

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

Regular Meeting of the Lakewood City Council called to order at 7:39 PM by President Dever.

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

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Also Present: Mayor FitzGerald, Law Director Hurley, Finance Director Pae, Fire Chief Mroz, Police Chief Malley, Public Works Director Beno, Planning & Development Director Kelly.

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Motion by Ms. Madigan, seconded by Mr. Butler to approve the minutes without the necessity of a reading.

Motion adopted. All members voting yea

Reading and disposal of the minute of the Regular Meeting of Council held June 2, 2008.

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

Motion adopted. Five members voting yea.

Mr. Dever and Mr. Powers abstaining.

Motion adopted. All members voting yea.

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

1. Finance Committee Report regarding Ordinances Nos. 60-08, 63-08, 64-08, Resolution No. 8266-08, and Compensation Strategy of Chiefs of Police & Fire. (Pg. 6)

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

Motion adopted. All members voting yea.

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2. **ORDINANCE NO. 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. **PLEASE SUBSTITUTE** FOR ORDINANCE NO. 60-08 PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 6/2/08, 2<sup>ND</sup> READING 6/16/08) (Pg. 8)

Motion by Mr. Dever, seconded by Ms. Madigan, to substitute Ordinance No. 60-08.

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. 60-08.

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

Nays: None

Motion adopted. Ordinance No. 6-08 adopted.

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3. **ORDINANCE NO. 63-08** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law to establish additional appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2008. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 6/16/08) (Pg. 13)

Motion by Mr. Butler, seconded by Mr. Dever, to defer action on Ordinance No. 63-08.

Motion adopted. All members voting yea.

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4. **RESOLUTION NO. 8266-08** - A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law approving the Tax Budget of the City of Lakewood, State of Ohio for the year 2009, and authorizing the filing of same with the Auditor of Cuyahoga County. (REFERRED TO THE FINANCE COMMITTEE 6/16/08) (Pg. 15)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8266-08.

Motion adopted. All members voting yea.

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5. **ORDINANCE NO. 64-08** - AN ORDINANCE to permit the purchase of real property for an amount not to exceed \$60,000 without advertising and competitive bidding or specific approval of Council as required by Lakewood Codified Ordinance §111.04 for a period of three years from the effective date of this legislation. (**PLEASE SUBSTITUTE** for Ordinance No. 64-08 placed on 1<sup>st</sup> Reading & Referred to the Finance Committee 6/16/08) (Pg. 17)

Motion by Mr. Dever, seconded by Ms. Madigan, to substitute Ordinance No. 64-08.

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

Nays: None

Motion adopted. Ordinance No. 64-08 substituted.

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 64-08 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. 64-08 as amended.

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

Nays: None

Motion adopted. Ordinance No. 64-08 adopted as amended.

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6. Rules & Ordinances Committee Report regarding Ordinance 59-08 - . Lakewood Sanitary Code Enforcement relative to Cuyahoga County Department of Health Jurisdiction. (To Be Provided)

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

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7. **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 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/19/08, 2<sup>ND</sup> READING 6/2/08) (Pg.19)

Motion by Mr. Butler, seconded by Mr. Dever, to defer action on this Ordinance.  
Motion adopted. All members voting yea.

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

8. Communication from Council President Dever regarding commending Jim O’Bryan. (Pg.41)

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

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9. **RESOLUTION NO. 8268-08** - to congratulate Jim O’Bryan on being named 2008 Business Person of the Year by the Lakewood Chamber of Commerce. (Pg. 42)

Motion by Mr. Dever, seconded by Councilmember Antonio, to adopt Resolution No. 8268-08.  
Motion adopted. All members voting yea.

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- 9A. (*item was erroneously left off original publication of docket*) – Communication from Councilmember Summers regarding appointing Joseph Loboza to the Community Relations Advisory Commission. (Pg.42A)

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

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10. Communication from Mayor FitzGerald regarding Mayoral Appointments to the Community Relations Advisory Commission. (Pg.43)

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

Motion adopted. All members voting yea.

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11. Communication from Mayor FitzGerald regarding Appointment to Lakewood Hospital Board of Trustees. (Pg.44)

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

Motion adopted. All members voting yea.

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12. Communication from Mayor FitzGerald regarding Use of City Property and Fees. (Pg.45)

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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13. **ORDINANCE NO. 65-08** - 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, amending section 905.15, Picnic Areas, Permit for use of Picnic Pavilions of the Codified Ordinances of the City of Lakewood for the purpose of establishing fees for reservation of the Kiwanis Pavilion by permit. (Pg. 45)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 65-08 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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14. **ORDINANCE NO. 66-08** - 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, creating a new section 905.21, Rental of City Property of the Codified Ordinances of the City of Lakewood for the purpose of establishing facilities that shall be made available to the public for rent and to establish fees for such rental. (Pg. 49)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 66-08 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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15. **ORDINANCE NO. 67-08** - 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, repealing Ordinance No. 45-78, adopted May 1, 1978. (Pg. 51)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 67-08 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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- 16. ORDINANCE NO. 68-08** - AN ORDINANCE to amend Chapter 557, Parades, of the Codified Ordinances of the City of Lakewood for the purpose allowing community groups the non-exclusive use of park space for special events within the City of Lakewood. (Pg. 55).

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 68-08 on 1<sup>st</sup> Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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- 17.** Communication from Mayor FitzGerald regarding Appointment of Public Works Director. (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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- 18. RESOLUTION NO. 8269-08** - 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, approving the appointment of Joseph Beno to the position of Director of Public Works upon his taking the oath of office. (Pg. 60)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8269-08.

Motion adopted. All members voting yea.

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- 19.** Communication from Finance Director Pae regarding Mid-Year 2008 Appropriations Ordinance. (Pg.61)

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

Motion adopted. All members voting yea.

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- 20. ORDINANCE NO. 69-08** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law to establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2008. (Pg. 62)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 69-08 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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- 21.** Communication from Finance Director Pae regarding Purchase of Road Salt (Sodium Chloride) (Pg.74)

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

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- 22. ORDINANCE NO. 70-08** - 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 Finance, on behalf of the City of Lakewood to participate in the Ohio Department of Transportation (ODOT) purchasing program. (Pg. 75)

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. 70-08 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. 70-08.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers  
Nays: None  
Motion adopted. Ordinance No. 70-08 adopted.

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- 23.** Communication from Finance Director Pae regarding 2008 Capital Lease Authorization. (Pg.77)

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

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- 24. ORDINANCE NO. 71-08** - 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 authorize the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood (“Lessee”). (Pg.78)

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this Ordinance read on three separate days and placing Ordinance No. 71-08 on final reading.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers  
Nays: None  
Rules suspended.

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this ordinance be read on three separate days and placing Ordinance No. 71-08 on final reading.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers  
Nays: None  
Ordinance No. 71-08 adopted.

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- 25.** Communication from Human Services Director Buckon regarding PASSPORT Program.  
(Pg.83)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive, file and refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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- 26. ORDINANCE NO. 72-08** - 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 or his designee, on behalf of the City, to enter into an Agreement with the Western Reserve Area Agency on Aging to accept and expend PASSPORT Program funds for the fiscal period covering July 1, 2008 through June 30, 2010 and ratifying any and all prior agreements to accept and expend funds for this project. (Pg. 84)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 72-08 on 1<sup>st</sup> Reading and refer it to the Health & Human Services. Committee.

Motion adopted. All members voting yea.

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- 27.** Communication from Human Services Director Buckon regarding Helen Barta Trust.  
(Pg.86)

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

Motion adopted. All members voting yea.

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- 28. RESOLUTION NO. 8270-08** - 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 to accept, on behalf of the City of Lakewood, a gift from the Helen Barta Trust in the amount of \$131,583.00 for use by the Lakewood Office on Aging for transportation purposes. (Pg. 87)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8270-08.

Motion adopted. All members voting yea.

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- 29.** Communication from Planning & Development Director Kelly regarding Proposed Ordinance 57-08 Short Term Loan Establishments. (Pg. 89)

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

Motion adopted. All members voting yea.

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**30.** Communication from Planning & Development Director Kelly regarding Referral to Planning Commission Regarding Proposed Chapter 1160 Wind Energy Facility. (Pg. 90)  
Motion by Mr. Dever, seconded by Ms. Madigan, to receive and file the communication.  
Motion adopted. All members voting yea.

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**31. ORDINANCE NO. 73-08** - AN ORDINANCE to amend the Zoning Code of the City of Lakewood, Ordinance No. 91-95, to include provisions to create a conditional use for Wind Energy Facilities and to regulate the placement of Wind Energy Facilities within the City of Lakewood and two miles into Lake Erie from the natural shoreline. (Pg.91)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 73-08 on 1<sup>st</sup> Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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**32.** Communication from Civil Service Commission regarding Recommendation for Council Member and Mayor Salaries. (Pg.109)

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

Motion adopted. All members voting yea.

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**33.** Liquor Permit Application for a D2 transfer to AED Enterprises d/b/a Deweys Pizza; 18516 Detroit Avenue from Robert R. Tomazic Jr. D/b/a Drinkery - & Patio 130 Wayne St. Sandusky, Ohio. (Pg. 112)

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

Motion adopted. All members voting yea.

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

Motion adopted. All members voting yea.

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Meeting adjourned at 9:00 PM.

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

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President

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Clerk