

**MINUTES  
OF THE  
REGULAR MEETING OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
SEPTEMBER 17, 2007  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33PM 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, Planning & Development Director Jordan, Human Resources Director Novak.

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Motion adopted. All members present voting yea.

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

Motion adopted. All members voting yea.

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1. Finance Committee report regarding Cliffs Project - Ordinance No. 47-07. (Pg. 7)

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. Fiscal Officer's Certificate – Not to Exceed \$2,700,000 The CLIFFS REDEVELOPMENT PROJECT TAXABLE BOND ANTICIPATION NOTES, SERIES 2007. (Pg. 8)

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

Motion adopted. All members voting yea.

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3. **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 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 5/7/07, 2<sup>nd</sup> READING 5/21/07) (Pg. 9)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 47-07.

Motion adopted. All members voting yea.

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4. Finance Committee Report regarding 2008 Tax Budget Resolution – Resolution No. 8196-07. (Pg.13)

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

Motion adopted. All members voting yea.

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5. **RESOLUTION NO. 8196-07** – A RESOLUTION 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 approving the Tax Budget of the City of Lakewood, State of Ohio for the year 2008, and authorizing the filing of same with the Auditor of Cuyahoga County. (REFERRED TO THE FINANCE COMMITTEE 9/4/07)(Pg. 14)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8196-07.

Motion adopted. All members voting yea.

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6. Finance Committee Report regarding 2007 (Phase 2) Capital Lease Authorization. (Pg.15)

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

Motion adopted. All members voting yea.

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7. **ORDINANCE NO. 76-07** - 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 Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood (“Lessee”). (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 9/4/07) (Pg. 16)

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. 76-07 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. 76-07.

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

Nays: None

Motion adopted. Ordinance No. 76-07 adopted.

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8. Public Works Committee Report regarding Ordinance Nos. 58-07, 68-07, 69-07, 80-07 and 81-07 & Traffic Control Device Request. (Pg. 19)

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

Motion adopted. All members voting yea.

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9. **ORDINANCE NO. 58-07** – 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, 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 Twenty-eight Thousand Dollars (\$228,000) 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. (PLEASE SUBSTITUTE FOR ORDINANCE NO. 58-07 PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 7/2/07, 2<sup>ND</sup> READING 7/16/07). (Pg. 21)

Motion by Mr. Dever, seconded by Mr. Seelie, to substitute Ordinance No. 58-07.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance NO. 58-07 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 58-07 adopted as substituted.

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10. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 7/16/07, 2<sup>ND</sup> READING 9/4/07) (Pg.23)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 68-07.

Motion adopted. All members voting yea.

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11. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 7/16/07, 2<sup>ND</sup> READING 9/4/07) (Pg. 25)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 69-07.

Motion adopted. All members voting yea.

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12. **ORDINANCE NO. 80-07** – 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 create new a Chapter titled Construction Site Soil Erosion and Water Runoff within Part Nine, Streets, Utilities and Public Service of the Codified Ordinances of the City of Lakewood to regulate construction water runoff for the protection of the City’s storm sewer. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 9/4/07) (Pg. 27)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 80-7 on 2<sup>nd</sup> reading and refer it out of the Public Works Committee into the Committee of the Whole.

Motion adopted. All members voting yea.

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13. **ORDINANCE NO. 81-07** – 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 create new a Chapter titled Construction Water Quality Runoff within Part Nine, Streets, Utilities and Public Service of the Codified Ordinances of the City of Lakewood to regulate post-construction water runoff for the protection of the City’s storm sewer. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 9/4/07) (Pg. 32)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 81-07 on 2<sup>nd</sup> Reading and refer it out of the Public Works Committee into the Committee of the Whole.

Motion adopted. All members voting yea.

14. Rules & Ordinances Committee Report regarding Ordinances Nos. 60-07, 61-07, 75-07, 79-07, 49-07 and 19-07. (Pg.36)

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

Motion adopted. All members voting yea.

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15. **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 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 7/2/07, 2<sup>ND</sup> READING 7/16/07) (Pg. 38)

Motion by Mr. Butler, seconded by Mr. Dever, to Adopt Ordinance No. 60-07.

Motion adopted. All members voting yea.

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16. **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 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 7/2/07, 2<sup>ND</sup> READING 7/16/07) (Pg. 39)

Motion by Mr. Butler, seconded by Mr. Dever, to adopt Ordinance No. 61-07.

Motion adopted. All members voting yea.

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17. **ORDINANCE NO. 75-07** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to remove the Lakewood City School District from the jurisdiction of the City of Lakewood Civil Service Commission. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/4/07) (Pg. 42)

Motion by Mr. Butler, seconded by Mr. Dever, to report Ordinance No. 75-07 out of Committee, to place on 2<sup>nd</sup> Reading and recommend adoption at the next Council Meeting,

Motion adopted. All members voting yea.

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18. **ORDINANCE NO. 79-07-** AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members elected to Council, otherwise, it shall take effect and be in force after the earliest period allowed by law, determining the fees to be paid by any person offering video service in the City pursuant to a State-issued video service authorization, and authorizing the Mayor to give notice of the fee to the video service provider. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/4/07) (Pg. 43).

Motion by Mr. Butler, seconded by Mr. FitzGerald, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 79-07 on final reading.

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

Nays; None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Mr. Seelie, to adopt Ordinance No. 79-07.

Discussion was had regarding the reason for suspending the rules. It was indicated that adoption of the ordinance would allow the City to comply with State Law as soon as possible. The Ordinance was defined as one that formally places any person offering video service in the City as being put on notice of the City's five percent gross revenue fee. The Law Director indicated the effective date of Senate Bill 117 was September 24, further indicating the City had ten days to respond after submittal to define the specific revenue. The revenue was determined to continue a five percent (5%) fee previously charged and includes advertising fees. It was stated that upon the City being notified of the granting of the State franchising authorization to any video provider, within ten days, the City can put them on notice that this body will approve the collection of that fee. It was stated that if it is not done, the video service fee would be zero.

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

Nays: None

Motion adopted. Ordinance No. 79-07 adopted.

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19. **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, 2<sup>ND</sup> READING 6/4/07) (Pg. 46)

Motion by Mr. Butler, seconded by Mr. Dever, to substitute Ordinance No. 49-07.

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

Nays: None

Motion adopted. Ordinance No. 49-07 substituted..

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 49-07.

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

Nays: None

Motion adopted. Ordinance No. 49-07 adopted as substituted.

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20. **ORDINANCE NO. 19-07** – AN ORDINANCE to prohibit all City vehicles and equipment from idling in non-emergency situations. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 2/20/07, 2<sup>ND</sup> READING 3/5/07). (Pg. 61)

Motion by Mr. Butler, seconded by Mr. Dever, to defer action on this Ordinance.

The question of deferral was discussed and it was indicated that language in the ordinance was still being discussed, and that the ordinance was still active in the Committee.

Motion adopted. All members voting yea.

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21. Communication from Human Services Director Buckon regarding Resolution Acknowledging Efforts of LIFE and VITA Volunteers. (DEFERRED 7/16/07 (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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22. **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. (DEFERRED 7/16/07) (Pg.63)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8194-07.

Motion adopted. All members voting yea.

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23. **ORDINANCE NO. 78-07** – 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 approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matters (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE (9/4/07). (Pg. 64)

Motion by Mr. Seelie, seconded by Mr. Butler, to place Ordinance No 78-07 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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24. 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, 7/16/07, 9/4/07) (Pg. 66).

Motion by Mr. FitzGerald, seconded by Mr. Dever, to defer action on the liquor permit.

Motion adopted. All members voting yea.

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

25. Communication from Law Director Corrigan regarding Parade Permits. (Pg.67)

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

Motion adopted. All members voting yea.

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26. **ORDINANCE NO. 82-07** – 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 amend Section 557.04, Permit and Application, of the Codified Ordinances of the City of Lakewood for the purpose of providing police protection to the Lakewood Board of Education at no additional cost where an event is organized under this Chapter. (Pg. 68)

Timely event was discussed with regarding to suspension of the rules.

Motion by Mr. Butler, seconded by Ms. Madigan to amend Ordinance No. 82-07 to change the second No. 9 under 557.04a to “No. 10”.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie  
Nays: None  
Motion adopted. Ordinance No. 82-07 amended.

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. 82-07 on final reading.

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

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Ordinance No. 82-07 as amended

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie  
Nays: None  
Motion adopted. Ordinance No. 82-07 adopted as amended.

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27. Communication from Public Works Director Beno regarding No Turn On Red.  
(Pg. 71)

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

Motion adopted. All members voting yea.

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28. **ORDINANCE NO. 83-07** – 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 amend section 313.10, Prohibited Turns on Red Signals, of the Lakewood Codified Ordinances of the City of Lakewood for the purpose of including the intersection of Detroit Avenue at Cohasset Avenue on the

westbound approach and Detroit Avenue at Bunts Road on all four approaches between the hours of 8:00 a.m and 4:00 p.m., Monday through Friday. (Pg.72)

Motion by Mr. Dever, seconded by Ms. Antonio, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 83-0 on final reading.

(Discussion after the communication was had regarding the recommendation to suspend the rules, indicating the immediate need for safety as the school year was already underway)

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. 83-07.

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

Nays: None

Motion adopted. Ordinance No. 83-07 adopted.

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29. Communication from Planning & Development Director Jordan regarding Safe Routes To School (SRTS) Grant. (Pg. 77)

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

Motion adopted. All members voting yea.

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**30. ORDINANCE NO. 84-07** – 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 period allowed by law, to authorize the Director of Planning and Development of the City of Lakewood to execute and submit an application for Safe Routes to School Projects through the State of Ohio, Department of Transportation for the enhanced safety of bicycle and pedestrian traffic at Emerson Elementary and Horace Mann Elementary Schools (“Infrastructure for Safety First at Emerson Elementary and Horace Man Elementary Schools”) and if awarded funds, to enter into an agreement with the State of Ohio, Department of Transportation to accept said funds. (Pg. 78)

Motion by Ms. Antonio, seconded by Mr. Seelie, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 84-07 on final reading.

(Discussion after the communication was had regarding the recommendation to suspend the rules, indicating the immediate need for safety as the school year was already underway)

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. 84-07.

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

Nays: None

Motion adopted. Ordinance No. 84-07 adopted.

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31. Communication from Planning & Development Director Jordan regarding Changes to Lakewood HOME Program. (Pg. 80)

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

Motion adopted. All members voting yea.

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32. **ORDINANCE NO. 85-07** – AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into an amended agreement with the Cuyahoga Housing Consortium (“Consortium”) and various lending institutions and individuals participating in the Lakewood HOME Program and the American Dream Down Payment Initiative (ADDI) (collectively the “Modified Programs”) in an amount not to exceed \$800,000. (Pg. 81)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 85-07 on 1<sup>st</sup> Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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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 9:47 PM.

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

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President

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Clerk