

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
DECEMBER 3, 2007
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by President Seelie.

....

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, Fire Chief Mroz, Police Chief Malley, Human Services Director Buckon, Public Works Director Beno, Planning & Development Representative Bennett, Building Representative Fillar.

....

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

Motion adopted. All members voting yea.

....

1. Committee of the Whole Oral Report regarding Performance Audit (Ordinance to be provided)

Mr. Seelie submitted the following report:

The Committee of the Whole met this evening on a number of issues. The Performance Audit was one of this and it is included in Ordinance No. 74-06(D), eight on our agenda this evening. Councilman FitzGerald, did you want to speak to that:

Councilmember FitzGerald: Just very briefly. We met with some folks the day before Thanksgiving from the State Auditor's Office. They talked about the process they go through with a performance audit which isn't a typical fiscal audit. – it is more specific in terms of comparison between our own budget, our and own budgetary priorities and other similarly situated cites. It's also more findings-specific I supposed you'd say in an audit context. We need to outline priorities for them and a scope of services but we want to do that quickly so that we can use any preliminary results in our upcoming budget which is - or budget deliberations which is going to be particularly challenging for the City because of our current fiscal situation so we wanted to get a quick start on it. This appropriation for \$10,000 comes from existing funds that we already had in our budget for this year so we're going to be able to do that with the funds we have available for this year. It's going to enable the Auditor's Office to begin their examination of what our problem is this year so that again we can get a quick start on it, hit the

ground running in January. And then Council's job and the new Administration's job is going to be to define the scope of the entire audit and then give them priorities, policy priorities that we want them to look at so, I appreciate Council doing this in an expedited manner and I also appreciate the current Administration cooperating with this request; particularly the Finance Director who has experience, extensive experience with the Auditor's Office which has been helpful to us with this whole process so I would appreciate Council's support this evening for this item.

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

....

2. **ORDINANCE NO. 102-07 – (TO BE PROVIDED)**

Motion by Mr. Seelie, seconded by Mr. Demro, to defer.
Motion adopted. All members voting yea.

....

3. Finance Committee Oral Report regarding Global Tel Link Corporation.

Mr. Seelie submitted the following report:

The Finance Committee met on Monday, November 26 regarding this ordinance and what it is AT&T is no longer having phone service in jails and Global Tel Link is a recommended provider - it can provide a seamless, it will be a one-year contract – a seamless transition using the same equipment. The City receives about 20% of the revenue from this which is two to three thousand dollars but the Finance Committee recommended that we go ahead and adopt it this evening.

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

Motion adopted. All members voting yea.

....

4. **ORDINANCE NO. 92-07 – 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 enter into a contract with Global Tel Link Corporation, for service of the inmate telephone located in the Jail, in accordance with the Administrative Code of the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/5/07, 2ND READING 11/19/07) (Pg. 6)

Motion by Mr. Seelie, seconded by Ms. Madigan, to adopt Ordinance No. 92-07.
Motion adopted. All members voting yea.

....

5. Finance Committee Oral Report regarding Creating Audit Committee.

Mr. Seelie submitted the following report:

On Monday, the 25th, the Finance Committee met regarding the Audit Committee which will be made up of citizens within the City and they will be doing and recommending - doing and audit of the City whether it be a performance audit, a financial audit it's yet to be really defined as to exactly what they'll be doing, but it's a citizen's. When I say audit I don't mean that they're actually going to audit the books. It's an advisory board talking about audits. They have no official capacity. It is advisory in nature and the Committee recommended that we go ahead and create this board but we have not appointed anyone. Those appointments come when we get the new Council, new Administration.

Mayor George spoke briefly about the Audit Committee (selected dialogue):

It had been recommended on different occasion. The purpose is to assure the City that its financial practices comply with standard and acceptable accounting principles. It's therefore important to have folks on that Committee who are very acquainted with standard accounting practices. This particular committee would not be assigned to a particular department.

Finance Director Pae (selected dialogue):

This has been a recommendation from the Financial Audits for the last couple of years. What it provides among other purposes is to provide independent oversight review of the City's annual financial audit. We have recommendations that are part of that audit that oversee that as well as serve between the City whether that be a State Auditor, an independent auditor that isn't related to management or the Administration. Comprised of the Council Finance Committee and people with a financial background.

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

Motion adopted. All members voting yea.

....

6. **ORDINANCE NO. 93-07** – AN ORDINANCE to create a new Chapter 160, City of Lakewood Audit Committee in order to provide independent review and oversight of the City's financial reporting processes, internal controls, and independent auditor's comments. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 93-07 PLACED ON 1ST READING AND REFERRED TO THE REFERED TO THE FINANCE COMMITTEE 11/5/07, 2ND READING 11/19/07) (Pg. 7)

Motion by Mr. Seelie, seconded by Mr. Butler, to substitute

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Seelie, seconded by Mr. Demro, to adopt Ordinance No. 93-07 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 93-07 adopted as substituted.

....

7. Finance Committee Oral Report regarding Amendment to Purchasing & Contracting Ordinance.

Mr. Seelie submitted the following report:

The Finance Committee met on Monday, November 26 and again this evening regarding the amending purchasing and contracting ordinance. We have the amendment in front of us. These were all approved in the 2007 budgets but some of these – there are some additions. The big ones; fuel - \$25,000 extra for that. The Refuse Department - \$5,000 – FEMA - there was \$110,000 appropriation- \$86,000 of that – was with City’s match which was \$21,000 and then tonight we addend in what was discussed earlier this evening on item one, we added the \$10,000 in professional services for the performance audit and the Committee recommended that we adopt it this evening. It has had only one reading - the Committee recommended suspending the rules and adopting it this evening.

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

Motion adopted. All members voting yea.

....

8. **ORDINANCE NO. 74-06D** – 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 74-06C, adopted October 15, 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 1007 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. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 74-06 D PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/19/07) (Pg. 9)

Motion by Mr. Seelie, seconded by Mr. Dever, to substitute Ordinance No. 74-06D.

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

Nays: None

Motion adopted Ordinance No. 74-06 substituted.

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. 74-06D 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. 74-06D as substituted.

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

Nays: None

Motion adopted Ordinance No. 74-06D adopted as substituted.

.....

9. Finance Committee Oral Report regarding Updated Appropriations Ordinance.

Mr. Seelie submitted the following report:

The Finance Committee met on this ordinance on Tuesday, and recommended placing it on second reading.

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

Motion adopted. All members voting yea.

....

10. ORDINANCE NO. 100-07 – 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. (PLACED ON 1ST READING AND REFERRED TO THE FINANCE COMMITTEE 11/19/07) (Pg. 15)

Motion by Mr. Seelie, seconded by Ms. Madigan, to place Ordinance No. 100-07 on 2nd Reading.

Motion adopted. All members voting yea.

....

11. Finance Committee Oral Report regarding 2007 4th Quarter Transfers and Advances. (Pg. 61)

Mr. Seelie submitted the following report:

The Finance Committee recommended that we place this on 2nd Reading and refer back to the Finance Committee.

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

Motion adopted. All members voting yea.

....

12. **ORDINANCE NO. 101-07** – 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. (PLACED ON 1ST READING AND REFERRED TO THE FINANCE COMMITTEE 11/19/07) (Pg. 19)

Motion by Mr. Seelie, seconded by Ms. Madigan, to place Ordinance No. 101-07 on 2nd Reading.

Motion adopted. All members voting yea.

....

13. Finance Committee Oral Report regarding Amendment to Street Reconstruction & Rehabilitation Ordinance.

Mr. Seelie, submitted the following report:

The Finance Committee met on Monday, the 26th to discuss the additional money needed for Parkway Avenue. It was an infrastructure repair which was a deep grind and overlay. When they started doing that work they discovered that there was a lot of work needed to be done on the base and the additional money was for that, work that they didn't expect to find until they start ripping the street up. The Committee recommended that we we suspend the rules and adopt this evening.

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

Motion adopted. All members voting yea.

...

14. **ORDINANCE NO. 95-06B** – 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 95-06A, adopted July 16, 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 shown without separate resolution of

Council. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/19/07) (Pg. 21)

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. 95-06B 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. 95-06B.

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

Nays: None

Motion adopted. Ordinance No. 95-06B adopted.

....

15. **ORDINANCE NO. 96-07** – 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 (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 **Memberships** as authorized by the 2007 Appropriation Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$75,000 without separate Resolution of Council. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/19/07) (Pg. 23)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 96-07 on 2nd Reading.

Motion adopted. All members voting yea.

....

16. **ORDINANCE NO. 97-07** – 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 (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 service contracts in accordance with the Administrative Code of the City of Lakewood for the **Division of Planning & Development** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/19/07) (Pg. 27)

Motion by Mr. Seelie, seconded by Ms. Madigan, to place Ordinance No. 97-07 on 2nd Reading.

Motion adopted. All members voting yea.

....

17. **ORDINANCE NO. 98-07** – 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 (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 2008 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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/19/07) (Pg. 29)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 98-07 on 2nd Reading.

Motion adopted. All members voting yea.

....

18. **ORDINANCE NO. 99-07** – 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 temporary appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for three months, January 1, 2008 to March 31, 2008 as provided by Ohio Revised Code Section 5705.38. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/19/07) (Pg. 32)

Motion by Mr. Seelie, seconded by Ms. Madigan, to place Ordinance No. 99-07 on 2nd Reading.

Motion adopted. All members voting yea.

....

19. **ORDINANCE NO. 95-07** – AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE MUNICIPAL CHARTER RELATIVE TO ARTICLE XIX, ELECTIONS, TO CHANGE THE DATE OF MUNICIPAL PRIMARY ELECTIONS. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 11/19/07) (Pg. 39)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 95-07 on 2nd Reading.

Motion adopted. All members voting yea.

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

20. Communication from Mayor George regarding Mayoral Appointment to the Lakewood Youth Commission. (Pg. 40)

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

....

21. Communication from Law Director Corrigan regarding Living Wage Ordinance Review.
(Pg.41)

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.

....

22. Communication from Planning & Development Director Jordan regarding EDF Support RAD-CON, Incorporated. (Pg.44)

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

Motion adopted. All members voting yea.

....

23. **ORDINANCE NO. 103-07** –AN ORDINANCE authorizing the Mayor or his designee to enter into an agreement with RAD-CON, Incorporated for participation in the Lakewood Business Investment Program (BIP) of the Economic Development Fund (EDF) for a five (5) year forgivable loan in an amount of One Hundred Twenty Thousand Dollars (\$120,000.00)(Pg. 45)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 103-07 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

....

24. Communication from Public Works Director Beno regarding Bridge Maintenance Ordinance. (Pg. 47)

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

Motion adopted. All members voting yea.

....

25. **ORDINANCE NO. 104-07** – AN ORDINANCE CONCERNING TO THE ROUTINE MAINTENANCE OF CERTAIN BRIDGES BY THE BOARD OF COUNTY COMMISSIONERS OF CUYAHOGA COUNTY, OHIO. (Pg. 48)

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. 104-07 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. 104-07.

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

Nays: None

Motion adopted. Ordinance No. 104-07 adopted.

....

26. Liquor Permit Application for D5 and D6 transfers to Riverside Entertainment LLC d/b/a Riverwood Café, 18500 Detroit Avenue from Riverwood Cave Inc, same address. (Pg. 50)

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

Motion adopted. All members voting yea.

....

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

Motion adopted. All members voting yea.

Meeting adjourned 8:10 PM.

Approved: _____

President

Clerk