

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JULY 16, 2007
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:40 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 Representative, Human Services Director Buckon, Public Works Director Beno, City Engineer Albrecht, Planning & Development Director Jordan, Project Coordinator for New Lakewood Fitzgerald, Human Resources Director Novak.

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Motion adopted. All members present voting yea.

Motion by Mr. Demro, seconded by Ms. Madigan, to approve the minutes of Regular Meeting of Council held July 2, 2007.

Motion adopted. All members voting yea.

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Without objection from Council a Birdtown presentation was given (Item 15) .
Items 4 & 5, 39, 40, were read first in the agenda order.

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

1. Committee of the Whole Report regarding Fraternal Order of Police, Western Cuyahoga Lodge No. 25 Agreement. (To be provided)

Mr. Seelie provided the following report:

The Committee of the Whole met earlier this evening and reviewed the Police Contract. It is for three years and we unanimously recommended that we adopt the contract.

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. Communication from Law Director Corrigan regarding Fraternal Order of Police, Western Cuyahoga Lodge No. 25. (Pg. 8)

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

Motion adopted. All members voting yea.

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3. ORDINANCE NO. 62-07 – 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, authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Western Cuyahoga Lodge No. 25, Fraternal Order of Police, Lakewood Division for a three year period commencing January 1, 2007. (Pg.9)

Motion by Mr. Seelie, seconded by Mr. Dever, to suspend the rules requiring this ordinance be read on three different days and placing Ordinance No. 62-07 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. 62-07.

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

Nays: None

Motion adopted. Ordinance No. 62-07 adopted.

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4. Communication from Councilmember Antonio regarding Resolution Congratulating Parnell Egan. (DEFERRED 7/2/07)(Pg.10)

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

Motion adopted. All members voting yea.

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5. RESOLUTION NO. 8189-07 – A RESOLUTION to congratulate Parnell Egan as being named 2007 Business Person of the Year by the Lakewood Chamber of Commerce and to further congratulate Mr. Egan on the occasion of his 21 year anniversary as owner of the West End Tavern a Lakewood Business that has become a model Lakewood institution. (DEFERRED 7/2/07)(Pg. 11)

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

Motion adopted. All members voting yea.

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6. Rules & Ordinances Committee Report regarding Ordinance No. 57-07 Regulation and Placement of Portable Storage Containers. (TO BE PROVIDED)

Mr. Butler submitted the following report:

On Thursday the twelfth the Rules and Ordinances Committee met; Councilman FitzGerald and I were in attendance. We met to consider the following ordinance which has been read twice so far Ordinance 57-07 which regulates the use and licensing of portable storage containers most commonly known right now as Pods in the City of Lakewood. Currently we have no regulations on the books for those containers. We studiously considered the following ordinance and discussed it with the Administration, which recommended its adoption and we agreed. Tonight we ask that it be adopted by the full Council.

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

Mr. Butler asked to amend the report indicating some minor changes were made, that those changes have been presented to the full Council prior to the meeting. He indicated that the motion will be to adopt the substituted ordinance.

Motion adopted. All members voting yea.

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7. **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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 6/18/07, 2ND READING 7/2/07) (Pg. 12)

Motion by Mr. Butler, seconded by Mr. Seelie, to substitute Ordinance No. 57-07.

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

Nays: None

Motion adopted. Ordinance No. 57-07 substituted.

Motion by Mr. Butler, seconded by Mr.. Dever, to adopt Ordinance No. 57-07 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 57-07 adopted as substituted.

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8. Liquor Permit Application for a new D1 classification to AED Enterprises d/b/a Deweys Pizza, 18516 Detroit. (Deferred 6/18/07 & 7/2/07) (Pg.16).

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

Motion adopted. All members voting yea.

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9. Liquor Permit for a D1 transfer to Donatos Pizzeria d/b/a Donatos , 18100 Detroit Avenue from Tyson Food Group same address. (DEFERRED 7/2/07) (Pg. 17)

Motion by Mr. FitzGerald, seconded by Mr. Dever, to file no objection to this liquor permit.

Motion adopted. All members voting yea.

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10. **ORDINANCE NO. 58-07** – AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into agreements with the Cuyahoga Housing Consortium (“Consortium”) and/or the Cuyahoga County Department of Development and Lakewood Senior Citizens, Inc. for participation in the U.S. Department of Housing and Urban Development (HUD) HOME Program (“Program”) in an amount not to exceed Two Hundred Thousand Dollars (\$200,000) for use in renovation for the conversion of existing efficiency units to one bedroom units and any other use that the Consortium finds is consistent with the HOME Program. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 7/2/07) (PG. 18)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 58-07 on 2nd Reading and refer back to the Public Works Committee.

Motion adopted. All members voting yea.

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11. **ORDINANCE NO. 60-07** – AN ORDINANCE to amend Section 903.07, Nonconforming Sidewalks, of the Codified Ordinances of the City of Lakewood, for the purpose of requiring property owners to maintain and repair sidewalks and driveway aprons and regulating the materials to be used for sidewalks and driveway aprons. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 7/2/07) (Pg. 19)

Motion by Mr. Butler, seconded by Mr. Seelie, to place Ordinance No. 60-07 on 2nd Reading.

Motion adopted. All members voting yea.

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12. **ORDINANCE NO. 61-07** – AN ORDINANCE to amend Section 903.10, Duty to Repair and Maintain Sidewalks, of the Codified Ordinances of the City of Lakewood, for the purpose of requiring property owners to maintain and repair sidewalks and driveway aprons and regulating the materials to be used for sidewalks and driveway aprons. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 7/2/07) (Pg. 20)

Motion by Mr. Butler, seconded by Mr. Dever, to place Ordinance No. 61-07 on 2nd Reading.

Motion adopted. All members voting yea.

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

13. Communication from Mayor George and Councilmember Antonio regarding Report from Lakewood Housing Advisory Panel. (Pg.23)

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

Motion adopted. All members voting yea.

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14. Communication from Steven M. Ott regarding Report from Lakewood Housing Panel. (Pg.25)

Motion by Ms. Antonio, seconded by Jr. Seelie, to receive, file and refer the Report to the Housing Committee.

Motion adopted. All members voting yea.

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15. Communication from Councilmembers Antonio and Madigan regarding Grant Elementary School Presentation of Birdtown Documentary. (Pg. 40)

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

Motion adopted. All members voting yea.

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16. Communication from Councilmember Dever regarding Wind Energy Facility Ordinance. (Pg.41)

Motion by Mr. Dever, 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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17. Communication from Councilmember Demro regarding Request for Proposal Procedures for Towing Services in Lakewood. (Pg. 50)

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

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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18. Communication from Councilmember Demro regarding Detroit Avenue Resurfacing Project Impact on Local Businesses. (Pg.51)

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

Motion adopted.
Five Members voting yea.
Mr. Seelie voting nay.
Mr. FitzGerald absent for vote.

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19. Communication from Councilmember Demro regarding Post-construction Condition of Yards on Warren Road. (Pg.52)

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

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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20. Communication from Councilmember Demro regarding funding of Cuyahoga County Convention Center and Medical Mart. (Pg.53)

Motion by Mr. Demro, seconded by MR. Butler, to receive, file and refer the communication to the Committee of the Whole.

Motion fails

Roll call was taken to receive, file and refer the communication to the Committee of the Whole.

Yeas: Butler, Demro,

Nays: Antonio, Dever, Madigan

Mr. FitzGerald absent for vote.

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21. **RESOLUTION NO. 8188-07** – A RESOLUTION urging the Cuyahoga County Commissioners to advance the convention center and Medical Mart project, to reconsider the funding mechanism, and to place the proposal on the ballot to gain public support. (MOTION TO ADOPT FAILED FOR LACK OF A SECOND JULY 2, 2007.) (Pg.54)

Motion by Mr. Demro to adopt fails for lack of a second.

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22. Communication from Law Director Corrigan regarding Proposed Legislation regarding Window Treatments, Outdoor Grilling, Overcrowding, and Requiring Photo Identification. (Pg.55)

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

Motion adopted. Six members voting yea.

Mr. FitzGerald absent for vote.

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23. **ORDINANCE NO. 63-07** – AN ORDINANCE to create a new Section within Chapter 1306, Property Maintenance and Safety Code, titled Maintenance of Interior Structure, of the Codified Ordinances of the City of Lakewood to prohibit the use of flags, sheets, newspapers or other materials not intended or designed as window treatments to be hung in windows. (Pg.56)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 63-07 on 1s Reading and refer it to the Housing Committee.

Motion adopted. Six members voting yea.

Mr. Fitzgerald absent for vote.

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24. **ORDINANCE NO. 64-07** – AN ORDINANCE to create a new Section 1501.17, Front or Side yard Grilling, of the Codified Ordinances of the City of Lakewood prohibit grilling within fifteen feet of the public right-of-way. (Pg.57)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 64-07 on 1st Reading and refer it to the Housing Committee.

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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25. **ORDINANCE NO. 65-07** – AN ORDINANCE to create a new Section 1501.15, Maximum Occupancy Loads, of the Codified Ordinances of the City of Lakewood to create a violation for permitting occupancy load limits to be exceeded. (Pg.58)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 65-07 on 1st Reading and refer it to the Housing and Public Safety Committee.

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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26. **ORDINANCE NO. 66-07** – AN ORDINANCE to amend Section 1501.99, Penalty, of the Codified Ordinances of the City of Lakewood to create a penalty for occupancy load limit violations. (Pg.59)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 66-07 on 1st Reading and refer it to the Housing and Public Safety Committees.

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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27. **ORDINANCE NO. 67-07** – AN ORDINANCE to create a new Section 115.01, Photo Identification Required, within a new Chapter 115, Administrative Requirements, of the Codified Ordinances of the City of Lakewood to allow representatives of the City of Lakewood to require an individual doing business with the City of Lakewood to show photo identification in order to complete the requested transaction. (Pg.60)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 67-07 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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28. Communication from Public Works Director Beno regarding Clifton Watermain OPWC Grant Received. (Pg.63)

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. Communication from Finance Director Pae regarding Amendments to Street Reconstruction & Rehabilitation Ordinance. (Pg.64)

Motion by Mr. Seelie, seconded by Ms. Antonio, to receive and file the communication. Roll call was taken to receive and file the communication.

Yeas: Butler, Demro,

Nays: Antonio, Dever, Madigan

Mr. FitzGerald absent for vote.

Motion to receive and file fails.

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30. **ORDINANCE NO. 95-06A** – 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 95-06, adopted February 5, 2007 for the purpose of adding contracting authority authorizing and directing 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Infrastructure Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts show without separate resolution of Council. (Pg. 65)

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. 95-06A on final reading.

Yeas: Antonio, Butler, Dever, Madigan, Seelie

Nays: Demro

Mr. FitzGerald absent for vote.

Motion adopted. Rules suspended.

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 95-06A

Yeas: Antonio, Butler, Dever, Madigan, Seelie

Nays: Demro
Mr. FitzGerald absent for vote
Motion adopted. Ordinance No. 95-06A adopted.

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31. Communication from Finance Director Pae regarding Amendment to 2007 CDBG Street Projects Ordinance. (PG. 67)

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

Motion adopted. Six members voting yea.

Mr. Fitzgerald absent for vote.

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32. **ORDINANCE NO. 96-06A – 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 96-06, adopted February 5, 2007 for the purpose of adding contracting authority authorizing for the purpose of authorizing and directing 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **C.D.B.G. Fund Infrastructure 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.68)

Motion by Mr. Seelie, seconded by Mr. Dever, to suspend the rules requiring this ordinance be read on three separate day sand placing Ordinance No.96-06Aon final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 96-06A.

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

Nays: None

Motion adopted. Ordinance No. 96-06A adopted.

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33. Communication from Mayor George regarding Core Services Exercise. (Pg.70)

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

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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34. Communication from Mayor George regarding Lakewood Chapel. (Pg.72)

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

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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35. **RESOLUTOIN NO. 8192-07** – A RESOLUTION commending Pastor Michael Bartolone, Lead Pastor and Lakewood Chapel at their new home at 2150 Warren Road, Lakewood, Ohio. (Pg.73)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8192-07.

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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36. Communication from Mayor George regarding Proposed Amendments to Homestead Exemption and Sprinkler Sewer Credits. (Pg.74)

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

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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37. **ORDINANCE NO. 68-07** – 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, amending Section 915.03 Homestead Exemption of the Codified Ordinances of the City of Lakewood, the special homestead exemption for water rates for persons over 65 years of age, or persons permanently and totally disabled, by increasing the income eligibility amount to \$35,000. (Pg.75)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 68-07 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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38. **ORDINANCE NO. 69-07** - 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 time permitted by law, to enact new Sections within Chapter 902, Charges for Wastewater Disposal and Industrial Pretreatment to create a homestead exemption and summer sprinkling program within wastewater disposal. (Pg.77)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 69-07 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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39. Communication from Mayor George regarding 2007 Grand Marshal of the July 4th Parade Dr. Richard H. Parks, J. , Pastor Lakewood United Methodist Church. (Pg.79)

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

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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40. **RESOLUTION NO. 8193-07** – A RESOLUTION to thank Dr. Richard Parks, Pastor of the Lakewood United Methodist Church, for participating in the City of Lakewood 4th of July Parade as the Grand Marshal. (Pg. 80)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8193-07.

Motion adopted. Six members voting yea.
Mr. FitzGerald absent for vote.

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41. Communication from Human Services Director Buckon regarding Cities Readiness Initiative Funding. (Pg.81)

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

Motion adopted. Five members voting yea.
Mr. FitzGerald and Ms. Antonio absent for vote.

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42. **RESOLUTION NO. 8190-07A** – 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 at the earliest period allowed by law, amending Resolution No. 8190-07, authorizing the Director of the Department of Human Services, on behalf of the City, to enter into an Agreement with the Cuyahoga County Board of Health to accept and expend funds for purposes of developing and maintaining a strong public health infrastructure, specifically to build out the Cities’ Readiness Initiative. (Pg. 82)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Resolution No. 8190-07A.

Motion adopted. Six members voting yea.

Mr. FitzGerald absent for vote.

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43. Communication from Human Services Director Buckon regarding Resolution Acknowledging Efforts of LIFE and VITA Volunteers. (Pg.84)

Motion by Mr. Seelie, seconded by Mr. Dever, to defer action on this communication.

Motion adopted. Six members voting yea.

Mr. FitzGerald absent for vote.

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44. **RESOLUTION NO. 8194-07** – A RESOLUTION acknowledging the efforts of the Lakewood Initiative for Financial Education (LIFE) partners and Volunteers in Tax Assistance (VITA) to increase financial literacy and Earned Income Tax Credit filing among Lakewood residents. (Pg.85)

Motion by Mr. Seelie, seconded by Mr. Dever, to defer action on this Resolution until the second meeting in September.

Motion adopted. Six members voting yea.

Mr. FitzGerald absent for vote.

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

Motion adopted. All members present voting yea.

Meeting adjourned 10:34 PM.

Approved: _____

President

Clerk