

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

Regular Meeting of the Lakewood City Council called to order at 7:37 PM by President Dever.

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

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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. Six members voting yea.
Mr. Butler abstains

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

1. Finance Committee Report regarding (to be provided)

Mr. Summers submitted the following report:

The Finance Committee met this evening. All members were present which included Councilpersons Madigan, Butler and Summers. We considered, discussed and recommend passage by suspend of the rules Ordinance 45-08. This authorizes our twenty percent portion of the Clifton Boulevard resurfacing. This is a project that we've discussed previously and actually given approval through some contractual agreements. This is the funding portion which is twenty percent of the total cost which should equate to approximately \$517,000. We recommend passage of Ordinance 45-08.

The second and third items were Ordinances 46-08 and 47-08. These deal with two sets of notes. We're recommending suspension of the rules and passage for these two items tonight. They authorize rolling over previously existed notes to the tune of \$2.55 million and \$1 million. These notes were created in 2005 and portions thereafter and they were used to

finance short term assets specifically some computer equipment and some motor vehicles. These notes are actually going to mature on April 17th so they require action this evening to allow us the flexibility to consider rolling these notes over. We have the strategic option of rolling these notes over probably at least two more times at which point we would be probably obligated to make some type of principle payment if we do not convert them to bonds prior to that. It's important for us to note that these particular monies were issued in a time when there were not provisions made for their retirement and part of our further financial constraints will be the consideration of retiring these notes in some form or another in the future. We realize, having worked through out budget processes that we have really no slack in 2008 but as we consider 2009 and 2010 we need to factor these monies into consideration for our strategies. The good news is I think this is the last of what we might consider a hang over debt obligation that don't have provisions for retirement in them so it's incumbent upon this Council to begin to plan for their retirement as we move forward.

The last item that we need to consider tonight is actually a substitution of item 13 on our docket which is 36-08 – 36-08 is a duplication of item 10 which is 33-08. We're going to move to table item 36-08, the duplication, and replace it with substitute item 13A – Ordinance 52-08. The key difference here is really a slight amount of money, \$201,000 for 52-08 versus \$222,000 for 36-08 and more importantly 52-08 monies specifically for buildings and facilities versus recreation equipment. This was an oversight and some duplication of wording. The spirit of these issues were discussed previously by this Council and the Finance Committee so this would correct which was basically a reporting error. We would move that we would suspend the rules and pass 13A, Ordinance 52-08 - this evening as well.

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

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2. **ORDINANCE NO. 45-08** - 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 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 FINANCE COMMITTEE AT THE SPECIAL MEETING OF COUNCIL HELD 3/31/08) (Pg. 7)

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 45-08 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 45-08.

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

Nays: None

Motion adopted. Ordinance No. 45-08 adopted.

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3. **ORDINANCE NO. 46-08** - 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 \$2,550,000, in anticipation of the issuance of bonds, for the purpose of retiring certain motorized equipment notes of the City, and declaring an emergency. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE AT THE SPECIAL MEETING OF COUNCIL HELD 3/31/08) (Pg. 10)

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 46-08 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 46-08.

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

Nays: None

Motion adopted. Ordinance No. 46-08 adopted.

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4. **ORDINANCE NO. 47-08** - 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 \$1,000,000, in anticipation of the issuance of bonds, for the purpose of retiring certain computer equipment notes of the City, and declaring an emergency. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE AT THE SPECIAL MEETING OF COUNCIL HELD 3/31/08) (Pg. 16)

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 47-08 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 47-08.

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

Nays: None

Motion adopted. Ordinance No. 47-08 adopted.

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5. Rules and Ordinances Committee Report regarding Changing Deadline for Items On Council's Agenda. (To be provided).

Mr. Butler submitted the following report:

Councilman Powers and I met as the members of the Rules and Ordinances Committee this evening to consider Ordinance 25-08 which follows this communication. Ordinance 25-08 amends Section 121.15 of the Codified Ordinances which is a section that governs the docket deadline for submissions to the docket for the Regularly Scheduled Council Meetings. That ordinance currently reads that the Clerk is to accept submissions to the docket by noon on the Thursday prior to each Regularly Scheduled Council Meeting. The Ordinance amends that section of the Codified Ordinances to push that deadline back to 5:00 PM on the Wednesday prior to each Regularly Scheduled Council Meeting. The Ordinance has the effect for providing for greater flexibility in our Clerk's hours without being unduly burdensome on Council or the Administration and it potentially gives Council, the Administration and the public additional time prior to each Regularly Scheduled Council Meeting to review the Council agenda. Based on that information, the Rules & Ordinances Committee voted unanimously this evening place this ordinance on third reading tonight and recommend its adoption.

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

Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 25-08** An ORDINANCE to amend Section 121.15, Duties of the Clerk of Council, of the Codified Ordinances of the City of Lakewood for the purpose of changing the deadline for placing items on Council's agenda to the Wednesday prior to the meeting at 5:00 p.m. (PLACED ON 1ST READING 2/19/08, 2ND READING 3/3/08) (Pg. 22)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 25-08.

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, reported out on, placed on 2nd reading and recommended for adoption 3/17/08} . 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}

7. **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.25)

*** See Blanket Motion Made After Item 19**

8. **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.26)

*** See Blanket Motion Made After Item 19**

9. **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.27)

***See Blanket Motion Made After Item 19**

10. **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.28)

*** See Blanket Motion Made After Item 19**

11. **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.29)

*** See Blanket Motion Made After Item 19**

12. **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. 30)

*** See Blanket Motion Made After Item 19**

13. **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. 31)

Discussion was made to table the ordinance due to duplication.

Motion by Mr. Dever, seconded by Ms. Madigan, to table Ordinance 36-08.

Motion adopted. All members voting yea.

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{ITEM 13A was read after 4 in the agenda order}

13A – (ADD-ON – **ORDINANCE NO. 52-08** - 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 paying the costs of (1) reconstructing, renovating, and improving certain City buildings and facilities, (2) planning and feasibility studies with respect to improvements to City buildings and facilities, and (3) declaring an emergency.

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 52-08 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 52-08.

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

Nays: None

Motion adopted. Ordinance No. 52-08 adopted.

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14. **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. 32)

* See Blanket Motion Made After Item 19

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. 33)

* See Blanket Motion Made After Item 19

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. 34)

* See Blanket Motion Made After Item 19

17. **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. 35)

*** See Blanket Motion Made After Item 19**

18. **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. 36)

*** See Blanket Motion Made After Item 19**

19. **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. 37)

*** BLANKET MOTION -**

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance Nos. 30-08, 31-08, 32-08, 33-08, 34-08, 35-08, 37-08, 38-08, 39-08, 40-08, 41-08, and 42-08.

Motion adopted. All members voting yea:

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20. **ORDINANCE NO. 43-08– AN ORDINANCE** to amend Ordinance 91-95, the Zoning Code of the Codified Ordinances of the City of Lakewood. (*Residential wind turbines*) **PLACED ON 1ST READING AND REFERRED TO THE COMMITTEE OF THE WHOLE 3/17/08)(Pg. 38)**

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 43-08 on 2nd Reading.

Motion adopted. All members voting yea.

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21. Liquor Permit Application for New C1, and C2 permit classes to YLLI & Alma Recka d/b/a Europe mart, 16403 Detroit. (deferred 3/17/08)(Pg. 42)

Motion by Mr. Bullock, seconded by Mr. Dever, to file no objection to this permit application.

Motion adopted. All members voting yea.

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22. Liquor Permit Application for Liquor Agency Contract to Sapell Inc d/b/a Sapells Food Basket, 1314 W 117th Street. (deferred 3/17/08)(Pg. 43)

Motion by Mr. Bullock, seconded by Mr. Butler, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

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23. Liquor Permit Application for C2, C2X and D6 stocks to Sapell Inc, d/b/a Sapells Food Basket, 1314 W. 117th St. (deferred 3/17/08) (Pg.44)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

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

24. Communication from Mayor FitzGerald regarding Agreement for Public Health Services. (Pg.45)

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

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25. **ORDINANCE NO. 48-08** - 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 the Mayor, on behalf of the City, to enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed Two Hundred Three Thousand Nine Hundred Twenty Six Dollars (\$203,926.00). (Pg.46)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 48-08 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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26. Communication from Mayor FitzGerald regarding Building Ohio Jobs. (Pg.48)

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

Motion adopted. All members voting yea.

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27. **RESOLUTION NO. 8252-08** - 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, in support of Building Ohio Jobs. (Pg.49)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8252-08.

Motion adopted. All members voting yea.

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28. Communication from Finance Director Pae regarding Suspension of Ord. 149.07 Longevity Payments. (Pg.52)

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

Motion adopted. All members voting yea.

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29. **ORDINANCE NO. 49-08** - 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, temporarily suspending the employment benefits granted in Section 149.07, Longevity Compensation, of the Codified Ordinances of the City of Lakewood for the remaining of the 2008 calendar year. (Pg.53)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 49-08 on 2nd Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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30. Communication from Planning and Development Director Kelly regarding Cuyahoga Housing Consortium, Amended and Restated Consortium Agreement. (Pg.56)

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

Motion adopted. All members voting yea.

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31. **ORDINANCE NO. 50-08** – AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into the FY2008-2011 Amended and Restated Agreement with the Cuyahoga County Housing Consortium for the administration of the Lakewood HOME Program and to authorize additional routine renewals of the agreement to incorporate only those changes mandated by the US Department of Housing and Urban Development (HUD). (Pg.57)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 50-08 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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32. Communication from Planning and Development Director Kelly regarding HOME Program Administrative Funds Amended Contract. (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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33. **ORDINANCE NO. 51-08** - 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, authorizing the Director of Planning and Development to enter into an Amendment to an Agreement with the Board of Cuyahoga County Commissioners for the reimbursement of the City of Lakewood's cost in administering the HOME Program in an amount not to exceed \$11,629.00. (Pg.60)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 51-08 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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34. Communication from Acting Public Works Director Strong regarding Cuyahoga County Solid Waste District Recycling Grant. (Pg.62)

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

Motion adopted. All members voting yea.

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35. **RESOLUTION NO. 8253-08** - AN EMERGENCY RESOLUTION authorizing the Mayor, on behalf of the City, to enter into an Agreement with the Cuyahoga County Solid Waste District to accept and expend funds to facilitate a community recycling awareness program in the Lakewood Schools in the amount of \$3,390.00. (Pg.62)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution NO. 8253-08.

Motion adopted. All members voting yea.

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36. Liquor Permit Application for a new D1 permit classification to Donatos Pizzeria, 18100

Detroit Avenue. (Pg.)

Motion by Mr. Butler, seconded by Ms. Madigan, to defer action on this item.

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 8:53 PM.

Approved: _____

President

Clerk