

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
OCTOBER 1, 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 (arrives 7:45 PM), 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 Captain Hassing, Fire Representative, Human Services Director Buckon, Public Works Director Beno, Planning & Development Director Jordan, Project Administration for New Lakewood Fitzgerald.

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Motion by Mr. Seelie, seconded by Mr. Dever, to excuse the absence of Mr. Butler who is temporarily delayed. (Mr. Butler arrives at 7:45 PM)

Motion adopted. All members voting yea.

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Motion by Mr. Seelie, seconded by Mr. Dever, to approve the minutes of Regular Meeting of Council held September 19, 2007.

Motion adopted. All members voting yea.

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Without objection from Council Items 8, 9 and 25 and 26 are read respectively first in the agenda order.

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

1. Housing Committee Report regarding Ordinances Nos. 63-07, 64-07, 65-07 and 66-07. (Pg. 6)

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

Motion adopted. All members voting yea.

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2. **ORDINANCE NO. 64-07** – AN ORDINANCE to create a new Section 1501.17, Front or Side Yard Grilling and Storage, of the Codified Ordinances of the City of Lakewood prohibit grilling within fifteen feet of the public right-of-way. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 64-07 PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 7/16/07, 2nd READING 9/4/07). (Pg. 7)

Motion by Ms. Antonio, seconded by Mr. Butler, to adopt Ordinance No. 64-07.
Motion adopted. All members voting yea.

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3. **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. (PLACED ON 1ST READING & REFERRED TO THE HOUSING & PUBLIC SAFETY COMMITTEES 7/16/07, 2ND READING 9/4/07).(Pg. 8)

Motion by Mr. Butler, seconded by Mr. Seelie, to amend Ordinance No. 65-07 to replace the word “business” in Ohio Basic Business Code to read Ohio. Basic BUILDING Code.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None
Motion adopted. Ordinance Amended.

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 65-07.
Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None
Motion adopted. Ordinance No. 65-07 adopted as amended.

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4. **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. (PLACED ON 1ST READING & REFERRED TO THE HOUSING AND PUBLIC SAFETY COMMITTEES 7/16/07, 2ND READING 9/4/07). (Pg. 9)

Motion by Ms. Antonio, seconded by Mr. Seelie, to adopt Ordinance NO. 66-07.
Motion adopted. All members voting yea.

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5. Housing Committee Report regarding Ordinance No. 85-07 – Changes in HOME Program. (Pg. 12)

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

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6. **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. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 9/17/07) (Pg. 14)

Motion by Ms. Antonio, seconded by Mr. Butler, to place Ordinance No. 85-07 on Second Reading.

Motion adopted. All members voting yea.

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7. **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 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/4/07, REPORTED OUT, PLACED ON 2ND READING AND RECOMMENDED FOR ADOPTION 9/17/07) (Pg. 16)

Motion by Mr. Butler, seconded by Mr. Seelie, to adopt Ordinance No. 75-07.

Motion adopted. All members voting yea.

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

8. Communication from Mayor George and Councilmember Antonio regarding Lakewood Christian Service Center 25th Anniversary. (Pg. 17)

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

Motion adopted. Six members voting yea.

Mr. Butler absent for vote (arrives 7:45 PM)

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9. **RESOLUTION NO. 8204-07** – A RESOLUTION to honor the Lakewood Christian Service Center for 25 years of service to the City of Lakewood. (Pg. 18)

Motion by Mr. Seelie, seconded by MR. Dever, to adopt Resolution NO. 8204-07.

Motion adopted. Six members voting yea.

Mr. Butler absent for vote (arrives 7:45 PM)

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10. Communication from Councilmember Butler regarding Amending Section 1306.44 to add Requirement that Applicants for Housing Licenses Identify Adult Tenants and the Number of Minor Tenants Living in the Residential Property at the Time of the Application. (Pg 19).

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

Motion adopted. All members voting yea.

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11. **ORDINANCE NO. 86-07** – 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, amending Section 1306.44 of the Codified Ordinances to add a requirement that applicants for housing licenses identify adult tenants and the number of minor tenants living in the residential property at the time of the application. (Pg. 20)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 86-07 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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12. Communication from Councilmember Dever regarding Comprehensive Review of “No Turn On Red” Ordinance. (Pg. 23)

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

Motion adopted. All members voting yea.

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13. Communication from Mayor George regarding 2007 Fire Prevention Week and Lakewood Fallen Firefighters Memorial Day. (Pg. 24)

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

Motion adopted. All members voting yea.

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14. **RESOLUTION NO. 8205-07** – A RESOLUTION calling upon the citizens of Lakewood to participate in fire prevention activities at home, work and school, and to heed the message: “It’s Fire Prevention Week- Practice Your Escape Plan” as the 2007 Fire Prevention Week theme suggests. (Pg. 25)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Resolution No. 8205-07.

Motion adopted. All members voting yea.

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15. **RESOLUTION NO. 8206-07** – A RESOLUTION proclaiming October 7th, 2007 as Fallen Firefighter Memorial Day in the City of Lakewood. (Pg. 26)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Resolution No. 8206-07.

Motion adopted. All members voting yea.

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16. Communication from Public Works Director Beno regarding Ohio Public Works Commission Grant Program – Bunts Road Construction Project. (Pg. 27)

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

Motion adopted. All members voting yea.

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17. **RESOLUTION NO. 8207-07** - A RESOLUTION to take effect immediately provided it receives the 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, for and on behalf of the City, to seek financial assistance from the Ohio Public Works Commission for funding of the Bunts Road Construction Project. (Pg. 28)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8207-07.

Motion adopted. All members voting yea.

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18. Communication from Finance Director Pae regarding Formation of an Audit Committee. (Pg. 30)

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

Motion adopted. All members voting yea.

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19. Communication from Finance Director Pae regarding Updated Purchasing and Contracting Ordinance FY2007. (Pg. 31)

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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20. **ORDINANCE NO. 74-06C** – 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 74-06B, adopted June 18, 2007 for the purpose of adding and deleting contracting authority for 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 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 Appropriation 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. 32)

Motion by Mr. Seelie, seconded by Ms. Madigan, to place Ordinance No. 74-06C on First Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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21. Communication from Finance Director Pae regarding Updated Appropriations Ordinance. (Pg. 38)

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

Motion adopted. All members voting yea.

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22. **ORDINANCE NO. 87-07**- AN ORDINANCE to take effect immediately provide 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. 39)

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

Motion adopted. All members voting yea.

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23. Communication from Finance Director Pae regarding 2007 3rd Quarter Transfers and Advances. (Pg. 41)

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

Motion adopted. All members voting yea.

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24. **ORDINANCE NO. 88-07** - 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. 42)

Motion by Mr. Seelie, seconded by Ms. Madigan, to place Ordinance No. 88-07 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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25. Communication from Planning and Development Director Jordan regarding Fiscal Year 2008 CDBG, ESG, HOME, and ADDI Allocations. (PG. 44)

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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26. Communication from Citizens Advisory Committee Co-chairs Wasserbauer and Metzger regarding U.S. Department of Housing and Urban Development Funding Fiscal Year 2008 Allocations. (Pg. 45)

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

Motion adopted. All members voting yea.

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27. **RESOLUTION NO. 8208-07** – 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 authorizing and directing the Mayor to submit the Fiscal Year (FY) 2008 One-Year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Shelter Grant (ESG) funds, and incorporates the City's application for CDBG funds, ESG Funds, HOME Investment Partnership funds, American Dream Downpayment Initiative (ADDI) funds, and all amendments thereto and all

understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD). (Pg. 47)

Motion by Mr. Seelie, seconded by Ms. Madigan, to receive, file and refer Resolution NO. 8208-07 to the Finance Committee.

Motion adopted. All members voting yea.

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28. Communication from Human Services Director Buckon regarding Department of Human Services Health Blanket Grant Acceptance Ordinance. (Pg. 50)

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

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29. **ORDINANCE NO. 89-07** - 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 enact a new Section, titled Emergency Preparedness Grants, within Chapter 111, Purchasing and Contracting, of the Lakewood Codified Ordinances relative to authorizing the Department of Human Services to apply for and accept health emergency preparedness planning grants from the Ohio Department of Health or the Cuyahoga County Board of Health, and authorizing the Mayor to enter into contracts for such grants, when no matching funds from the City are required. (Pg. 51)

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. 89-07 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. 89-07.
Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None
Motion adopted. Ordinance No. 89-07 adopted.

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30. Communication form Human Services Director Buckon regarding Resolution to Enter into an Agreement with Murtis H. Taylor to conduct the School's Out Program. (Pg. 53)

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

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31. **RESOLUTION NO 8209-07** – A RESOLUTION authorizing the Director of the Department of Human Services on behalf of the City, to enter into an Agreement with Murtis H. Taylor, fiscal agent for the Family to Family Administrative Council, to accept and expend funds for purposes of establishing a pilot “School’s Out” program in the Lakewood community. (Pg. 54)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution NO. 8209-07.
Motion adopted. All members voting yea.

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32. Communication from Human Services Director Buckon regarding Cuyahoga County OPTIONS FOR ELDERS PROGRAM 2008-2009. (Pg.55)

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

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33. **ORDINANCE NO 90-07** - AN ORDINANCE authorizing the Mayor or his designee, for and on behalf of the City of Lakewood to enter into a Contract with the Cuyahoga County Board of County Commissioners, Department of Senior & Adult Services, to provide home delivered meals, homemaker services, personal care services, and medical transportation services under the CUYAHOGA COUNTY OPTIONS FOR ELDERS PROGRAM from January 1, 2008 through December 31, 2009. (Pg. 56)

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. 90-07 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. 90-07.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None
Motion adopted. Ordinance No. 90-07 adopted.

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34. Liquor Permit Application for D5 and D6 transfers to 12301 Madison LLC d/b/a Corner Pub, 12301 Madison Avenue, Lakewood from Scorpion III Inc d/b/a Corner Pub same address. (Pg. 57)

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

Motion adopted. All members voting yea.

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35. Liquor Permit Application for new C1 and C2 permit classes to MONALISA Sharma d/b/a India Food Emporium 17796 Detroit Rd. (Pg. 58)

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

Motion adopted. All members voting yea.

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

Motion adopted. All members voting yea.

Meeting adjourned 9:13 PM.

Approved: _____

President

Clerk