

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MAY 19, 2008
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:40 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.

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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, Project Administrator for New Lakewood Fitzgerald, Human Resources Director Yousefi.

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

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Motion by Mr. Dever, seconded by Ms. Madigan, to approve the corrected minutes of Regular Meeting of Council held April 21, 2008, and the minutes of the regular Meeting of Council held May 5, 2008 without the necessity of a reading.

Motion adopted. All members voting yea.

Without objection from Council Item 26 was read after item 2.

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

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

Mr. Dever submitted the following report:

On Thursday, May 15th, the Committee of the Whole met to discuss ordinances, the Historic Preservation ordinance. In attendance were all Council Members along with Mayor FitzGerald, Chief Malley, Finance Director Pae, Public Works Director Howard Strong, Law Director Nora Hurley and members of the Planning Commission as well as members of the Heritage Advisory Board. Ordinance 105-07 is amending the zoning code to include historic preservation districts and historic properties was on our agenda that evening. Basically, this is going to be introducing a new chapter to our zoning code which is 11-34 historic preservation districts and historic properties. The purpose of this new legislation is to protect and preserve Lakewood's buildings and neighborhoods that have a special historic, architectural, community, cultural and aesthetic interest or value. The following discusses its impact on Lakewood residents and answers some of the questions typically associated with historic preservation and designation. Historic designation must be requested and pursued by an individual property owner or a neighborhood.

Designation is not initiated or mandated by the City of Lakewood. Historic designation can be sought for residential and commercial buildings both individually historic property or as a group. Historic preservation districts. Historic designation does not preclude making physical changes to properties. It manages change. Exterior changes to a designated property follow the same review and procedures that are currently in place in the City of Lakewood. Historic designation does not prohibit demolition although it may delay it or, in order to allow interested parties time to find a means to preserve their property. Historic designation will not reduce property values. To the contrary. Designation has been shown to increase property values from 5 to 20 percent. Designation is also shown to increase the value of the entire neighborhood as a collective whole. Historic designation can lead to a listing in the National Register of Historic Places. Listed commercial property can be eligible for historic tax credits also. Approval is not required for such things as gutter repair and maintenance, exterior wall insulation, re-roofing, storm windows and storm doors, repair to driveway, parking, loading areas or walkways, exterior painting or landscape improvements. Approval though is required for a new addition on a house, exterior alterations, the change in the design the architecture and the texture of that property and related new construction. Historic preservation and designation is not about stopping change or squeezing out creative or exciting new commercial and residential development, rather it's about guiding retention of our best, the best of our shared heritage while revitalizing neighborhoods and spurring economic redevelopment. The resulting continuity of character will add appeal and recognize historical identity in the area, increasing the vitality of the City of Lakewood. Before us is the ordinance to create the new chapter in the zoning code and that's what we'll be voting on this evening. One other important change was that the ordinance would not take effect until January 1st of 2009. And that gives everyone an opportunity to get everything in place so that when we do enact this ordinance that we are ready to proceed forward. Move to receive and file that oral report.

Councilmember Antonio added the following comment:

One comment is that I really appreciate that the extra emphasis placed on the time and also, one of the things we heard in committee was all the resources that are available should a neighborhood decide to go forward with a historic preservation district. Especially the fact that we have community volunteers and groups out there that will really help folks navigate through the process. So, I think that was really great news as we were hearing the details on this. Thank you.

Councilmember Dever provided the following report : Thank you. The Committee of the Whole had met last week concerning House Bill 300, ordinance 20-08. This ordinance has actually been before us for about the last year, 16 months but there's been some action on it recently and we're glad to see it happening. HB 300 is a, basically is a \$3.3 million performance contracting project. This ordinance will provide for a plan for financing municipal facilities by allowing the City to enter into up to a 10-year lease managed by an energy performance contractor to make energy efficient upgrades such as lighting and heating. In some of the facilities that are going to be involved in this citywide is going to be lighting retrofits, building envelopes in all the city facilities, City Hall and Winterhurst is going to be a building automation system update. On the Winterhurst Ice Rink is going to be rooftop air handlers, I don't know if any of you have been in Winterhurst lately but there's a fog that comes over it during the winter months because the condensation, so we've had to get these replaced and with this house bill, this is going to allow us to be able to move forward with that project. And basically those energy

savings that we're going to see from doing these improvements are going to pay for the indebtedness of that loan that we get. Also included will be City Hall, there's a chiller replacement and mechanical upgrades and the Office on Aging West, an HVAC replacement and then also at the Traffic Sign Shop, over behind the Beck Center, there's an HVAC replacement going to be taking place there. Move to receive and file this oral report.

Mayor FitzGerald provided the following comment:

I know we talked about this extensively here and in committee but I just want to reiterate what this allows the City to do. Explain, just briefly, what it allows the City to do. And just briefly, the financing mechanism. Anybody that's paid attention to Lakewood civic affairs in the last year, last couple of years knows that the City is in difficult financial straits and we've had to make a lot of tough budget decisions. That's why this particular financing mechanism is so essential in order to make improvements which are both environmentally responsible and energy efficient and also financially more economical for the city. But just in case there's any misunderstanding, it allows us, House Bill 300 allows the City basically borrow money without it counting against the City's debt capacity. By entering into a contract with a vendor that can do these kinds of projects, we've designated the vendor as Johnson Controls which is one of the largest companies in the world. They have a lot of experience and a track record of success of these type of projects, they guarantee the fact that we will, and by guarantee I mean literally, in practice, they guarantee the fact that the savings will equal any of the payments that we would have to make on those bonds. I think it's important to know that this is a major investment that we're able to make into our infrastructure ...and that we're able to do it ultimately at no cost in the long run. In the longer run will continue to save, achieve energy savings do what we couldn't really afford to do before without this particular financing mechanism. Come up with \$3.3 million and we don't have the buying capacity any more to just float that on our own. I appreciate Council expediting it as you mentioned, the concept has been floating around for a while. The City felt it was important and the time is right. I want to thank Council for this and I hope it's a step forward. And regarding Winterhurst, again, we are in discussion with a couple of different management companies regarding something to with having another entity run Winterhurst and this particular agreement, although it makes that more feasible. I anticipate that within the next 30 days you may have a separate agreement which incorporates part of the improvements made with this HB 300 process, a separate agreement which might be reached between us and a management company. So, this allows that to happen. It doesn't require us to enter into an agreement with anyone to run Winterhurst (inaudible)

Councilmember Antonio provided the following comment: I agree with the part when the Mayor talked about the fact that while there are no promises and we don't know exactly what will happen with Winterhurst, I also believe it's a leap of faith in a commitment to really supporting that resource that's a community resource in dedicating this money towards it. While we're using HB 300 to do this, it's still a commitment of a

lot of money and certainly a lot of resources going into that structure so, I'm hoping that it will just be another advantage. We look at a lot of different things as being economic advantage and I think this is one of them just like the Historic Preservation that we just worked on as well. So, I'm real hopeful that this will be the shot in the arm that Winterhurst needs to get it set in motion and get it on the right track. Thank you.

Councilmember Bullock provided the following comment : Just to add quickly, just to make sure this point is drawn out, another benefit in HB 300 and the reforms that we're doing is energy efficiency and the environmental benefits that are there and under current budget rules that may not be front and center but everybody knows that from the sticker shock at the gas pump that energy prices are going up and they're just going to keep going up, so energy efficiency for the City's self interest will keep paying off better and better and environmentally, it's the responsible thing to do and there may even come a day when we're all responsible for the global warming and emissions that we put out and this puts the City ahead of the game. Frankly, it's an example of smart government, which is refreshing. It's a win - win between financing efficiency and doing the right thing so I'm glad to see that Lakewood's taking advantage of that so thanks to the administration and everyone involved.

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

Motion adopted. All members voting yea.(Item 26 followed this item)

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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 1ST READING & REFERRED TO THE FINANCE COMMITTEE 1/22/08, 2ND READING & REFERRED TO THE COMMITTEE OF THE WHOLE 2/4/08. DEFERRED 2/19/08, **SUBSTITUTE EXPECTED**). (Pg. 6)

SUBSTITUTION: **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 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 Johnson Controls, Inc. to provide professional services in the design and preparation of specifications and contract administration and enter into a contract 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.

Motion by Mr. Dever, seconded by Ms. Madigan, to substitute Ordinance No. 20-08.

Councilmember Butler added the following comment:

Mr. Chair, I just want to point out some of the changes in the substitution before us tonight. Some of those changes are very minor in nature. We corrected a few typographical errors in the already amended ordinance that is the ordinance that we amended in committee, and we clarified the term ordinary maintenance in the ordinance, we corrected some capitalization errors inside the ordinance but basically the ordinance stands as this council saw it in the committee of the whole last week and the only changes made are very, very minuscule and minor in nature and this council has been presented with a copy of the substitution before us tonight. So with that, I would encourage all of us to vote for it. It's a very exciting night for Lakewood. This is the product of months and probably a years worth of effort on the part of some of our most active citizens and I was delighted to be a part of it. I think we're going to have an exciting couple of years ahead of us, getting this underway.

Council President Dever added the following comment:

Thank you. Also, I would like to recognize our Planning and Development Department, our Law Department, our Building Department and especially the members of the Heritage Advisory Board and the Historical Society. They're going to be doing a brief, yearly presentation, just after we pass this ordinance, if there's no objections.

Councilmember Butler: One last group Mr. Chair, if you wouldn't mind me adding that is the Planning Commission which had this language before it for a number of months as well and worked out the details of the ordinance before it came back to City Council. At that time it was chaired by Council Member Powers, now councilmember Powers and now chaired by Bill Gruelich who's here with us tonight as well as many members of our Historic Preservation Society here in Lakewood and the Lakewood Heritage Advisory Board.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 20-08 as substituted.

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

Nays: None

Motion adopted. Ordinance adopted.

Vote revisited per Law Director's direction to suspend the rules.

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules.

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

Nays: None

Motion adopted. Rules suspended.

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3. Committee of the Whole Report regarding Introduction of Part-time Police Officers to City (Ordinances Nos. 54-08 & 55-08) (To Be Provided) (Pg.)

Councilmember Dever submitted the following report:

The Committee of the Whole had met back on May 15th concerning this ordinance and actually we had met a few times before it and the Mayor introduced a Law Enforcement Initiative probably about 3 or 4 weeks ago now and this is a companion piece of legislation to go with that Law Enforcement Initiative. It's creating the position of part-time police officers that ordinance 55-08, a salary ordinance, changing to accommodate part-time police officers. The Chief was in attendance. He explained the duties of the part-time officers which would include transporting prisoners, traffic control, which would enable our full-time officers to concentrate more on enforcement and response to calls. The committee unanimously agreed to recommend adoption of both of these ordinances. Move to receive and file that oral report.

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

Motion adopted. All members voting yea.

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4. **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 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 4/21/08, 2ND READING 5/15/08) (Pg. 8)

Councilmember Antonio made the following comment: I have asked repeatedly when we've had our discussions about whether the police union was in support or actually I guess I should say had no challenges at the time that this was discussed to this. The answer I received has been the leadership has been in, positive discussion of this. In light of the case that came about in Cleveland where two years after a high rank decision was made by some folks it's not the same issue but it's raised the question for me and so I asked Law Director Hurley just one more time, and my question this time was is there any language in the contract, in the FOP contract, to prevent hiring part-time police and I'd like the Law Director to give us the answer right now which I appreciate at this late date that she looked one more time for us. Thank you.

Law Director Hurley responded: Councilwoman Antonio, upon review of the contract of the police bargaining unit, there is no specific provision in the union contract that prohibits part-time police officers. Therefore it is the opinion of the Law Department there would not be a violation hiring part-time police officers.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 54-08.

Motion adopted. All members voting yea.

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5. **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 1ST READING & REFERED TO THE COMMITTEE OF THE WHOLE 4/21/08) (Pg. 12)

Motion by Mr. Dever, seconded by Ms. Madigan, to substitute Ordinance No. 55-08.

Councilmember Dever made the following comment:

The reason for the substitution was that the hourly rates that were provided when we were initially in committee reflected the 2006, I believe, salary rate and the change here is reflecting the 2008 rate. Any questions on the motion? Clerk will call the roll

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 55-08 as substituted.

Motion adopted. All members voting yea.

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6. Committee of the Whole Report regarding Zoning Code Change (include Historic Preservation Districts. (To Be Provided)

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

Motion adopted. All members voting yea.

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7. **ORDINANCE NO. 105-07** – AN ORDINANCE to amend Ordinance 91-95 the Zoning Code of the Codified Ordinances of the City of Lakewood. {*Historic Preservation*} (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/17/07, 2nd READING 1/7/08) (Pg. 18)

Motion by Mr. Dever, seconded by Ms. Antonio, to substitute Ordinance No. 105-07.

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

Nays: None

Motion adopted. Ordinance No. 105-07 substituted.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 105-07 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 105-07 adopted as substituted.

8. Committee of the Whole Report regarding Council's Emergency Medical Services Commission Appointment. (To be Provided) (Pg.)

Mr. Dever submitted the following report:

Once again, the Committee of the Whole had met last Thursday on the 15th regarding Resolution #8254-08 which is regarding the appointment of Emergency Medical Services Commission. The Committee had two names to review and to make an appointment and we all agreed in Committee to appoint Mr. Dave Slife, a business owner and medvac in the, I think it was the National Guard. Move to receive and file the report.

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

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9. **RESOLUTION NO. 8254-08** - 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, appointing _____ to the Emergency Medical Services Commission for the full two-year term beginning _____, 2008 and ending _____, 2010. (REFERRED TO COMMITTEE OF THE WHOLE 4/21/08) (Pg. 23)

Motion by Mr. Dever, seconded by Mr. Butler, to amend Resolution No. 8254-08 in the following manner: David Slife as the appointment, the two year term beginning May 19, 2008 and ending May 19, 2010.

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

Nays: None

Motion adopted. Resolution amended.

Motion by Mr. Butler, seconded by Mr. Dever, to adopt Resolution No. 8254-08 as amended.

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

Nays: None

Motion adopted. Resolution No. 8254-08 adopted as amended.

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10. Finance Committee Report regarding Ordinance 49-08 – Longevity Compensation. (Pg.24)

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

Motion adopted. All members voting yea.

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11. **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 1ST READING & REFERRED TO THE FINANCE COMMITTEE 4/7/08, 2ND READING 4/21/08)(Pg.25)

Motion by Ms. Antonio, seconded by Mr. Dever, to receive, file and refer Ordinance No. 49-08 to the Committee of the Whole.

Councilmember Antonio made the following comments:

Mr. Chair, the reason I'm recommending that and I appreciate taking a second look at this by a Second; I'm hoping my colleagues vote to send it back to Committee of the Whole. I did not realize that when the Finance Committee was going to look at this that there was a possibility of having a permanent change. I think I had originally even been the one to ask for clarification on what temporary meant. I just think that this is an important issue that we need to take a look at the details behind this especially since part of the rationale for doing this is a merit based system that my understanding is isn't in place at the moment and I think there's just a lot of other factors that require taking a second look at.

Mr. Dever, on the motion to place it in the Committee of the Whole.

Mr. Bullock asked about time sensitivity of the ordinance.

Finance Director Pae indicated longevity payment would be June 15th.

Mayor FitzGerald made the following comments:

If it was suspended for the year, if Council wanted to deliberate on it further as to make it permanent, they could deliberate on that separately but I would just tell you that if this category of persons received this benefit while we are in the middle of negotiations with bargaining units are not only are we asking them for concessions which one of them has already been agreed to but even though(inaudible) if not agreed to concessions some of that would effect their bottom line either through reductions in overtime or layoffs. So it would send, I'm just telling you as a person who's in charge of our negotiating team, I would not find that to be helpful. So I would say that at a minimum certainly I would request that you don't re-instate a longevity payment for this year. The system has so much fiscal stress on it right now that \$50,000 might not seem a lot for this year but that's an employee. That (inaudible) someone's job. We're going to be going through, and I realize, you're not getting blow by blow of what's going on with negotiations, we're about to go into another round of meetings with our managers, looking at additional lay-offs so the less stress on the system, the better, I just ask that you keep that in mind before you make a decision because if you decided to do that I'll let you know what additional employees we have to...(inaudible).

Councilmember Dever made the following comment:

Mr. Mayor I think the only additional question on it is if it's temporary in nature or permanent in nature and that's probably the only discussion that's going to take place.

Councilmember Antonio stated the following:

Absolutely, I agree with you, that was my understanding as read the letter and my believe is that when we okayed the Budget I can't remember this issue came before or after the Budget but I believe our Budget is reflective of having the longevity suspended this year. I'm not one hundred percent sure of that but I believe so. The other thing I just want to say is that and this is where I as a councilperson am very respectful that I am not an administrator, not in those negotiations, nor are any of us that sit on Council which is important for us to look at what the policy is but not be involved with micromanaging the day to day so my intention is to look at the terminology for temporary.

Councilmember Madigan indicated the following:

Just so we're all clear about what we're talking about to Director Pae, would you please explain what longevity pay is.

Finance Director Pae indicated the following:

Longevity Pae is based on years of service starting with five years. What this ordinance, the Administrative Code, this actually reflects what's in all of the Collective Bargaining Contracts right now. So the Collective Bargaining Units have similar - so starting with years of service you get an annual payment of \$500.00 and all the way up until it's capped at \$2,000. The 31 employees does not include the directors but it does include the Police and Fire Chief.

Councilmember Madigan provided the following comment:

So it is part of a compensation package based on if you've been an employee for a particular number of years. (Pae: that's right). Whether or not, it's not merit based, it is simply for showing up to work. (Pae: it's based on years of service).

Councilmember Butler provided the following comments:

I think this ordinance as we all recall was originally proposed as a temporary suspension of the chapter of the Codified Ordinances and the language that has been changed is hereby repealed, that's what's before us now, whereas before I think it was something like, "is hereby temporarily suspended or suspended until December 31, 2008. That would be the only, in my opinion, that language right there, and the change in that language would be the only reason why I would want to send this back to Committee of the Whole or frankly, we could amend it right here on the floor and make it through December 31, 2008, but frankly I think it would probably be best to have one more Committee of the Whole Meeting on it and then bring it right back to the Council docket the first meeting in June. I'd support the motion to send it back. My suggestion is we only focus on whether or not it's temporary as others have suggested, whether it's temporary or permanent.

Motion adopted. All members voting yea.

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12. Rules & Ordinances Committee Report regarding Placing Charter Change on the Ballot. (Lakewood Primary Election to Second Tuesday in September) (Pg. 28)

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

Motion adopted. All members voting yea.

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13. **ORDINANCE NO. 95-07** – AN ORDINANCE, providing for the submission to the electors of the City of Lakewood, an amendment to Article XIX, Section 2, Primary Elections of the Second Amended Charter of the City of Lakewood, to move the date for primary elections to be held in the City of Lakewood to the second Tuesday in September prior to each general municipal election. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 95-07 PLACED ON 1ST READING & referred to the RULES & ORDINANCES COMMITTEE 11/19/07, 2nd READING 12/3/07) (Pg. 30)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 95-07 on third reading and defer.

Motion adopted. All members voting yea.

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14. **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.” (PLACED ON 1ST READING AND REFERRED TO THE FINANCE COMMITTEE 5/5/08) (Pg. 32)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 56-08 on 2nd Reading.

Motion adopted. All members voting yea.

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15. **ORDINANCE NO. 57-08** – AN ORDINANCE amending 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. (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 5/5/08) (Pg. 34)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 57-08 on 2nd Reading.

Motion adopted. All members voting yea.

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

16. Communication from Councilmember Powers regarding Ordinance Amending Section 506.12. (Pg.48)

Approximately 21 audience members spoke in opposition of an outright pit-bull ban and one person spoke in favor of a pit-bull ban. Arguments against the ban included the following:

- Difficulty in identifying the breed
- Unfair labeling of well behaved dogs
- Lack of enforcement presently with vicious animal law
- Unfair to law abiding owners; focus should be on abusive/negligent pit-bull owners and holding them responsible (Increase penalties for abusive behavior toward pit-bulls)
- Focus on public education; spae & neuter awareness
- Pit-bull is important for personal protection
- Good citizens who own pit-bulls would leave should ban take place
- Pit bull bans cost cities money
- Pit bulls are especially suited for therapy, search and rescue

Person favoring the ban indicated that pit bulls posed a unique danger because of their make-up and physical strength.

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

Motion adopted. All members voting yea.

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17. **ORDINANCE NO. 58-08** – AN ORDINANCE to amend Section 506.12, Pit Bull Dogs or Canary Dogs, of the Lakewood Codified Ordinances for the purpose of banning pit bull terriers within the City of Lakewood. (Pg.49)

Motion by Mr. Dever, seconded by Mr. Powers, to place Ordinance No. 58-08 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

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18. Communication from Law Director Hurley regarding Amendment to the Lakewood Sanitary Code. (Pg.52)

Motion by Mr. Dever, seconded by Mr. Butler, to receive, file and refer the communication to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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19. **ORDINANCE NO. 59-08** - 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 amend the Sanitary Code of the Codified Ordinances of the City of Lakewood for the purpose of retaining jurisdiction for enforcement of violations where the Cuyahoga County Department of Health does not have jurisdiction. (Pg.53)

Motion by Mr. Dever, seconded by Mr. Butler, to place Ordinance No. 59-08 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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20. Communication from Finance Director Pae regarding Amendment to 2008 Water System Replacement Program. (Pg.75)

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

Motion adopted. All members voting yea.

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{Please Note Ordinance Number Correction}

21. **ORDINANCE NO. 60-08** 16-08A- 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 and be in force after the earliest period allowed by law to amend Ordinance No. 16-08, adopted February 19, 2008 to increase contracting authority and authorize and 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.76)

Motion by Mr. Dever, seconded by Ms. Antonio, to suspend the rules requiring this ordinance be read on three separate days and placing Ordinance No. 16-08A on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 16-08A.

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

Nays: None

Motion adopted. Ordinance No. 16-08A adopted.

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22. Communication from Police Chief Malley regarding Resolution for Rainbow Babies and Children's Hospital Safe Communities Grant. (Pg.79)

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

Motion adopted. All members voting yea.

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{Please Note Resolution Number Correction}

23. **RESOLUTION NO. 8359-(8259-08)** - 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, as Safety Director, to enter into an agreement on behalf of the City to accept and expend grant funds, in an amount not to exceed \$1,000, from University Hospitals Health System/Rainbow Babies & Children's Hospital for the purpose of providing targeted enforcement activity within the City of Lakewood. (Pg. 80)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8259-08.

Motion adopted. All members voting yea.

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24. Communication from Police Chief Malley regarding Resolution for U.S. Army Electronic Proving Grounds (EPGCTAC), Office of national Drug Control Policy Grant. (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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{Please Note Resolution Number Correction}

25. **RESOLUTION NO. ~~8360~~(8260-08)** - 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, as Safety Director, to enter into an agreement on behalf of the City to accept equipment, training and travel valued at \$30,000, from the Office of National Drug Control Policy, Counterdrug Technology Assessment Center to assist the Lakewood Police Department in its mission to arrest those committing drug offenses and keep Lakewood a safe community to work and live. (Pg.83)

Motion by Mr. Dever, seconded by ms. Madigan, to adopt Resolution No. 8260-08.
Motion adopted. All members voting yea.

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26. Communication from Mayor FitzGerald and Heritage Advisory Board Chair Sicha regarding 2008 City of Lakewood Preservation Awards Program. (Pg.85)

Councilmember Butler provides the following comment: While everyone gets seated, I thought I would name some of the people by name who are here. Rhonda Loge is the current president of the Board of the Lakewood Historical Society, John Pyke's in the back there and helped write the legislation. John, thank you. Masie Adams is the Executive Director of Historical Society. I see Paula Reed who is a past president of the Historical Society. Marcia Moll as well as Rick Sicha who you heard from and Heather Rudge sitting in the front there.

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

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{Please Note Resolution Number Correction}

27. **RESOLUTION NO. ~~8361~~(8261-08)** – A RESOLUTION recognizing that the month of May 2008 has been designated as National Preservation Month and acknowledging the 2008 Preservation Award winners within the City of Lakewood. (Pg.86)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8261-08.
Motion adopted. All members voting yea.

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28. Liquor Permit Application for C1 & C2 transfers to WEBB Food Mart from MonaLisa Sharma, d/b/a India Food Emporium, 17796 Detroit Rd. (Pg.88)

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

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29. Liquor Permit Application for D2, D2X, D3, D3A, and 36 transfers to Jumping Jackolantern Holdings, d/b/a Old Stand from W C J S B, 15527 -33 Madison Ave. (Pg.89)

Motion by Mr. Dever, 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. Madigan, to adjourn the meeting.

Meeting adjourned 10:33 PM.

Approved: _____

President

Clerk

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: _____

President

Clerk