by Mr. Demro, seconded by Mr. Dever, to approve the minutes of Regular Meeting of Council held June 4, 2007.

Motion adopted. All members voting yea.

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Without objection from Council, Items 9, 10, 11, and 12 are read first respectively in the agenda order.

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

1. Committee of the Whole Report regarding Amendment to Contracting Ordinance- Phase I Evaluation of Park Facilities. (Pg. 6)

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

Motion adopted. Six members voting yea.

Mr. Dever abstains.

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2. **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. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 6/4/07) (Pg. 7)

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. 74-06B on final reading.

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

Nays: None

Mr. Dever abstains

Motion by Mr. Seelie, seconded by Mr. Demro, to adopt Ordinance No. 74-06B.

Yeas: Antonio, Butler, Demro, FitzGerald, Seelie

Nays: None

Mr. Dever abstains.

Ms. Madigan absent for vote.

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3. **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 1ST READING AND REFERRED TO THE FINANCE COMMITTEE 5/21/07, REPORTED OUT ON, PLACED ON 2ND READING AND RECOMMENDED FOR ADOPTION 6/4/07) (Pg. 13)

Motion by Mr. Seelie, seconded by Mr. FitzGerald, to adopt Ordinance No. 53-07.

Motion adopted. All members voting yea.

4. Rules & Ordinances Committee Report regarding Ordinances Nos. 43-07 and 44-07- Misclassification of Workers and Non payment of Income Taxes on Construction Sites. (To be provided).

Mr. Butler submitted the following report.

The Rules & Ordinances Committee, consisting of Councilman FitzGerald and me convened twice to discuss the ordinances that follows this communication; 43-07 and 44-07. 43-07 deals with the complete payment of income taxes to the City on construction projects occurring within the City and being proposed through the Building Department. 43-07 creates a new section of the Codified Ordinances which requires that companies dealing in Lakewood and participating in construction projects in Lakewood are fully paid in terms of their income taxes and they report their employees correctly. 44-07 creates a separate offense in the Codified Ordinances which prohibits the employment of illegal workers in the United States in the City of Lakewood. After some revisions made to both ordinances Councilman FitzGerald and I voted unanimously most lately this evening to pass both ordinances as substituted. You have the substitute ordinances in front of you, Members of Council, and we recommend that they be placed on third reading and adopted this evening as substituted.

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

Carpenters Union Representative spoke in favor of the ordinances.

Motion adopted. All members voting yea.

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

Motion adopted. All members voting yea.

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5. **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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 4/2/07, 2ND READING 4/16/07) (Pg. 17)

Motion by Mr. Seelie, seconded by Mr. Butler, to substitute No. 43-07

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 43-07 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 43-07 adopted as substituted.

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6. **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 93) 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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 4/2/07, 2ND READING 4/16/07) (Pg. 19)

Motion by Mr. Seelie, seconded by Mr. Butler, to substitute No. 44-07

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 44-07 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 44-07 adopted as substituted.

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7. **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. (PLACED ON 1ST READING AND REFERRED TO THE FINANCE COMMITTEE 6/4/07) (Pg. 21)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 55-07 on second reading.

Motion adopted. All members voting yea.

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

8. Communication from Councilmember Antonio regarding Calanni Auto Service. (Pg. 23)

Approximately three business owners in the Madison Avenue area indicated ongoing parking problems for businesses abutting Calanni Auto Service.

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

Motion adopted. All members voting yea.

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9. Communication from Councilmember Madigan regarding Commending Ennis Court. (Pg. 24)

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

Motion adopted. All members voting yea.

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10. **RESOLUTION NO. 8183-07** – A RESOLUTION commending Ennis Court for being rated one of Ohio's top 10 nursing homes by the Nursing Facility Family Satisfaction Survey of nursing homes sponsored by the Ohio Department of Aging. (Pg. 25)

Motion by Mr. Seelie, seconded by Ms. Madigan, to adopt Resolution No. 8183-07.

Motion adopted. All members voting yea.

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11. Communication from Councilmember Demro regarding Eagle Scouts Timothy Sweeney and Ronald Giermann. (Pg. 26)

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

Motion adopted. All members voting yea.

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12. **RESOLUTION NO. 8184-07** – A RESOLUTION congratulating Ronald Robert Giermann, a member of the Boy Scouts of America, on earning the rank of Eagle Scout. (Pg. 27)

Motion by Mr. Demro, seconded by Mr. Dever, to adopt Resolution No. 8184-07.
Motion adopted. All members voting yea.

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13. **RESOLUTION NO. 8185-07** – A RESOLUTION congratulating Timothy Joseph Sweeney, a member of the Boy Scouts of America, on earning the rank of Eagle Scout. (Pg. 28)

Motion by Mr. Demro, seconded by Mr. Dever, to adopt Resolution No. 8185-07.
Motion adopted. All members voting yea.

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14. Communication from Councilmember Demro regarding Madison and Warren Intersection. (Pg. 29)

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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15. Communication from Councilmembers Butler, Dever, and FitzGerald regarding City's Participation in An Erosion-control and Lake Access Plan. (Pg. 30)

Motion by Mr. Butler, 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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16. Communication from Mayor George regarding Mayoral Appointment to the Architectural Review Board. (Pg. 31)

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

Motion adopted. Six members voting yea.

Ms. Madigan absent for vote.

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17. Communication from Finance Director Pae regarding 2007 2nd Quarter Transfers and Advances. (Pg. 32)

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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18. **ORDINANCE NO. 56-07** – 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. (Pg. 33)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 56-07 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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19. Communication from Mayor George regarding Mayoral Appointment to the Keep Lakewood Beautiful Board. (Pg.35)

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. 8186-07** – AN EMERGENCY RESOLUTION approving the nomination and appointment, by Mayor George of Karla Kowalski as a member of the Keep Lakewood Beautiful Board for a three year term, commencing immediately and ending December 31, 2009. (Pg. 36)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8186-07.
Motion adopted. All members voting yea.

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21. Communication from Police Chief Malley regarding Byrne Justice Assistance Grant. (Pg 37)

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

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22. **RESOLUTION NO. 8187-07** – 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, as Safety Director, to enter into an agreement on behalf of the City to accept and expend grant funds, currently estimated at \$15,346, from the Cuyahoga County Board of Commissioners/Criminal Justice Services Agency and Supervisory Board (BOCC/CJSA) from the U.S. Department of Justice Byrne Justice Assistance Grants (JAG). (Pg. 38)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Resolution No. 8187-07.
Motion adopted. All members voting yea.

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23. Communication from law Director Corrigan regarding Proposed New Regulations of Portable Storage Containers. (Pg. 39)

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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24. **ORDINANCE NO. 57-07** – 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 _____ of the Lakewood Codified Ordinances to provide for the reasonable regulation and placement of portable storage containers. (Pg. 40)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 57-07 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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25. Liquor Permit Application for a new D1 classification to AED Enterprises d/b/a Deweys Pizza, 18516 Detroit. (Pg.44)

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

Motion adopted. All members voting yea.

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Motion by Mr. Seelie, seconded by Ms. Madigan, to adjourn the meeting.

Motion adopted. All members voting yea.

Meeting adjourned 9:54 PM.

Approved: _____

President

Clerk