

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
FEBRUARY 4, 2008
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35 PM by President Dever.

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Present: Nickie J. Antonio, Thomas Bullock, Kevin Butler, Michael W. Dever, Mary Louise Madigan, Brian E. Powers, 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. Madigan, to approve the minutes of Regular Meeting of Council held January 22, 2008, without the necessity of a reading.

Motion adopted. All members present voting yea.

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

1. Health & Human Services Committee Report regarding Ordinance No. 1-08. (To BE Provided)

Councilmember Antonio submitted the following report:

The Health & Human Services Committee met this evening. We were joined by a member of the committee, Councilperson Powers as well as assorted other councilmembers and members of the public to discuss the agreement with the Cuyahoga County for expanding funds for the neighborhood Family-to-Family system of care expansion project. This project started as an initiative in 1992 to support foster and adoptive parents and evolved to actually direct what the county does by way of recruitment, support and team decision-making, community partners shifts in self-evaluation. It's a real community project that involves various non-profits and other community providers as well as the staff. The committee heard from Jim McCafferty who is part of this county program and he really gave us some in-depth information on the success of the program as well as how critical it is to really, these are families in Lakewood in keeping them intact in the neighborhoods in Lakewood. So, the committee voted to recommend that Council accept the funds of \$710,000 tonight.

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

Motion adopted. All members voting yea.

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2. **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, 2ND READING 1/22/08) (Pg. 10)

Motion by Ms. Antonio, seconded by Mr. Dever, to adopt Ordinance No. 1-08.

Motion adopted. All members voting yea.

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3. Housing Committee Report regarding Ordinance No. 108-07. (To Be Provided)

Councilmember Madigan submitted the following report: Thank you Mr. Chair. At the Housing Committee this evening, councilman Summers, Councilman Bullock and I, later joined by others as well as a couple members of public and Nate Kelly, the City's Department of Development Director, met to discuss ordinance number 108-07. The previous council had approved ordinance 55-07 which established a land resolution, a land reutilization program for the City of Lakewood. The purpose of that program was to turn nonproductive land into tax generating properties. This administration is carrying through and this amendment tonight allows the city to take advantage of the HUD Program and to expand other avenues to acquire land for the land bank in addition to those that were previously outlined in 55-07.

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

Motion adopted. All members voting yea.

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4. **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, 2ND READING 1/7/08) (Pg. 11)

Motion by Ms. Madigan, seconded by Ms. Antonio, to adopt Ordinance No. 1-08-07.

Motion adopted. All members voting yea.

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(Ordinance Nos. 2-08 through 21-08 were placed on 1st Reading & Referred to the Finance Committee 1/22/08).

{BLANKET MOTION MADE TO PLACE ORDINANCE NOS. 2-08 THROUGH AND INCLUDING 21-08 ON 2ND READING AND REFER THEM TO THE COMMITTEE OF THE WHOLE - SEE END OF ITEM 24}

5. **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. 14)
6. **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. 16)
7. **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. 18)
8. **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. 20)
9. **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. 22)

10. **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. 24)
11. **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. 26)
12. **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. 28)
13. **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. 30)

14. **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. 32)
15. **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. 34)
16. **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. 36)
17. **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. 38)
18. **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. 40)

19. **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. 42)
20. **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. 44)
21. **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. 46)
22. **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. 48)

23. **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. 50)

24. **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.52)

Motion by Mr. Dever, seconded by Mr. Butler, to place Ordinances Nos. and including 21-08 on 2nd reading and refer them to the Committee of the Whole.

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

25. Communication from Council President Dever regarding Resolution to Welcome New Residents. (Pg. 55)

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

Motion adopted. All members voting yea.

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26. **RESOLUTION NO. 8228-08** – A RESOLUTION to welcome you as a new resident of the City of Lakewood. (Pg. 56)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8228-08.

Motion adopted. All members voting yea.

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27. Communication from Council President Dever regarding Board of Building Standards/Architectural Board of Review/Sign Review Board Resolution. (Pg.57)

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

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28. **RESOLUTION NO. 8229-08** – A RESOLUTION commencing George Kubas, II for public service as a member of the Board of Building Standards/Architectural Board of Review/Sign Review Board from January 1, 2003 through December 31, 2007. (Pg.58)

Motion by Ms. Antonio, seconded by Mr. Dever, to adopt Resolution No. 8229-08.
Motion adopted. All members voting yea.

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29. Communication from Council President Dever regarding Board of Zoning Appeals Resolution. (Pg.59)

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

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30. **RESOLUTION NO. 8230-08** – A RESOLUTION commending Traci Neligan Burke for public service as a member of the Board of Zoning Appeals from January 1, 2003 through December 31, 2007. (Pg. 60)

Motion by Ms. Antonio, seconded by Mr. Dever, to adopt Resolution No. 8230-08.
Motion adopted. All members voting yea.

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31. Communication from Council President Dever regarding Appointments by City Council to the Empowered Boards/Planning Commission. (Pg. 61)

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

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32. **RESOLUTION NO. 8231-08** – A RESOLUTION to appoint_____ as a member of the Lakewood Board of Building Standards/Architectural Board of Review/Sign Review Board for a full five (5) year term ending December 31, 2012. (Pg. 62)

Motion by Mr. Dever, seconded by Ms. Antonio, to receive, file and refer the Resolution to the Committee of the Whole.
Motion adopted. All members voting yea.

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33. **RESOLUTION NO. 8232-08** – A RESOLUTION to appoint_____ as a member of the Lakewood Board of Zoning Appeals for a full five (5) year term ending December 31, 2012. (Pg.63)

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

Motion adopted. All members voting yea.

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34. **RESOLUTION NO. 8233-08** – A RESOLUTION to appoint_____ as a member of the Lakewood Planning Commission for an unexpired term ending December 31, 2008. (Pg. 64)

Motion by MR. Dever, seconded by Ms. Madigan, to receive, file and refer the Resolution to the Committee of the Whole.

Motion adopted. All members voting yea.

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35. Communication from Council President Dever regarding Hospital Board Ex-Officio Trustees. (Pg.65)

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

Motion adopted. All members voting yea.

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36. **RESOLUTION NO. 8234-08** – A RESOLUTION to appoint_____ as a member of the Governing Board of Lakewood Hospital for the full two-year term ending December 31, 2009. (Pg. 66)

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

Motion adopted. All members voting yea.

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37. **RESOLUTION NO. 8235-08** – A RESOLUTION to appoint_____ as a member of the Governing Board of Lakewood Hospital for the full two-year term ending December 31, 2009. (Pg. 67)

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

Motion adopted. All members voting yea.

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38. Communication from Mayor FitzGerald regarding Mayor Appointments to the Boards/Planning Commission. (Pg. 68)

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

Motion adopted. All members voting yea.

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39. Communication from Finance Director Pae regarding 2nd Temporary Appropriation for Fiscal Year 2008. (Pg. 69)

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

Motion adopted. All members voting yea.

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40. **ORDINANCE NO. 22-08** – 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 to establish additional temporary appropriations for current expenses and other expenditures for the City of Lakewood, State of Ohio for forty-six days, February 15, 2008 to march 31, 2008, as provided by Ohio Revised Code Section 5705.38. (Pg. 70)

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this be read on three separate and placing Ordinance No. 22-08 on final reading.

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

Nays: None

Motion adopted. Rules suspend.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 22-08.

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

Nays: None

Motion adopted. Ordinance No. 22-08 adopted.

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41. Communication from Acting Public Works Director Albrecht regarding \$5,000 Anonymous Donation to Winterhurst. (Pg. 82)

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

Motion adopted. All members voting yea.

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42. **RESOLUTION NO. 8236-08** – 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 to accept, on behalf of the City of Lakewood, an anonymous donation of five thousand dollars \$5,000 to fund the payment of an organist for the Thursday night Adult Only Session at Winterhurst Ice Rink for the remainder of 2008. (Pg. 83)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8236-08.

Motion adopted. All members voting yea.

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43. Liquor Permit Application for D1, D2, D3, D3A, and D6 transfers to 1572 Tavern Inc., d/b/a Bottoms Up ; 1572 W. 117th Street from 1572 W 117 Inc, same address. (Pg. 85)

Motion by Mr. Dever, seconded by Ms. Madigan, to defer action on this liquor permit.

Motion adopted. All members voting yea.

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

Motion adopted. All members voting yea.

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Meeting adjourned 8:35 PM.

Approved: _____

President

Clerk