

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
January 7, 2008
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by longest serving member of Council; Councilmember Dever.

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Present: Councilmembers Nickie J. Antonio, Thomas Bullock, Kevin Butler, Michael W. Dever, Mary Louise Madigan, Michael Summers.

Also Present: Mayor FitzGerald, Law Director Hurley, Finance Director Pae, Fire Chief Mroz, Police Chief Malley, Human Services Director Buckon, Acting Public Works Director Albrecht, Planning & Development Director Kelly, Building's Fitzgerald.

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Motion by Mr. Dever, seconded by Ms. Antonio, to approve the minutes of Regular Meeting of Council held December 17, 2007.

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

The Clerk at the beginning of the meeting will present the AGENDA ITEMS sign-in sheet to the President of Council. Speakers will be called to address Council by the Chair. A citizen must first write his or her name, address and agenda item number on the designated sign-in sheet in order to be recognized.

PUBLIC COMMENT PROTOCOL:

The clerk at the end of the meeting will present the PUBLIC COMMENT sign-in sheet to the President of Council. Public Comment will be welcomed at the end of a Council Meeting on miscellaneous issues or issues other than agenda items. A citizen must first write his or her name, address and topic on the designated sign-in sheet in order to be recognized. The forum is not designed to be a question and answer session.

- I. Pledge of Allegiance
- II. Moment of Silence
- III. Roll Call

Reading and disposal of the Minutes of the Regular Meeting of Council held December 17, 2007.

Motion by Mr. Dever, seconded by Ms. Madigan, to approve the minutes without the necessity of a reading.

Motion adopted. Four members voting yea.

Abstention: Mr. Bullock, Mr. Summers.

(Without objection, items 11-13 were read and addressed after item 2 in the docket agenda order).

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Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

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

1. Elections for President and Vice President of Council.

Motion by Mr. Butler, seconded by Ms. Madigan, to nominate and approve at Large Councilmember Michael Dever for the position of President of Council.

Mr. Butler provided comments in support of Mr. Dever which included statements of Mr. Dever's proven leadership while serving as Vice President of Council.

Motion adopted. All members voting yea.

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Motion by Mr. Dever, seconded by Mr. Bullock, to nominate Mary Louise Madigan as Vice President of Council.

Mr. Dever provided comments indicating that Ms. Madigan has done outstanding work for Ward 4 and the City as a whole.

Motion adopted. All members voting yea.

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2. Certificate of Result of Official Count General Election, November 6, 2007. (Pg. 5)

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

Motion adopted. All members voting yea.

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3. Committee of the Whole Report regarding Ordinance No. 103-07. (TO BE PROVIDED)

Mr. Dever submitted the following report:

Earlier this evening the Committee of the Whole met to discuss an EDF loan or forgivable loan to RAD-CON incorporated. RAD-CON, Incorporated is a designer and manufacturer of large industrial furnaces for Bell Annealing of Metals. The company has seen significant revenue growth over the past three years and has just received a very large contract that will require additional personnel and business system improvements. To accommodate this growth, the company has signed a five year lease (with a five year renewal) for office space located at the Lake Erie Screw Building located behind Madison Park. By opening its office at this location, RAD-CON raises the occupancy of Lake Erie Screw to 77% up from 35% just four years ago.

Some of the key highlights are – this is a \$120,000 forgivable loan over five years. Right now RAD-CON is located in Bay Village they have 27 employees and they're going to be relocating to our facility at Lake Erie Screw. They're possibly going to be creating six additional jobs and possibly having three more for a yearly payroll by 2009 of over \$2 million dollars. A significant investment, I think for our community. They're going to increase their personnel by over 20%, including key staff positions. It's moving its world headquarters to this cite. They[re going to purchase and implement the Enterprise Resource Planning (ERP) system to automate current manual systems and modernize data handling to reduce costs, improve efficiencies, and incorporate project management.

At this time I'm open to any comments from the Planning and Development Director or Mr. McDonnell who is with us today if they have any comments.

Planning & Development Director Kelly reiterated support for the investment. .

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

Motion adopted. All members voting yea.

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4. **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, 2nd READING 12/17/07) (Pg. 6)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 103-07.

Motion adopted. All members voting yea.

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5. **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). (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 12/17/07) (Pg. 8)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 104-07 on 2nd Reading.

Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 105-07** – AN ORDINANCE to amend Ordinance 91-95 the Zoning Code of the Codified Ordinances of the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/17/07) (Pg. 10)

Motion by Mr. Dever, seconded by Ms Madigan, to place Ordinance No. 105-07 on 2nd Reading.

Motion adopted. All members voting yea.

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7. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 12/17/07) (Pg. 19)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 106-07 on 2nd Reading.

Mr. Dever asked the Engineer for time lines regarding passage of the Ordinance. Engineer Albrecht responded that the Ohio Department of Transportation asked for the ordinance “as soon as possible”.

Motion adopted. All members voting yea.

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8. **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. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 12/17/07) (Pg. 21)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 108-07 on 2nd Reading.

Motion adopted. All members voting yea.

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9. 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. (DEFERRED 12/17/07) (Pg. 24)

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

Motion adopted. All members voting yea.

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

10. Communication from Councilmember Dever regarding Adopting Council Rules of Order. (Pg. 25)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive, file and refer the communication to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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11. Communication from Mayor FitzGerald regarding Appointment of Director of Planning & Development. (Pg. 26)

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

Motion adopted. All members voting yea.

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12. **RESOLUTION NO. 8221-08** – 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, approving the appointment of Nathan Kelly to the position of Director of Planning and Development upon his taking the oath of office. (Pg. 27)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8221-08.

Motion adopted. All members voting yea.

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13. Communication from Mayor FitzGerald regarding Appointment of Law Director. (Pg. 28)

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

Motion adopted. All members voting yea.

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14. **RESOLUTION NO. 8222-08** – 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 approving the appointment of Nora L. Hurley to the position of Director of Law upon her taking the oath of office. (Pg. 29)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8222-08.
Motion adopted. All members voting yea.

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15. Communication from Human Services Director Buckon regarding Ohio Tobacco use Prevention and Control Foundation Mini Grant Award. (Pg. 30)

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

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16. **RESOLUTION NO. 8223-08** – 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, or his designee to enter into a Agreement with the Ohio Tobacco use Prevention and Control Foundation to accept funds for the City to provide partial funding for enforcement of the SmokeFree Ohio Work Place Act in the City of Lakewood for the period of time commencing December 10, 2007 through March 10, 2008. (Pg. 31)

Motion by Mr. Dever, seconded by Mr. Butler, to adopt Resolution NO. 8223-08.
Motion adopted. All members voting yea.

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17. Communication from Police Chief Malley regarding Safety Belt Education Program. (Pg. 32)

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

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18. **RESOLUTION NO. 8224-08**- 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, as Director of Public Safety, or his designee to enter into an agreement with and to accept compensation from the Ohio Department of Public Safety for the provision of safety belt education programs for the third grade in the Lakewood Schools for a period ending June 1, 2008. (Pg. 33)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8224-08.

Motion adopted. All members voting yea.

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19. Communication from Human Services Director Buckon regarding Authorization to Administer the Family to Family System of Care Expansion Project for the City of Lakewood. (Pg. 34)

Motion by Mr. Dever, seconded by Ms. Madigan. To receive, file and refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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20. **ORDINANCE NO. 1-08** – AN EMERGENCY ORDINANCE authorizing and directing the Mayor or his designee, on behalf of the City, to enter into an Agreement with the Cuyahoga County Department of Children and Family Services to accept and expend funds for the Neighborhood Family to Family System of Care Expansion Project. (Pg. 35)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 1-08 and refer it to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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21. ADD-ON – **ORDINANCE NO. 98-07A** – 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 Appropriations Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law.

Motion by Mr. Butler, seconded by Mr. Dever, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 98-07A on final reading.

Finance Director Pae provided a brief overview of the add-on ordinance. – indicating that at the November 26th Finance Committee meeting, the 2007 contracting authority of \$10,000 (Ord. 74-06 D) for a performance audit to start in 2007 was discussed, and the ordinance was passed at the Dec. 3rd Council Meeting. It was also discussed that more needed to be allotted in 2008 to engage in a large-scale audit.

At the Dec. 10th Finance Committee Meeting, the Finance Dept. presented a document entitled "Purchasing Contracting Authority Comparison." This document reflected the 2007 Contracting Authority of \$10,000 in Ord. 74-06D, and \$100,000 in 2008 Contracting Authority in proposed ordinance 98-07.

There should have been a substitute Ordinance at the Dec. 10th meeting to reflect the addition of the \$100,000 for a performance audit, and the ordinance was passed on Dec. 17th without reference to the Performance Audit.

Mr. Butler asked the urgency to pass the ordinance that night be explained for the record. Director Pae responded that it would be needed in order to proceed with the two-phase performance audit. She indicated that the first phase would verify revenue and expenditure estimations. She also indicated it was necessary to look at the Structural Balance Task Force and the feasibility and viability of that report.

Mr. Butler indicated that he voted to suspend the rules because it was also his understanding that the results would help Council with the Budget process. Ms. Pae indicated that the actual financial picture had been portrayed differently by different people and that an outside, independent body would verify or question the numbers appropriately. She said it would also review the accuracy in the five year forecast.

A second phase would look more in-depth at various departments.

Ms. Antonio asked about the time frame for the finish of the report and Ms. Pae responded that the report would be finalized by March 31st but that they were aware of the urgency of the completion and would provide updates during the course of the audit.

Ms. Antonio indicated that the initial talks were referencing a \$10,000 figure and that it was now \$100,000 and if that is a not-to-exceed amount.

Ms. Pay responded that the amount provided by the Auditor's office was a not-to-exceed amount of \$93,000. She indicated that the amount passed in 2007 was if they were to start in 2007 during the month of December. Ms. Antonio asked where the money would come from and Ms. Pae responded that the money would be allocated within the Budget from General Administration. She said it was a matter of making that a priority.

Councilmember Madigan indicated that \$10,000 would come from Council to show that it was invested and hopeful it would come back with results that could be implemented before the Budget is passed. Ms. Pae indicated that in 2007 that was where the funds were identified but that it could still be looked at in 2008.

Mr. Summers indicated that he was in favor of the investment recognizing that it is a gamble that the auditors will be able to understand the City's operations sufficiently to identify opportunities for improvement and potential cost reduction. He stated that the opportunity during the Budget process would be to identify key questions to give to the auditors to help Council and the Directors to explore some strategic shifts, help check the feasibility of those ideas as they come forward.

To suspend the rules:

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Summers

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Mr. Dever, to adopt Ordinance. No. 98-07A

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Summers

Nays: None Motion adopted. Ordinances No. 98-07A adopted.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:40 PM.

Approved: _____

President

Clerk