

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

Regular Meeting of the Lakewood City Council called to order at 7:30 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, Fire Chief Mroz, Police Chief Malley, Human Services Director Buckon, Public Works Director Beno, Planning & Development Representative Bennett, Building Representative Fillar.

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Motion by Mr. Seelie, seconded by Mr. Demro, to approve the minutes of Regular Meeting of Council held December 3, 2007.

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

1. Finance Committee Report regarding Ordinances Nos. 96, 97, 98, 99, 100 and 101-07. (Pg.6)

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

Motion adopted. All members voting yea.

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2. **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, 2ND READING 12/3/07) (Pg. 8)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Ordinance No. 96-07.

Motion adopted. All members voting yea.

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3. **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, 2ND READING 12/3/07) (Pg. 12)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Ordinance No. 97-07.
Motion adopted. All members voting yea.

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4. **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, 2ND READING 12/3/07) (Pg. 14)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Ordinance No. 98-07.
Motion adopted. All members voting yea.

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5. **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, 2ND READING 12/3/07) (Pg. 17)

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. 99-07 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. 99-07.
Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None
Motion adopted. Ordinance No. 99-07 adopted.

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6. **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, 2ND READING 12/3/07) (Pg. 22)

Motion by Mr. Seelie, seconded by Ms. Madigan, to substitute Ordinance No. 100-07.
Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None
Motion adopted. Ordinance 100-07 is substituted.

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Ordinance No. 100-07 as substituted.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None
Motion adopted. Ordinance 100-07 Adopted as substituted.

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7. **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, 2ND READING 12/3/07) (Pg. 26)

Motion by Mr. Seelie, seconded by Mr. Dever, to substitute Ordinance No. 101-07.
Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie
Nays: None
Motion adopted. Ordinance 101-07 is substituted.

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Ordinance No. 100-07 as substituted.

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

Nays: None

Motion adopted. Ordinance 101-07 Adopted as substituted.

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8. **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) (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/3/07) (Pg. 28)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 103-07 on 2nd Reading.

Motion adopted. All members voting yea.

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9. Liquor Permit Application for D5 and D6 transfers to Riverside Entertainment LLC d/b/a Riverwood Café, 18500 Detroit Avenue from Riverwood Cafe Inc, same address. (DFERRED 12/3/07) (Pg. 30).

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

Motion adopted. All members voting yea.

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

10. Communication from Councilmember Antonio regarding Outdoor Dining in the Public Right-of-Way. (Pg. 31)

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

Motion adopted. All members voting yea.

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11. Communication from Councilmembers Antonio, Butler, Dever and Madigan regarding City Council-at-Large Vacancy. (Pg.45)

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

Motion adopted. All members voting yea.

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12. Communication from Planning and Development Director Jordan regarding Additional Funds for Relocation Expenses for Rosewood Place. (Pg. 46)

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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13. **ORDINANCE NO. 104-07** – AN ORDINANCE authorizing the Mayor or his designee to enter into an agreement with North Coast Capital Partners LLC 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 Two Hundred Twenty Thousand Dollars (\$220,000.00). (Pg. 47)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance NO. 104-07 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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14. Planning Commission Report regarding Amendments to Ordinance 91-95 – Lakewood Zoning Code. (Pg. 49)

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

Motion adopted. All members voting yea.

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15. **ORDINANCE NO. 105-07** – AN ORDINANCE to amend Ordinance 91-95 the Zoning Code of the Codified Ordinances of the City of Lakewood. (Pg. 51)

Motion by MR. Seelie, seconded by Mr. Dever, to place Ordinance No. 105-07 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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16. Communication from Mayor George regarding Mayoral Appointment to the Lakewood Youth Commission. (Pg. 68)

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

Motion adopted. All members voting yea.

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17. Communication from Mayor George regarding Geiger's 75th Anniversary. (Pg.69)

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

Motion adopted. All members voting yea.

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18. **RESOLUTION NO. 8218-07** – A RESOLUTION to congratulate and honor Geiger’s for 75 years of civic involvement in our community and for its dedication to the ideals of the City of Lakewood and its citizens. (Pg. 70)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Resolution 8218-07.
Motion adopted. All members voting yea.

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19. Communication from Public Works Director Beno regarding Clifton Blvd. Resurfacing Ordinance Required by ODOT. (Pg.71)

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. Demro absent for vote

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20. **ORDINANCE NO. 106-07** – AN EMERGENCY ORDINANCE committing the City of Lakewood to participate in a street resurfacing program for the resurfacing of Clifton Boulevard in the City of Lakewood with the Ohio Department of Transportation. (Pg.72)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 106-07 on 1st Reading and refer it to the Public Works Committee.
Motion adopted. Six members voting yea.
Mr. Demro absent for vote.

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21. Communication from Law Director Corrigan regarding Lease Agreement. (Pg. 74)

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. **ORDINANCE NO. 107-07** – 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, requesting Council’s specific approval of and authorizing the Mayor to enter into a lease for property located at 17400 Northwood Avenue, Lakewood, Ohio for use by the Division of Early Childhood (“Division”) in the Department of Human Services, in accordance with Lakewood Codified Ordinance §111.04(a)(4). (Pg. 85)

Motion by Mr. Seelie, seconded by Mr. Butler, to suspend the rules requiring this ordinance be read on three separate days and placing Ordinance No. 107-07 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Seelie, seconded by Mr. Butler, to adopt Ordinance No. 107-07.

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

Nays: None

Motion adopted. Ordinance No.107-07 adopted.

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23. Communication from Law Director Corrigan regarding Accept Energy Conservation Grant. (Pg. 87)

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

Motion adopted. All members voting yea.

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24. **RESOLUTION NO. 8219-07** – 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 to accept, on behalf of the City of Lakewood, Eight Thousand Nine Hundred Eighteen Dollars (\$8,918) from the Northeast Ohio Public Energy Council (NOPEC) to be used toward energy conservation. (Pg. 88)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Resolution No. 8219-07.

Motion adopted. All members voting yea.

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25. Communication from Planning and Development Director Jordan regarding Ordinance Amending the Land Reutilization Program. (Pg. 89)

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

Motion adopted. All members voting yea.

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26. **ORDINANCE NO. 108-07** – 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, amending Ordinance 55-07, adopted July 2, 2007, establishing a Land Reutilization Program for the City of Lakewood. (Pg. 90)

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 108-07 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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27. Liquor Permit Application for a D5 transfer to India Garden Cleveland LLC d/b/a India Garden 18405 Detroit from SRE Food Services d/b/a India Garden same address. (Pg. 93)

Motion by Mr. FitzGerald, seconded by Ms. Madigan, to defer action on this item.
Motion adopted. All members voting yea.

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28. (ADD-ON) – **RESOLUTION NO. 8220-07** – A RESOLUTION to commend Robert M. Seelie for his public service as a Councilmember, Ward 3 and as Council President in the City of Lakewood.

State Representative Michael Skindell presented Mr. Seelie with a commendation from the State House. Former Legislative Liaison Mary Coleman presented a brief slide show highlighting Mr. Seelie’s tenure. Former Councilmembers JoAnn Boscia White, Joseph Gibbons, and Pamela Smith rose to commend Mr. Seelie.

Motion by Mr. Seelie, seconded by Ms. Madigan, to adopt Resolution No. 8220-07.

Motion adopted. All members voting yea.

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Motion by Mr. Demro, seconded by Mr. Butler, to adjourn the meeting.
Motion adopted. All members voting yea.
Meeting adjourned 9:10 PM.

Approved:_____

President

Clerk