

**MINUTES  
OF THE  
REGULAR MEETING OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
MAY 5, 2008  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:38 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 Representative, Police Chief Malley, Human Services Director Buckon, Acting Public Works Director Strong, Planning & Development Director Kelly, Project Administrator for New Lakewood 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 April 21, 2008, and the Special Meeting of Council held April 23, 2008, without the necessity of a reading.

Motion adopted. All members voting yea.

**\*\*\*OLD BUSINESS\*\*\***

1. Committee of the Whole Report regarding Ordinance No. 20-08 – HB 300 Performance Contract Projects. (To be Provided)

{Item 1 was removed from the docket pending deferral of item 2}

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2. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE

1/22/08, 2<sup>ND</sup> READINGG & REFERRED TO THE COMMITTEE OF THE WHOLE  
2/4/08. DEFERRED 2/19/08). (Pg. 5)

Motion by Mr. Dever, seconded by Ms. Madigan, to defer action on this item.  
Motion adopted. All members voting yea.

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3. Finance Committee Report regarding Ordinance 49-08 – Longevity Compensation. (To Be Provided)

Motion by Mr. Dever, seconded by Ms. Antonio, to defer action on this item.  
Motion adopted. All members voting yea.

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4. **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, 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. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 49-08 PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 4/7/08, 2<sup>ND</sup> READING 4/21/08)(Pg.7)

Motion by Mr. Butler, seconded by Ms. Madigan, o defer action on this item.  
Motion adopted. All members voting yea.

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5. **ORDINANCE NO. 52-08** - 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 of Lakewood to enter into agreements necessary to grant an Exclusive Easement and a Non-Exclusive Easement to The Ohio Bell Telephone Company, d/b/a AT&T Ohio, for placement of and access to equipment used in the transmission of signals used in the provision of communication, video and /or information services on property located at 1422 Belle Avenue. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 4/21/08) (Pg. 11)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 52-08 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 53-08** - AN EMERGENCY ORDINANCE committing the City of Lakewood to participate in the upgrade and interconnection in the traffic signals along Clifton Boulevard (U.S. 6) and West Clifton Boulevard (S.R. 237) in the City of Lakewood with the Ohio Department of Transportation. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 4/21/08) (Pg. 17)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 53-08 on 2<sup>nd</sup> Reading.  
Motion adopted. All members voting yea.

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7. **ORDINANCE NO. 54-08** 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 enact new Section 135.15, Part-Time Police Officers within the Codified Ordinances of the City of Lakewood for the purpose of creating the position of Part-Time police officer (PLACED ON 1<sup>ST</sup> READING & referred to the (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 4/21/08) (Pg. 20)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 54-08 on 2<sup>nd</sup> Reading and refer back to the Committee of the Whole.

Motion adopted. All members voting yea.

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8. **ORDINANCE NO. 55-08** 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 provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 55-08 PLACED ON 1<sup>ST</sup> READING & REFERED TO THE COMMITTEE OF THE WHOLE 4/21/08) (Pg. 24)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 55-08 on 2<sup>nd</sup> Reading and refer back to the Committee of the Whole.

Motion adopted. All members voting yea.

**\*\*\*\*NEW BUSINESS\*\*\*\***

9. Communication from Planning & Development Director Kelly regarding Amendment to Tax Increment Financing and Development Agreement with Foran Montlack Development, LLC. (Pg. 30)

Planning and Development Director Kelly indicates the agreement before Council extends the Agreement with Foran Montlack another nine months.

There was discussion as to what the time extension meant for the construction timeline. It was provided that the agreement outlined timelines with benchmarks. The question of a penalty should the benchmarks not be reached was discussed and the Director indicated that the incentive of tax increment financing would serve to keep the project moving forward. The impact the present housing market had on the project was discussed and Planning &

Development Director indicated that the expectation was that the project would continue to move forward.

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

It was indicated that the matters relative to the Metroparks involved complicated and involved legal issues and were major contributors to the project's delay as well as housing market issues.

The question as to whether approval from the Schools would be needed for the nine month extension and it was indicated that the City did not need that approval at this time.

The aesthetics of the construction site was discussed as well as the issues involving storm water erosion controls which were stated as screens, channels and pipes as were indicated as topics of previous discussions about the site. It was indicated that ground cover would address some of the issues and that compliance issues were also being addressed.

It was stated that longstanding issues regarding egress had yet to be resolved. It was indicated that outstanding issues regarding Cuyahoga County had been addressed.

Motion adopted. All members voting yea.

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10. **ORDINANCE NO. 56-08** - AN ORDINANCE authorizing the Mayor to enter into a First Amendment to the Tax Increment Financing and Development Agreement with Foran Montlack Development, LLC to extend the specific dates set forth in the Tax Increment Financing and Development Agreement with Foran Montlack Development, LLC dated September 15, 2007, for a period of nine (9) months in order to facilitate the "Cliffs Project." (Pg. 35)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 56-08 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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11. Communication from Mayor FitzGerald regarding EMS Week. (Pg. 37)

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

12. **RESOLUTION NO. 8357-08** (CORRECTED NUMBER **8237-08**) - A RESOLUTION authorizing the Mayor, as Director of Public Safety and on behalf of the City of Lakewood, to proclaim May 18-24, 2008 as Emergency Medical Services Week. (Pg. 38)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8257-08.  
Motion adopted.  
All members voting yea.

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13. Communication from Law Director Hurley regarding Erosion Control Measures at 17860 Lake Avenue. (Pg.39)

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

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14. **RESOLUTION NO. 8358-08 (8258-08 corrected)** - A RESOLUTION approving the use of submerged lands for property located at and abutting 17860 Lake Road in the City of Lakewood, Ohio (a legal description of which is attached hereto as "Exhibit A") so that the owner can undertake lakeshore protection measures. (Pg.40)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8258-08.  
Motion adopted. All members voting yea.

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15. **\*ADD-ON** - Communication from Councilmember Butler regarding Short-term Lending Institutions. (Pg. 43)

Motion by Mr. Butler, seconded by Ms. Antonio, to receive, file and refer the communication to the Planning Commission.

A re-cap was provided – because cities are uniquely qualified to zone in their community the ordinance further defines terms related to the industry. The proposed ordinance restricts establishments to Detroit or Madison ( Non-office and non-school commercial districts) – restricts a check cashing store from opening within one mile of another check cashing store. (It was indicated the City currently have three). It restricts how and where stores might open – examples – prevents flashing light displays and other distasteful signage. It provides for the Planning Commission’s authority to determine a proposed store’s impact on surrounding businesses.

Motion adopted. All members voting yea.

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16. **\*ADD-ON** - **ORDINANCE NO. 57-08** – AN ORDINANCE amending Section Sections 1103.02, 1129.02 and 1161.03 of the Zoning Code of the Codified Ordinances of the City of Lakewood, to require that short-term loan establishments obtain a conditional use permit, placing certain location and other restrictions on such establishments and on check-cashing and title loan establishments, and clarifying certain related definitions. (Pg. 45)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 57-08 on 1<sup>st</sup> Reading and refer it to the Planning Commission.

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 voting yea.

Meeting adjourned 8:57 PM.

Approved: \_\_\_\_\_

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President

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Clerk

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

Motion adopted. All members voting yea.

Meeting adjourned at 8:57 PM.

Approved: \_\_\_\_\_

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President

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Clerk