

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
NOVEMBER 17, 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 Powers, Michael P. Summers.

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Also Present: Mayor FitzGerald, Finance Director Pae, Police Chief Malley, Fire Chief Mroz, Human Services Director Buckon, Public Works Director Beno, Planning & Development Director Kelly, Project Administrator for New Lakewood Fitzgerald, Assistant Law Director Awadallah,.

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

1. Committee of the Whole Report regarding Planning Commission Report; Recommendation to Adopt the Detroit Avenue Streetscape Plan into the Lakewood Community Vision. (To be Provided) (Deferred 11/3/08)

Mr. Dever submitted the following report:

The Committee of the Whole met November 3, to discuss the Planning Commissions recommendation for incorporating the Detroit Avenue Streetscape Plan into the Lakewood Community Vision.

The Committee heard from Planning & Development Director Nate Kelly regarding the plan of a streetscape that emphasizes ease of traffic flow balanced with pedestrian and bicycle traffic, further defines the City's parking strategy, and provides short and long term recommendations to foster community and economic development.

The Committee of the Whole voted unanimously to concur in the Planning Commission's recommendation and to approve a resolution stating that we adopt the Detroit Avenue Streetscape Plan.

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. Communication from Planning & Development Director Kelly regarding Resolution Adopting the Detroit Avenue Streetscape Plan for Incorporation into the Lakewood *Community Vision*. (Pg.6)

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

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3. **RESOLUTION NO. 8308-08** – A RESOLUTION to concur with the Lakewood Planning Commission in the adoption of the Detroit Avenue Streetscape Plan. (Pg.7)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8308-08.
Motion adopted. All members voting yea.

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4. Health & Human Services Committee Report regarding Ordinance No. 85-08. (To Be Provided)

Ms. Antonio submitted the following report:

The Health & Human Services Committee met this evening. In attendance were Councilman Powers, myself, Director Buckon and staff person Mary Hall. We discussed two items, both the proposed Ordinance 85-08 which is our agreement with the County Department of Health as well as we received a status report regarding the Family to Family Program. It was an enlightening discussion and Director Buckon will be sharing a very brief review of the report regarding the Family To Family following this report. Just some highlighted comments from the family to family at this point. Also, with regard to Ordinance 85-08 the Committee recommends adoption this evening. However, there is amended language for clarity that we'll address when the ordinance comes forward.

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

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5. **ORDINANCE NO. 85-08** - AN ORDINANCE to enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed Two Hundred Nine Thousand Five Hundred Ninety Dollars (\$209,590.00) for a one year period commencing January 1, 2009. (PLACED ON 1ST READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 10/20/08, 2ND READING 11/3/08) (Pg.8)

Motion by Ms. Antonio, seconded by Mr. Dever, to amend Ordinance No. 85-08 by inserting the words, “is hereby authorized and directed to” in Section 1, after the word “Mayor” and before the words, “enter into an agreement” .

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

Nays: None

Motion adopted. Ordinance No. 85-08 amended.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 85-08 as amended.

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

Nays: None

Motion adopted. Ordinance No. 85-08 adopted amended.

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Human Services Director provided an overview of the Family to Family Program. The following information was outlined:

Provide family support and stabilize, strengthen families – responsible for calls – To Date – served 316 families – 206 DCFC (involved) high risk – 66 families received intensive wrap around services – – emergency funds help – community collaborative – includes safety, health out of school time...

6. Public Safety Committee Report regarding Liquor Permit Application (To Be Provided)

Mr. Bullock submitted the following report:

The Public Safety Committee met last week on two topics, one was the general procedures that the City follows when we’re reviewing applications for liquor permit transfers or new liquor permit requests. We have been reviewing these applications with a heightened level of scrutiny after a certain number of problems have cropped up at some establishments in the City. We’re a community that’s compact and has, in addition to a lot of people in a few square miles we have a lot of liquor licenses in a few square miles so it’s been the consensus of the Council and the Administration that we will look carefully at the applications. In particular, the application before us today for ARD Enterprises doing business as Hot Spot Food Mart came under extra scrutiny because of some problems we saw in the materials. I would like to yield the floor to my colleague Councilman Butler, of Ward 1 where this establishment is located.

Councilmember Butler provided the following:

We just happened to notice that the police report in this particular instance called into questions the bonifides, one of the owners of this particular establishment, and thought that we were concerned about it and the person had a pretty lengthy, criminal history of drug use and abuse so we were not comfortable, I was not comfortable, approving this

transfer with that person still on the corporate record book so my recommendation was that we object to this transfer unless this person be removed from the corporate record book. And I think that that was the police and Law Director's recommendation as well. When we discussed it in Committee we had given this establishment and opportunity to remove this person from the records and as of this tonight, it is our understanding, that hasn't happened. So, it'll be my recommendation and I assume the Committee's as well to vote to object to this particular transfer until we have some demonstrated evidence that his shareholder is no longer a shareholder.

Councilmember Bullock provided the following:

In addition, I'm receipt of a letter from the Law Director updating the Administration's recommendation on this case and stating; As of this date, the Lakewood Police Department indicates that shareholder in question, has not produced any documentation indicating that he was removed and therefore accordingly, based on the fact that there's a drug conviction there is statutory reason to object to the liquor permit transfer. On that basis, I move that we file with objection.

Motion by Mr. Bullock, seconded by Mr. Dever, to receive and file this report.
Motion adopted. All members voting yea.

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7. Liquor Permit Application for C1 and C2 transfers to ARD Enterprises d/b/a Hot Spot Food Mart, 16403 Detroit Road, from YLLI & Alma Recka d/b/a Europe Mart, same address. (Deferred 10/6/08, 10/20/08, 11/3/08) (Pg. 9)

Motion by Mr. Bullock, seconded by Mr. Dever, to object to this liquor permit.
Motion adopted. All members voting yea.

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

8. Communication from Councilmember Dever regarding Council Appointments to Various Boards and Commissions. (Pg.10)

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. 8309-08** – 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 to appoint _____ to the Lakewood Board of Building Standards/Architectural Board of Review/Sign Review Board for the unexpired term ending December 31, 2009. (Pg. 11)

Motion by Ms. Madigan, seconded by Ms. Antonio, to amend Resolution No. 8309-08 by inserting the name Cindy Ford into the blank.

Motion adopted. All members voting yea.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8309-08 as amended.

Motion adopted. All members voting yea.

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10. Communication from Councilmember Summers regarding Commendation for Shawn M. Buehner. (Pg.12)

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

Motion adopted. All members voting yea.

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11. **RESOLUTION NO. 8310-08** – A RESOLUTION to commend Shawn Michael Buehner upon achieving the rank of Eagle Scout with the Boy Scouts of America. (Pg.13)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8310-08.

Motion adopted. All members voting yea.

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12. Communication from Finance Director Pae regarding 2009 Appropriation & Contracting Authority Ordinances. (Pg.14)

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

Motion adopted. All members voting yea.

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13. **ORDINANCE NO. 88-08** - 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, 2009. (Pg.15)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 88-08 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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14. **ORDINANCE NO. 89-08** - 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 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 2009 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. 28)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 89-08 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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15. **ORDINANCE NO. 90-08** - 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 enter into contracts for **Memberships** as authorized by the 2009 Appropriation Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$60,000 without separate Resolution of Council. (Pg. 32)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 90-08 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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16. **ORDINANCE NO. 91-08** - 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 enter into service contracts in accordance with the Administrative Code of the City of Lakewood for the **Division of Planning & Development** 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.36)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 91-08 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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17. **ORDINANCE NO. 92-08** - 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 advertise for bids and enter into contracts with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of Vehicles, Machinery and Motorized Equipment, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 38)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 92-08 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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18. Communication from Police Chief Malley regarding Lease Agreement for Office Space at 17415 Detroit Avenue. (Pg.40)

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

Motion adopted. All members voting yea.

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19. **ORDINANCE NO. 93-08** - 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 17415 Detroit Avenue, Lakewood, Ohio for use by the Division of Police ("Division") as the Ward I Neighborhood Police Station, in accordance with Lakewood Codified Ordinance §111.04(a)(4). (Pg. 41)

Motion by Mr. Dever, seconded by Mr. Butler, to place Ordinance No. 93-08 on 1st Reading.

Motion adopted. All members voting yea.

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20. Communication from Police Chief Malley regarding Neighborhood Police Offices Donated Office Equipment. (Pg.46)

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

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21. **RESOLUTION NO. 8311-08** - 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 office equipment from Lakewood Hospital for purposes of furnishing Neighborhood Police Offices valued at \$500.00. (Pg.47)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8311-08.
Motion adopted. All members voting yea.

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22. Communication from Planning & Development Director Kelly regarding Cuyahoga Housing Consortium, HOME Down Payment Assistance Contract. (Pg.49)

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

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23. **ORDINANCE NO. 94-08** - AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into an agreement with the Cuyahoga Housing Consortium (“Consortium and various lending institutions and individuals participating in the Lakewood HOME Program and the American Dream Down Payment Initiative (ADDI))collectively the “Modified Programs” in and amount not to exceed Five Hundred Thousand Dollars (\$500,000). (Pg.50)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 94-08 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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24. Communication from Human Services Director Buckon regarding Resolution Acknowledging Efforts of LIFE and VITA Volunteers. (Pg.52)

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

Motion adopted. All members voting yea.

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25. **RESOLUTION NO. 8312-08** – A RESOLUTION acknowledging the efforts of the Lakewood Initiative for Financial Education (L.I.F.E.) partners to increase Earned Income Tax Credit filing among Lakewood residents. (Pg.53)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8312-08.
Motion adopted. All members voting yea.

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26. Communication from Human Services Director Buckon regarding Resolution Acknowledging Feliks Magrian, Coordinator and Volunteer Preparer for the Volunteer Income Tax Assistance Program. (Pg.55)

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

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27. **RESOLUTION NO. 8313-08** – A RESOLUTION acknowledging Feliks Magrian for his years of selfless volunteer service to the community as a tax preparer and coordinator of the Volunteer Income Tax Assistance (V.I.T.A.) Program for Lakewood and the Greater Cleveland Community. (Pg.56)

Motion by Mr. Dever, seconded by Mr. Butler, to adopt Resolution No. 8313-08.
Motion adopted. All members voting yea.

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Motion by Mr. Dever, seconded by Ms. Antonio, to adjourn.
Motion adopted. All members voting yea.
Meeting adjourned 9:50 PM.

Approved: _____

CLERK

PRESIDENT