

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JUNE 2, 2008
7:30 P.M.**

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

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Present: Councilmembers Nickie J. Antonio, Thomas Bullock, Kevin Butler, Mary Louise Madigan, Michael P. Summers.

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Also Present: Mayor FitzGerald, Law Director Hurley, Finance Director Pae, Fire Chief Mroz, Police Chief Malley, 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 Ms. Madigan, seconded by Ms. Antonio, to excuse the absences of Mr. Dever. And Mr. Powers.

Motion adopted. All members present voting yea.

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Motion by Ms. Madigan, seconded by Ms. Antonio, to defer action on the minutes of Regular Meeting of Council held May 19, 2008.

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding Ordinance 49-08 – Longevity Compensation. (To be Provided)

Ms. Madigan submitted the following report: At the Committee of the Whole tonight we went over this item that has been before Council for quite a few weeks. It came out of the 2008 Budget. It was first introduced by the Administration as temporary item. It now stands as a repeal of the ordinance. Our decision tonight was to amend it to change the language from repeal back to suspend the employment benefits for the remainder of the 2008 Budget Year. We're doing thing because our Budget was passed with this savings already considered.

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

Motion adopted. All members voting yea.

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2. **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 other wise, it

shall take effect and be in force after the earliest period allowed by law, to repeal Section 149.07, Longevity Compensation, of the Lakewood Codified Ordinance. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 49-08 PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 4/7/08, 2ND READING 4/21/08, REFERRED TO THE COMMITTEE OF THE WHOLE 5/19/08)(Pg. 4)

Motion by Ms. Madigan, seconded by Ms. Antonio, to substitute.

Mr. Butler indicated that the substitute takes the ordinance back to a temporary suspension through the calendar year 2008 from what had been an earlier substitute of the ordinance which was a full repeal of the ordinance. He indicated Council was passing an ordinance that is going to look exactly like the original ordinance presented to Council if it votes to approve this motion.

Ms. Antonio indicated that her understanding was that the issue would be revisited, that there was a possibility that there would be a permanent repeal in the future; however, the discussion was that the Administration would look at other opportunities and ways of a merit based system and that she looked forward to that in the future.

Yeas: Antonio, Bullock, Butler, Madigan, Summers

Nays: None

Motion adopted. Ordinance substituted.

Motion by Ms. Madigan, seconded by Ms. Antonio, to adopt Ordinance No. 49-08 as substituted.

Yeas: Antonio, Bullock, Butler, Madigan, Summers

Nays: None

Motion adopted. Ordinance No. 49-08 adopted as substituted.

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3. Finance Committee Report regarding Ordinance No. 56-08 Cliffs Project Tax Increment Financing. (To Be Provided)

Mr. Summers submitted the following report:

The Finance Committee did meet this evening to consider this issue. The important point is, this was an extension of an agreement that was passed by this Council in October of 2007. The original term to put this tax increment financing together expired March 31 and the question before the Finance Committee and also tonight us whether or not this Council will extend this tax increment financing proposal for an additional nine (9) months. The essence of this request is based on the fact that the developer has run into challenges and delays in obtaining development and credit programs. As bold as this plan is we probably all would agree that his timing couldn't have been worse in terms of building new housing in really almost anywhere in the country but particularly here in the northeastern part of Ohio and bank credit I can say first hand particularly for housing issues is very difficult to come by and thereby this developer, Foran Montlack has asked for an extension. The Finance Committee considered this and its ramifications and had concerns about the state of the property which is in a barren, undeveloped state, unattractive to the eye as it sits today very likely will be in that state for at least the near term. Ward 1 Councilman has been the recipient of numerous complaints and concerns from the neighbors in the area. We did petition and express very clearly the expectations on the part of

this developer that enhancements from the streetscapes side would be improved, he is committed to that. We have a document he submitted in writing, giving us a rough plan which would include basic landscaping to basically give some semblance of improved appearance to passers by on Sloane Avenue. In the spirit then, of his commitment which an expectation that this landscaping will be accomplished in the next two weeks the Finance Committee voted by a vote of 3-0 to recommend the extension of this tax increment financing plan to the City Council.

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

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4. **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, 2ND READING 5/19/08) (Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Butler, to adopt Ordinance No. 56-08.
Motion adopted. All members voting yea.

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5. Public Works Committee Report regarding Upgrade of Traffic Signals Along Clifton Boulevard and West Clifton Boulevard. (To be Provided)

Ms. Antonio submitted the following report:

The Public Works Committee met tonight prior to this meeting to discuss one issue. In attendance were President Mary Louise Madigan and myself as well as members of the Administration. The Committee looked at the issue before us which was an emergency ordinance to enter into an agreement with the Ohio Department of Transportation to upgrade and interconnect traffic signals along Clifton Boulevard. There was one issue in the estimated project of one million seven hundred thousand dollars (\$1,700,000) which is a signal at Clifton Boulevard and Lake Road that the City would assume 100% of the cost for because it's considered unwarranted by the State of Ohio. There have been numerous meetings on this issue and the decision was made by the Committee to recommend moving forward with this project in its entirety.

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

Mr. Butler added that he would work with Engineering and Finance in an attempt to come up with a solution to the traffic light problem at Lake and Clifton.
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 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 4/21/08, 2nd Reading 5/5/08) (Pg. 8E)

Motion by Ms. Madigan, seconded by Mr. Butler, to adopt Ordinance No. 53-08.
Motion adopted. All members voting yea.

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7. **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, 3rd READING, RECOMMENDED FOR ADOPTION & DEFERRED 5/19/08) (Pg. 9)

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

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8. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 5/19/08) (Pg.11)

Motion by Ms. Madigan, seconded by Ms. Antonio, to place Ordinance No. 58-08 on 2nd reading.
Motion adopted. All members voting yea.

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9. **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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/19/08) (Pg.14)

Motion by Ms. Madigan, seconded by Mr. Butler, to place Ordinance No. 59-08 on 2nd Reading and refer back to the Rules & Ordinances Committee.
Motion adopted. All members voting yea.

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10. Liquor Permit Application for C1 & C2 transfers to WEBB Food Mart from MonaLisa Sharma, d/b/a India Food Emporium, 17796 Detroit Rd. (DEFERRED 5/19/08) (Pg.36)

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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11. Liquor Permit Application for D2, D2X, D3, D3A, and D6 transfers to Jumping Jackolantern Holdings, d/b/a Old Stand from W C J S B, 15527 –33 Madison Ave. (DEFERRED 5/19/08) (Pg.37)

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

Motion adopted. All members voting yea.

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

12. Communication from Finance Director Pae regarding Depository Agreements. (Pg.38)

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

Motion adopted. All members voting yea.

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13. **ORDINANCE NO. 60-08** - AN ORDINANCE amending Section 129.10, Depositories, of the Codified Ordinances of the City of Lakewood for the purpose of lengthening the permitted term of depository agreements for the City's active deposits (Pg. 39)

Motion by Ms. Madigan, seconded by Mr. Butler, to place Ordinance No. 60-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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14. Communication from Law Director Hurley regarding Civil Litigation; Request for Council Authority to Enter Settlement Agreement with Terrace Construction Co., pursuant to Lakewood Codified Ordinance 127.02. (Pg.43)

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

Motion adopted. All members voting yea.

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15. **ORDINANCE NO. 61-08** - 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 Director of Law to enter into a settlement Agreement with the parties in the case of Terrace Construction Co., Inc. vs. The City of Lakewood, Ohio. (Pg.44)

Motion by Ms. Madigan, seconded by Ms. Antonio, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 61-08 on final reading.

Yeas: Antonio, Bullock, Butler, Madigan, Summers

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Ms. Antonio, to adopt Ordinance No. 61-08.

Yeas: Antonio, Bullock, Butler, Madigan, Summers

Nays: None

Motion adopted. Ordinance No. 61-08 adopted.

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16. Communication from Planning & Development Director Kelly regarding Vacant Residential Property Fund Application. (Pg.46)

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

Motion adopted. All members voting yea.

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17. **RESOLUTION NO. 8262-08** - 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 at the earliest period allowed by law, authorizing and directing the Mayor, on behalf of the City, to apply for financial assistance under the First Suburbs Development Council's Vacant Residential Property Fund Program in support of foreclosure prevention and remediation efforts in the Historic Birdtown Neighborhood. (Pg. 47)

Motion by Ms. Madigan, seconded by Ms. Antonio, to adopt Resolution No. 8262-08.

Motion adopted. All members voting yea.

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Announcements: Thursday, June 26, 2008 at Lakewood Park – Community Relations Advisory Commission will be hosting a diversity pot luck.

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

Motion adopted. All members voting yea.

Meeting adjourned at 8:12 PM.

Approved: _____

President

Clerk