

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JANUARY 5, 2009
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 Powers, Michael P. Summers.

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

Motion by Mr. Dever, seconded by Ms. Madigan, to approve the Minutes of the Regular Meeting of Council held December 15, 2008.

Motion adopted. All members voting yea.

Without objection form Council Items 12 and 13 were read first in the agenda order.

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

1. Committee of the Whole Report regarding Council Appointments to Hospital Board. (To Be Provided)

Mr. Dever submitted the following report indicating a letter of interest would be accepted in the Council Office for those interested in serving on the Board and that Council would defer the items regarding the appointments..

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

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2. **RESOLUTION NO. 8320-09** - 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 _____ as a Community Trustee of the Lakewood Hospital Association Board for an unexpired five-year term, ending December 31, 2013. (Pg.9)

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

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3. **RESOLUTION NO. 8321-09** - 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 _____ as a Special Trustee of the Lakewood Hospital Association Board for the full five-year term, ending December 31, 2013. (Pg. 10)

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

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4. Communication from Council President Dever regarding Community Relations Advisory Commission Appointments. (Pg.11)

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

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5. **RESOLUTION NO. 8322-09** - 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 reappoint Don Carlson, and appoint April Stoltz and Dan Saracina as members of the Lakewood Community Relations Advisory Commission for a three-year term, commencing immediately and ending the first Monday in January, 2012. (Pg. 12)

Motion by Mr. Dever, seconded by Ms. Antonio to amend Resolution No. 8233-09 (eliminating duplication of name "Dan").

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

Nays: None

Motion adopted. Resolution amended.

Motion by Mr. Deer, seconded by Mr. Butler, to adopt Resolution No. 8322-09 as amended.

Motion adopted. All members voting yea.

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6. Public Works Committee Report regarding Ordinance No. 96-08 – (To Be Provided)

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

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7. **ORDINANCE NO. 96-08** – 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 on behalf of the City of Lakewood to enter into agreements necessary to grant an Exclusive Easement and a Non-Exclusive Easement to The Ohio Bell Telephone Company, d/b/a AT&T Ohio, for placement of and access to equipment used in the transmission of signals used in the provision of communication, video and /or information services on property located at 14532 Lake Avenue, Lakewood, Ohio. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 12/1/08, 2ND READING 12/15/08) (Pg. 13)

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

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8. Public Works Committee Report regarding Easement Agreement - re: Sisters of Charity - (To Be Provided) (*Note - this ordinance was originally numbered 98-08 and is now 102-08*)

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

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{Note Number Re-assignment for this Ordinance }

9. ORDINANCE NO. (98-08) – (**Ordinance No. Re-assigned as ORDINANCE NO. 102-08**) 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 of the City of Lakewood to enter into the necessary agreements with The Sisters of Charity of St. Augustine to obtain an easement to the City's benefit for certain lakefront property known by street address as 14808 Lake Avenue, Lakewood, Ohio 44107. (PLACED ON 1ST READING & REFERRED TO THE Public Works Committee at Special Meeting of Council 12/22/08) (Pg. 21)

Motion by Mr. Butler, seconded by Mr. Dever, to place Ordinance No. 102-08 on 2nd Reading and refer it back to the Public Works Committee.

Motion adopted. All members voting yea.

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10. **ORDINANCE NO. 98-08** - 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, to create a new section within Chapter 509 of the General Offenses Code of the Codified Ordinances of the City of Lakewood creating a daytime curfew within the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 12/15/08) (Pg. 35)

Motion by Mr. Dever, 2nd by Ms. Madigan, to place Ordinance No. 98-08 on 2nd Reading and refer it back to the Public Safety Committee.

Motion adopted. All members voting yea.

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11. Liquor Permit Application for D2, D2X, D3, D3A and D6 stocks to 11926 Madison Inc d/b/a Flying Rib. (deferred 12/15/08) (Pg. 37)

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

Motion adopted. All members voting yea.

*****NEWS BUSINESS*****

12. Communication from Councilmember Butler regarding Resolution honoring Daniel Brennan. (Pg. 38)

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

Motion adopted. All members voting yea.

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13. **RESOLUTION NO. 8323-09** – A RESOLUTION to commend Daniel Brennan for his dedicated service to the City of Lakewood as a member for the City of Lakewood Board of Building Standards, Architectural Board of Review and Sign Review Board. (Pg.39)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8323-09.

Motion adopted. All members voting yea.

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14. Communication from Mayor FitzGerald regarding Mayor's Appointments to the Animal Safety and Welfare Advisory Board. (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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15. Communication from Finance Director Pae regarding 2009 Capital Contracting Ordinances. (Pg.42)

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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{ITEMS 16 THROUGH 32 COMPRISING ORDINANCES NOS. 1-09 THROUGH 17-09 WERE READ CONSECUTIVELY AND MOVED BY MR. DEVER, SECONDED BY MS. MADIGAN TO BE PLACED ON 1ST READING AND REFERRED TO THE FINANCE COMMITTEE BY BLANKET MOTION}

16. **ORDINANCE NO. 1-09** - 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 **Wastewater Treatment Plant Improvements** 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. 43)

**see blanket motion at the end of item 32

17. **ORDINANCE NO. 2-09** - 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 bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Buildings & Facilities Improvements** 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. 45)

**see blanket motion at the end of item 32

18. **ORDINANCE NO. 3-09** - 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 **Buildings & Facilities Improvements** 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. 47)

**see blanket motion at the end of item 32

19. **ORDINANCE NO. 4-09** - 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 for the purpose of 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 **C.D.B.G. Fund Infrastructure Improvements** 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. 49)

**see blanket motion at the end of item 32

20. **ORDINANCE 5-09** - 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 bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Computers & Systems**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 51)

**see blanket motion at the end of item 32

21. **ORDINANCE NO. 6-09** - 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 **Operating Equipment**, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 53)

**see blanket motion at the end of item 32

22. **ORDINANCE NO. 7-09** - 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 **Parking Improvements** 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. 55)

**see blanket motion at the end of item 32

23. **ORDINANCE NO. 8-09** - 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 bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Parks & Pools Improvements** 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. 57)

**see blanket motion at the end of item 32

24. **ORDINANCE NO. 9-09** - 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 **Parks & Pools Improvements** 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. 59)

**see blanket motion at the end of item 32

25. **ORDINANCE NO. 10-09** - 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 bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Reforestation**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 61)

**see blanket motion at the end of item 32

26. **ORDINANCE NO. 11-09** - 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 **Sidewalk Improvements** 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 63)

**see blanket motion at the end of item 32

27. **ORDINANCE 12-09** - 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 bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Street Signs and Traffic Signals**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 65)

**see blanket motion at the end of item 32

28. **ORDINANCE NO. 13-09** - 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 **Street Infrastructure Improvements** 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. 67)

**see blanket motion at the end of item 32

29. **ORDINANCE NO. 14-09** - 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 **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. 69)

**see blanket motion at the end of item 32

30. **ORDINANCE NO. 15-09** - 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 **Wastewater 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. 71)

**see blanket motion at the end of item 32

31. **ORDINANCE NO. 16-09** -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 bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Wastewater Treatment Plant Improvements** 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. 73)

**see blanket motion at the end of item 32

32. **ORDINANCE NO. 17-09** - 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 **Signs & Traffic Signals** 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. 75)

****{ITEMS 16 THROUGH 32 COMPRISING ORDINANCES NOS. 1-09 THROUGH 17-09 WERE READ CONSECUTIVELY AND MOVED BY MR. DEVER, SECONDED BY MS. MADIGAN TO BE PLACED ON 1ST READING AND REFERRED TO THE FINANCE COMMITTEE BY BLANKET MOTION}**

Motion by Mr. Dever, seconded by Ms. Antonio, to adjourn.
Motion adopted. All members voting yea.
Meeting adjourned 8:28 PM.

Approved: _____

CLERK

PRESIDENT