

**MINUTES  
OF THE  
REGULAR MEETING OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
SEPTEMBER 15, 2008  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 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 Representative, Police Captain Sabala, Human Services Director Buckon, Public Works Director Beno, Planning & Development Director Kelly, Human Resources Director Yousefi.

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

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

Motion adopted. All members voting yea.

Without objection from Council items 6 and 7 were read first in the agenda order.

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

1. Public Works Committee Report regarding Submerged Lands Lease 15404 Edgewater, Lakewood, Ohio. (Pg.6)

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

Motion adopted. All members voting yea.

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2. **RESOLUTION NO. 8281-08** - 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 use of submerged lands for property located at and abutting 15404 Edgewater Drive 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. (REFERRED TO THE PUBLIC WORKS COMMITTEE 9/2/08) (Pg.7)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt resolution No. 8281-08.

Motion adopted. All members voting yea.

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3. Finance Committee Report regarding Ordinance No. 98-07. {Add-on – *received after docket deadline*} (Pg.10)

Motion by Mr. Summers, seconded by Ms. Madigan, to receive and file this report.

Motion adopted. All members voting yea.

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4. **ORDINANCE NO. 98-07C** - 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 Ordinance 98-07B, adopted March 17, 2008 for the purpose of adding, deleting, and increasing contracting authority for 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 enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2008 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 9/2/08) (Pg.14)

Motion by Mr. Dever, seconded by Ms. Madigan, to substitute Ordinance No. 98-07.

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

Nays: None

Ordinance No. 98-07C substituted.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 98-07C as substituted.

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

Nays: None

Ordinance No. 98-07C adopted substituted.

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5. Liquor Permit Application for a D1 transfer to Jay Lor IV Inc, 16300-02 Detroit Avenue from Soup & Stew Inc, d/b/a Venezia, same address. (Pg.21)

Motion by Mr. Bullock, seconded by Mr. Dever, to file no objection to this Liquor Permit transfer.

Motion adopted. All members voting yea.

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

6. **RESOLUTION NO. 8283-08 - 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, to appoint \_\_\_\_\_ as a member of the Animal Safety and Advisory Board for a one-year term, ending December 31, 2009. (Pg.22)

Motion by Mr. Dever, seconded by Ms. Madigan, to refer Resolution No. 8283-08 to the Committee of the Whole.

Motion adopted. All members voting yea.

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7. **RESOLUTION NO. 8284-08** - 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, to appoint \_\_\_\_\_ as a member of the Animal Safety and Advisory Board for a two-year term, ending December 31, 2010. (Pg.24)

Motion by Mr. Dever, seconded by Ms. Antonio, to receive, file and refer Resolution No. 8284-08 to the Committee of the Whole.

Motion adopted. All members voting yea.

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8. Communication from Mayor FitzGerald regarding 2008 Fire Prevention Week and Lakewood Fallen Firefighters Memorial Day. (Pg.26)

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. 8285-08** - A RESOLUTION calling upon the citizens of Lakewood to participate in fire prevention activities at home, work and school, and to heed the message: "It's Fire Prevention Week – Prevent Home Fires!" as the 2008 Fire Prevention Week theme suggests. (Pg. 27)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8285-08.

Motion adopted. All members voting yea.

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10. **RESOLUTION NO. 8286-08** - A RESOLUTION proclaiming October 5th, 2008 as Fallen Firefighter Memorial Day in the City of Lakewood. (Pg.28)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8286-08.

Motion adopted. All members voting yea.

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11. Communication from Finance Director Pae regarding Amendment to Purchasing & Contracting Ordinance. (Pg.29)

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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12. **ORDINANCE NO. 98-07D** - 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 Ordinance 98-07D, adopted September 15, 2008 for the purpose of adding, deleting, and increasing contracting authority for 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 enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2008 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 30)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 98-07D on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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13. Communication from Finance Director Pae regarding 2008 Capital Lease Authorization of A Quint Fire "Apparatus. (Pg. 37)

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. **ORDINANCE NO. 79-08** – 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.38)

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. 79-08 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. 79-08.

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

Nays: None

Motion adopted. Ordinance No. 79-08 adopted.

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15. Communication from Police Chief Malley regarding Office Lease with Westerly. (Pg.41)

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

Motion adopted. All members voting yea.

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16. **ORDINANCE NO. 80-08** - 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, requesting Council's specific approval of and authorizing the Mayor to enter into a lease for property located at 14300 Detroit Avenue, Unit 116, Lakewood, Ohio for use by the Division of Police ("Division") as the Ward III Neighborhood Police Station, in accordance with Lakewood Codified Ordinance §111.04(a)(4).(Pg.42)

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. 80-08 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. 80-08.

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

Nays: None

Motion adopted. Ordinance No. 80-08 adopted.

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17. Communication from Fire Chief Mroz regarding Resolution to accept and expend funds from the FY 2008 Fire Act Grant Award. (Pg.46)

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. 8287-08** - A RESOLUTION to take effect immediately provided it receives an 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 Director of Public Safety, on behalf of the City, to enter into an Agreement with the Federal Emergency Management Agency to accept and expend funds for the Assistance to Firefighters Grant Program for the purchases of a diesel exhaust removal systems in the amount of \$94,314.00 and requiring a City match of funds in the amount of \$18,862.00. (Pg. 47)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8287-08.

Motion adopted. All members voting yea.

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19. Communication from Fire Chief Mroz regarding Resolution to accept and use Rescue Randy Manikin. (Pg.49)

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

Motion adopted. All members voting yea.

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20. **RESOLUTION NO. 8288-08** - 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 the Mayor to accept,

on behalf of the City of Lakewood, the donation of a new Rescue Randy Manikin for use by the Lakewood Fire Department from Lakewood Hospital valued at \$1,000. (Pg.50)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8288-08.  
Motion adopted. All members voting yea.

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21. Communication from Public Works Director Beno regarding Ohio Public Works Commission Grant Program – Bunts Road Construction Project (CR 232). (Pg. 52)

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. **RESOLUTION NO. 8289-08** - 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, for and on behalf of the City, to seek financial assistance from the Ohio Public Works Commission for funding of the Bunts Road Construction Project. (Pg. 53)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8289-08.  
Motion adopted. All members voting yea.

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23. Communication from Planning & Development Director Kelly regarding HOME Program Administrative Funds Amended Contract. (Pg.55)

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

Motion adopted. All members voting yea.

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24. **ORDINANCE NO. 81-08** - 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 \$15,962.22. (Pg. 56)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 81-08 on 1<sup>st</sup> Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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25. Communication from Planning & Development Director Kelly regarding Sale of PPN 314-02-038 (approximately 1581 Elmwood Avenue. (Pg. 58)

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

Motion adopted. All members voting yea.

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26. **ORDINANCE NO. 82-08** - AN ORDINANCE authorize and direct the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property, Permanent Parcel Number 314-02-038 located approximately 1581 Elmwood Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. {Add-on – Received after docket deadline} (Pg.59)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 82-08 on 1<sup>st</sup> Reading and refer it to the Planning Commission.

Motion adopted. All members voting yea.

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27. Liquor Permit Application for new C1 and C2 permit classes to Lakewood Supermarket 14235 Madison Avenue. (Pg. 61)

Motion by Mr. Dever seconded by ms. Madigan to defer action on this item.

Motion adopted. All members voting yea.

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Post Agenda:

Resident spoke regarding hospital parking curtailing parking on residential street; intrusive hospital truck delivery, and

Motion by Mr. Dever, seconded by Ms. Madigan to adjourn. Motion adopted. All members voting yea. Meeting adjourned at 8:37 PM.

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

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CLERK

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PRESIDENT