

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 17, 2008
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:34 PM by President Dever.

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Present: Councilmembers Nickie J. Antonio, Thomas Bullock, Michael W. Dever, Mary Louise Madigan, Brian E. Powers, Michael Summers.

Motion by Mr. Dever, seconded by Ms. Antonio, to excuse the absence of Mr. Butler.

Motion adopted. All members present voting yea.

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

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Motion by Mr. Dever, seconded by Ms. Madigan, to approve the minutes of Regular Meeting of Council held March 3, 2008, without the necessity of a reading.

Motion adopted. All members present voting yea.

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1. Finance Committee Report regarding Ordinance No.98-07B Contracting Authority, Note Ordinances, Audit Committee and Budget Process. (Pg.8)

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. 98-07B - 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 98-07A**, adopted January 7, 2008 **for the purpose of adding and deleting contracting authority** for the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into

contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 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 2/19/08), 2ND READING 3/3/08 (Pg. 10)

Motion by Mr. Dever, seconded by Ms. Madigan, to substitute Ordinance No. 98-07B.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 98-07B.

Motion adopted. All members voting yea.

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{The following note ordinances were placed on 1st reading and referred to the Finance Committee 3/3/08. These ordinances were published in their entirety 3/3/08 and for conservation purposes are published by first page only here. The complete ordinances are available for public review during regular business hours in the City Council Office}

3. **ORDINANCE NO. 30-08** – 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, **to provide for the issuance and sale of notes of the City in a maximum principal amount of \$1,926,000**, in anticipation of the issuance of bonds, **for the purpose of retiring certain outstanding street improvement notes** of the City, and declaring an emergency. (Pg.17)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

4. **ORDINANCE NO. 31-08** - 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, to provide **for the issuance and sale of notes of the City in a maximum principal amount of \$1,875,000**, in anticipation of the issuance of bonds, **for the purpose of paying the costs of improving certain streets** in the City, and declaring an emergency. (Pg.18)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

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5. Fiscal Officers Certificate - \$1,059,000 – Improving Lake Road from Webb to Clifton, \$103,000, Resurfacing Woodford Avenue from Webb to Granger, \$178,000 Improve Crosswalks at Detroit Avenue Intersection, \$200,000 Resurfacing US Route 6 from West Clifton to City’s Eastern Boundary, \$75,000 Repairing Street Lane and Parking Spaces, \$250,000 Resurfacing Streets identified on City’s’ 2007 Pavement Condition Report. (Pg. 19)

** Blanket Motion made after item 21 to receive and file the fiscal officer certificates.

Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 32-08 - 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, to provide **for the issuance and sale of notes** of the City in a **maximum principal amount of \$141,000**, in anticipation of the issuance of bonds, **for the purpose of retiring certain buildings and facilities improvement notes** of the City, and declaring an emergency. (Pg.21)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

7. **ORDINANCE NO. 33-08 - 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, **to provide for the issuance and sale of notes** of the City in a **maximum principal amount of \$222,000**, in anticipation of the issuance of bonds, **for the purpose of retiring certain outstanding recreational facilities improvement notes** of the City, and declaring an emergency. (Pg.22)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

8. Fiscal Officer's Certificate – Buildings and Facilities Notes, Series 2008. (Pg. 23)

** Blanket Motion made after item 21 to receive and file the fiscal officer certificates.

Motion adopted. All members voting yea.

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9. **ORDINANCE NO. 34-08 - 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, **to provide for the issuance and sale of notes** of the City in a **maximum principal amount of \$201,000**, in anticipation of the issuance of bonds, **for the purpose of retiring certain outstanding sidewalk program notes** of the City, and declaring an emergency. (Pg.24)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

10. **ORDINANCE NO. 35-08 - 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, **to provide for the issuance and sale of notes** of the City in a **maximum principal amount of**

\$201,000, in anticipation of the issuance of bonds, and the levy and collection of special assessments, **for the purpose of paying the costs of the City's 2008 sidewalk program**, and declaring an emergency. (Pg. 25)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

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11. Fiscal Officer's Certificate of Maximum Maturity - Sidewalk Program Notes, Series 2008. (Pg. 26)

** Blanket Motion made after item 21 to receive and file the fiscal officer certificates.

Motion adopted. All members voting yea.

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12. **ORDINANCE NO. 36-08 – 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, **to provide for the issuance and sale of notes** of the City in a maximum principal amount of \$222,000, in anticipation of the issuance of bonds, **for the purpose of retiring certain outstanding recreational facilities improvement notes** of the City, and declaring an emergency. (Pg. 27)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

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13. **ORDINANCE NO. 37-08 - 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, **to provide for the issuance and sale of notes** of the City in a maximum principal amount of **\$654,000**, in anticipation of the issuance of bonds, **for the purpose of paying the costs of improving municipal recreational facilities**, and declaring an emergency. (Pg. 28)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

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14. Fiscal Officer's Certificate of Maximum Maturity. Municipal Recreational Facilities Notes, Series 2008. \$600,000 Updating and Replacing Playground Equipment in Madison & Wagar Parks. \$50,000 for Replacing and Updating Tennis Courts in the City (Pg. 29)

** Blanket Motion made after item 21 to receive and file the fiscal officer certificates.

Motion adopted. All members voting yea.

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15. **ORDINANCE NO. 38-08 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, **to provide for the issuance and sale of notes of the City in a maximum principal amount of \$52,000**, in anticipation of the issuance of bonds, **for the purpose of retiring certain outstanding reforestation program notes** of the City, and declaring an emergency. (Pg. 31)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

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16. **ORDINANCE NO. 39-08 - 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, **to provide for the issuance and sale of notes of the City in a maximum principal amount of \$60,000**, in anticipation of the issuance of bonds, **for the purpose of paying the costs of the City's reforestation program**, and declaring an emergency. (Pg. 32)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

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17. Fiscal Officer's Certificate of Maximum Maturity - Reforestation program Notes, Series 2008 (Pg.33)

** Blanket Motion made after item 21 to receive and file the fiscal officer certificates.

Motion adopted. All members voting yea.

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18. **ORDINANCE NO. 40-08 - 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, **to provide for the issuance and sale of notes of the City in a maximum principal amount of \$206,000**, in anticipation of the issuance of bonds, **for the purpose of paying the costs of improving streets by improving traffic signalization**, and declaring an emergency. (Pg. 34)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

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19. Fiscal Officer's Certificate of maximum Maturity – Traffic Signalization improvement Notes, Series 2008. \$25,000 Repair & Replace Traffic Signals at the Mid-Life Intersection, \$40,000 for Painting Steel Traffic Support Poles throughout City, \$140,000 for Designing Costs Associated with Replacement of Traffic Signals On Detroit Avenue with LED Traffic Signals. (Pg. 35)

** Blanket Motion made after item 21 to receive and file the fiscal officer certificates.

Motion adopted. All members voting yea.

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20. **ORDINANCE NO. 41-08 - 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, **to provide for the issuance and sale of notes of the City in a maximum principal amount of \$40,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of acquiring equipment to be used for improving the Detroit Avenue streetscape, and declaring an emergency.** (Pg. 37)

*Blanket motion made after item 22 – to place on 2nd reading & recommend adoption on third reading April 7, 2008.

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21. Fiscal Officer's Certificate of Maximum Maturity – Detroit Avenue Streetscape Equipment Acquisition Notes – Series 2008. (Pg. 38)

**Blanket Motion by Mr. Dever, seconded by Ms. Antonio, to receive and file the fiscal officer certificates reflected in items 5, 8, 11, 14, 17, 19, and 21.

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22. **ORDINANCE NO. 42-08 – 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, **to enter into a lease financing arrangement for motorized vehicles and equipment and computer equipment,** and declaring an emergency. (Pg. 39)

*Blanket Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinances Nos. 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42-08 on 2nd Reading.

Motion adopted. All members voting yea.

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23. **RESOLUTION NO. 8247-08 – A RESOLUTION** 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, to appoint _____ as a member of the City of Lakewood Audit Committee for a one-year term, ending December 31, 2008. (Pg. 40)

Motion by Mr. Dever, seconded by Ms. Madigan to insert the name Ken Haber and adopt Resolution 8247-08.

Motion adopted. All members voting yea.

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24. **RESOLUTION NO. 8248-08** – A RESOLUTION 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, to appoint _____ as a member of the City of Lakewood Audit Committee for a two-year term, ending December 31, 2009. (Pg. 42)

Motion by Mr. Dever, seconded by Ms. Madigan, to insert the name Ray Cushing and adopt Resolution 8248-08.

Motion adopted. All members voting yea.

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25. Health & Human Services Committee Report regarding Help to Others (H20) Summer Camp Fees. (TO BE PROVIDED)

Councilmember Antonio submitted the following report:

The Health and Human Services Committee met this evening and in attendance was Committee member Powers, myself; Director Buckon and Mary Hall from Youth Services. We discussed the need for H20 to raise their summer camp fee program from \$50.00 to \$60.00 per camper. Part of our discussion we learned that this supplements the approximate cost of about \$206.00 per camper for the two week session. H20 serves somewhere between 180 and 200 kids per summer and both Councilman Summers and I of course sang the praises of the H20 program and we understand how important it is to the children who attend having had both of our sets of children participate in the program and we know the benefits to the children in the community. We came out of session recommending that the increase is reasonable and we recommend passing the increase and we also make a recommendation that we pass this tonight because their deadline for getting the materials out and posted is fast approaching, they have an April 1st deadline to be in the Recreation Manual as well.

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

Motion adopted. All members voting yea.

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26. **ORDINANCE NO. 26-08A** – 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 at the earliest period allowed by law, **establishing rates for each two-week session of the Help to Others (H20) Summer Camp**, a program of the Lakewood Department of Human Services/Division of Youth, effective June 1, 2008. (PLACED ON 1ST READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 3/3/08) (Pg. 44)

Motion by Mr. Dever, seconded by Ms. Antonio, to suspend the rules requiring this ordinance be read on three separate days and placing Ordinance 26-08A on final reading.

Yeas: Antonio, Dever, Madigan, Powers, Summers

Nays: None

Mr. Bullock absent for vote

Motion adopted. Rules suspended

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance 26-08A.

Yeas: Antonio, Dever, Madigan, Powers, Summers
Nays: None
Mr. Bullock absent for vote
Ordinance No. 26-08A adopted.

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27. **ORDINANCE NO. 27-08 – AN ORDINANCE** authorizing the Mayor or his designee to enter into a Real Property Sale Agreement with Board of Education of the Lakewood City Schools and **to receive One dollar (\$1.00) for the sale of permanent parcel 314-11-052 located on Franklin Boulevard** Lakewood, Ohio. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 3/3/08) (Pg. 46)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 27-08 on 2nd Reading.
Motion adopted. Five members voting yea.
Mr. Bullock absent for vote

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28. **ORDINANCE NO. 28-08 – AN ORDINANCE to vacate a portion of the public right-of-way on Robinwood Avenue** in the City of Lakewood, Ohio. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 3/3/08) (Pg.48)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 28-08 on 2nd Reading.
Motion adopted. Five members voting yea.
Mr. Bullock absent for vote.

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29. **ORDINANCE NO. 29-08 – AN ORDINANCE to amend Section 1105.01 of the Zoning Code** of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City **with respect to** certain property as hereinafter set forth and described as **14100 Franklin Boulevard, Lakewood High School**. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 3/3/08) (Pg.51)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 29-08 on 2nd Reading.
Motion adopted. All members voting yea.

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

30. Communication from Mayor FitzGerald regarding Mayoral Appointments to the City of Lakewood Audit Committee. (Pg. 54)

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

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31. Communication from Mayor FitzGerald regarding Severe Weather Awareness Week. (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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32. **RESOLUTION NO. 8249-08** – A RESOLUTION proclaiming March 31, 2008 through April 4th as “Severe Weather Awareness Week”. (Pg. 56)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8249-08.

Motion adopted. All members voting yea.

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33. Communication from Chief Malley regarding Homeland Security Reimbursement for Police Overtime. (Pg.58)

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

Motion adopted. All members voting yea.

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34. **RESOLUTION NO 8250-08** – AN EMERGENCY RESOLUTION authorizing the Chief of Police, on behalf of the City, to enter into an Agreement with the Ohio Department of Public Safety, Office of Homeland Security to accept and expend funds for the participation in the Northern Border Initiative in the form of officer overtime reimbursement. (Pg. 59)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8250-08.

Motion adopted. All members voting yea.

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35. Communication from Mayor FitzGerald regarding Ohio Department of Natural Resources Spring Clean Up Grant. (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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36. **RESOLUTION NO. 8251-08** – AN EMERGENCY RESOLUTION authorizing the Mayor, on behalf of the City, to enter into an Agreement with the Ohio Department of Natural Resources, Division of Recycling and Litter Prevention for the 2008 Litter Cleanup Grant to accept and expend funds to facilitate a citywide clean up of public property in the amount of \$1,720.00. (Pg. 62)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8251-08.

Motion adopted. All members voting yea.

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37. Planning Commission Report regarding Amendments to Ordinance 91-95 – Lakewood Zoning Code. (Pg.64)

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

Motion adopted. All members voting yea.

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38. **ORDINANCE NO. 43-08**– AN ORDINANCE to amend Ordinance 91-95, the Zoning Code of the Codified Ordinances of the City of Lakewood. (Pg. 65)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 43-08 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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39. Liquor Permit Application for New C1, and C2 permit classes to YLLI & Alma Recka d/b/a Europe Mart, 16403 Detroit. (Pg. 72)

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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40. Liquor Permit Application for Liquor Agency Contract to Sapell Inc d/b/a Sapells Food Basket, 1314 W 117th Street. (Pg. 73)

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

Motion adopted. All members voting yea.

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41. Liquor Permit Application for C2, C2X and D6 stocks to Sapell Inc, d/b/a Sapells Food Basket, 1314 W. 117th St. (Pg.74)

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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42. **ORDINANCE NO. 44-08** – 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 appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2008.

Finance Director Pae.

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 44-08 on 1st Reading and refer it back to the Committee of the Whole.

Motion adopted. All members voting yea.

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

Motion adopted. All members present voting yea.

Meeting adjourned 9:18 PM.

Approved: _____

President