

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JANUARY 22, 2008
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by President Dever.

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Present: Councilmembers Thomas Bullock, Kevin Butler, Michael W. Dever, Mary Louise Madigan, Brian E. Powers, Michael Summers.

Motion by Mr. Dever, seconded by Ms. Madigan, to excuse the absence of Ms. Antonio. Motion adopted. All members present voting yea.

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. Madigan, to approve the minutes of Regular Meeting of Council held January 7, 2008, without the necessity of a reading.

Motion adopted. All members present voting yea.

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

1. Committee of the Whole Report regarding Council at Large Appointment (to be provided)

Mr. Dever submitted the following report:

Dear Members of Council and members of the public, we had four separate meetings to discuss the appointment of Councilmember at Large. This included a process; interviews which took two nights and a decision making meeting. Our initial meeting on Saturday, January 12th we decided as a body to interview all the candidates. The process included three to five minutes for opening statements and ten minutes of questions from the members of Council. After we reviewed the resumes the Committee of the Whole met with and interviewed the candidates last Monday 14th and Tuesday the 15th. This past Saturday morning Council held a decision meeting and we as a body narrowed the field of five candidates. After further discussion with all members of Council a motion was made by the Chair to recommend Brian Powers for the vacant at large council position. The motion was seconded and unanimously voted on by this Council.

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

Motion adopted. All members present voting yea.

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2. **RESOLUTON NO. 8225-08** – A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members of Council, otherwise it shall take effect and be in force after the earliest period allowed by law, to appoint Brian E. Powers to the vacancy in the Office of Member of Council at large. *{Pending completion of review process and the recommendation from Committee of the Whole}(Pg. 9)*

Motion by Mr. Dever, seconded by Mr. Butler, to substitute Resolution No. 8225-08.

Yeas: Bullock, Butler, Dever, Madigan, Summers

Nays: None

Motion adopted. Resolution Substituted.

Motion by Mr. Dever, seconded by Mr. Butler, to adopt Resolution No. 8225-08 as substituted.

Yeas: Bullock, Butler, Dever, Madigan, Summers

Nays: None

Motion adopted. Resolution No. 8225-08 adopted as substituted.

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3. Oath of Office for Newly Appointed Councilmember is Administered.

Mayor FitzGerald administered the oath of office to Brian E. Powers and Mr. Powers took his chair on the Council.

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4. Public Works Committee Report regarding Ordinance No. 106-07 – Clifton Boulevard Resurfacing. (To Be Provided)

Mr. Dever submitted the following report:

This evening the Public Works Committee met on Ordinance 106-07 which is an agreement between the City of Lakewood and the Ohio Department of Transportation for the resurfacing of Clifton Boulevard from West 117th Street to West Boulevard. The funding for this project is broken up into three sources; The Ohio Department of Transportation is picking up eighty percent of this cost which is \$1.5 million. Twenty percent of the cost is being picked up by the City of Lakewood. There are Community Development Block Grant dollars that are also involved in the project for a total price tag of two million, two hundred forty-four thousand dollars. This project is going to be two and a half inches of asphalt scraped off Clifton Boulevard; the casting are going to be re-adjusted and it's going to be put back down. In Committee we also discussed the various

projects that are planned and/or have already been completed on Clifton Boulevard. A few years ago this Council recommended that we engage in an enhancement project on Clifton Boulevard and the Council adopted a plan and our Planning Commission also adopted a plan for an enhancement project on Clifton Boulevard. That project has yet to be funded but it is a plan that has been adopted by this Council and this is basically one part of that project, even though it's a separate funding. The first thing to happen on Clifton just this past year was a waterline replacement from Cove to West Clifton. That project is nearing completion. This year the resurfacing will take place. Once again, that's just two inches of asphalt taken up and put back down again. Next year there's a traffic signalization project that has been funded also. It's been in the planning stages for numerous years now and they're going to replace all the traffic structures on Clifton, basically 13 areas from Cove going partially up West Clifton. The hope is, if we can identify funding, as to do the enhancement which would include a center median and some enhancement treatments along the tree lawn; sidewalk repair and a few other items. But the intent of getting the Committee together was to approve this agreement before us this evening so they can get at least that asphalt replacement done this year.

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

Motion adopted. All members present voting yea.

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5. **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, 2ND READING 1/7/08) (Pg. 10)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 106-07.

Motion adopted. All members present voting yea.

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6. **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. (PLACED ON 1ST READING AND REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 1/7/08) (Pg. 12)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 1-08 on 2nd Reading.

Motion adopted. All members present voting yea.

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

7. Communication from Council and Mayor FitzGerald regarding Support of Cuyahoga County Health & Human Services. (Pg. 13)

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

Motion adopted. All members present voting yea.

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8. **RESOLUTION NO. 8226-08** – A RESOLUTION supporting the Cuyahoga County Health & Human Services replacement and reduction levy. (Pg.14)

Motion by MR. Dever seconded by Ms. Madigan, to adopt Resolution No. 8226-08.

Motion adopted. All members present voting yea.

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9. Communication from Finance Director Pae regarding NatureWorks Grant. (Pg.15)

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

Motion adopted. All members present voting yea.

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10. **RESOLUTION NO. 8227-08** - 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 City of Lakewood to execute and file an application with the Ohio Department of Natural Resources for financial assistance through the NatureWorks Program. (Pg. 16)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8227-08.

Motion adopted. All members present voting yea.

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11. Communication from Finance Director Pae regarding Ordinance 149.112 Perfect Attendance Bonuses. (Pg. 18)

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

Motion adopted. All members present voting yea.

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12. **ORDINANCE NO. 2-08** - 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, repealing Section 149.112, Perfect

Attendance Bonus, of the Codified Ordinances of the City of Lakewood.
(Pg. 19)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 2-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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13. Communication from Finance Director Pae regarding 2008 Capital Contracting Ordinances. (Pg. 21)

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

Motion adopted. All members present voting yea.

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14. **ORDINANCE NO. 3-08** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Buildings & Facilities 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. (Pg. 22)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 3-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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15. **ORDINANCE NO. 4-08** - 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 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 **Buildings & Facilities 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. (Pg. 24)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 4-08 on 1st reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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16. **ORDINANCE NO. 5-08** - 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 for the purpose of 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 **C.D.B.G. Fund 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. (Pg. 26)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 5-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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17. **ORDINANCE NO. 6-08** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Computers & Systems**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 28)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 6-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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18. **ORDINANCE NO. 7-08** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bids and enter into a contract with the lowest and best bidder for **Parking 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. (Pg. 30)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 7-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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19. **ORDINANCE NO. 8-08** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Parks & Pools 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. (Pg. 32)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 8-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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20. **ORDINANCE NO. 9-08** - 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 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 **Parks & Pools 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. (Pg. 34)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 9-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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21. **ORDINANCE NO. 10-08** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Reforestation**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 36)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 10-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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22. **ORDINANCE NO. 11-08** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bids and enter into a contract with the lowest and best bidder for **Sidewalk 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. (Pg. 38)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 11-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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23. **ORDINANCE NO. 12-08** - 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 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 **Signs & Traffic Signals** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 40)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 12-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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24. **ORDINANCE NO. 13-08** - 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 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 **Street 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. (Pg. 42)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 13-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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25. **ORDINANCE NO. 14-08** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Street Signs and Traffic Signals**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 44)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 14-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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26. **ORDINANCE NO. 15-08** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bids and enter into contracts with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Vehicles, Machinery and Motorized Equipment**, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 46)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 15-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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27. **ORDINANCE NO. 16-08** - 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 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 **Water System Replacement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 48)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 16-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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28. **ORDINANCE NO. 17-08** - 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 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 **Wastewater System Replacement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not

to exceed the specified amounts shown without separate resolution of Council.
(Pg. 50)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 17-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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29. **ORDINANCE NO. 18-08** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Wastewater Treatment Plant 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. (Pg. 52)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 18-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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30. **ORDINANCE NO. 19-08** - 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 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 **Wastewater Treatment Plant 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. (Pg. 54)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 19-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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31. **ORDINANCE NO. 20-08** - 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 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 **HB 300 Performance Contract Projects** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 56)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 20-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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32. Communication from Finance Director Pae regarding Winterhurst Rate Increases. (Pg. 58)

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

Motion adopted. All members present voting yea.

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33. **ORDINANCE NO. 21-08** - AN ORDINANCE establishing rates of admission to Winterhurst Ice Rink, located at 14740 Lakewood Heights Boulevard, Lakewood, Ohio, effective June 1, 2008 and superseding Ordinance 69-06, adopted November 20, 2006 and all other ordinances inconsistent herewith. (Pg.59)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 21-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea.

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Meeting adjourned 8:22 PM.

Approved: _____

President

Clerk