

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
FEBRUARY 17, 2009
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:32 PM by President Dever.

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Present: Councilmembers Nickie J. Antonio, Thomas R. Bullock III, 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, Law Director Hurley, Public Works Director Beno, Building Representative Fitzgerald, Planning & Development Director Kelly.

Motion by Mr. Dever, seconded by Ms. Madigan, to approve the Minutes of the Regular Meeting of Council held February 2, 2009.

Motion adopted. All members present voting yea.

Motion by Mr. Dever, seconded by Ms. Antonio, to excuse the absence of Mr. Bullock.

All members present voting yea.

(Mr. Bullock arrives 7:58PM)

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

1. Committee of the Whole Report regarding Council Appointments to Hospital Board.
(Pg.8)

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

Motion adopted. Six members voting yea.

Mr. Bullock absent for vote.

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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 Gary R. Pritts as a Community Trustee of the Lakewood Hospital Association Board for the full five-year term, ending December 31, 2013. (**PLEASE SUBSTITUTE** for Resolution No. 8320-09 Deferred 1/5/09, 1/20/09 and 2/2/09)(Pg.9)

Motion by Mr. Dever, seconded by Ms. Antonio, to substitute Resolution No. 8320-09.

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

Nays: None

Motion adopted. Resolution substituted.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt as substituted Resolution No. 8320-09.

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

Nays: None

Motion adopted. Resolution No. 8320-09 adopted as substituted.

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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 Anne Doris as a Special Trustee of the Lakewood Hospital Association Board for the full five-year term, ending December 31, 2013. (**PLEASE SUBSTITUTE** for Resolution No. 8320-09 - Deferred 1/5/09, 1/20/09, and 2/2/09)(Pg. 10).

Motion by Mr. Dever, seconded by Ms. Antonio, to substitute Resolution No. 8321-09.

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

Nays: None

Motion adopted. Resolution substituted.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt as substituted Resolution No. 8321-09.

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

Nays: None

Motion adopted. Resolution No. 8321-09 adopted as substituted.

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4. Committee of the Whole Report regarding Resolution No. 8326-09 Neighborhood Stabilization Program Grant & Resolution No. 8327-09 Vacant Residential Property Fund Application "Round II" (Pg.11)

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

Motion adopted. Six members voting yea.

Mr. Bullock absent for vote.

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5. **RESOLUTION NO. 8326-09** - 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, authorizing the Mayor, on behalf of the City, to apply for and accept financial assistance under the Ohio Neighborhood Stabilization Program in order to direct funds to projects which address vacant, abandoned and foreclosed in a manner compliant with the State of Ohio's requirements and the federal regulations stated in Title III of Division B of the Housing and Economic Recovery Act, 2008 (HERA). (REFERRED TO COMMITTEE OF THE WHOLE 2/2/09)(Pg. 12)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8326-09.

Motion adopted. All members voting yea.

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6. **RESOLUTION NO. 8327-09** - 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 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. (REFERRED TO COMMITTEE OF THE WHOLE 2/2/09)(Pg. 13)

Motion by Mr. Dever, seconded by Ms. Ms. Madigan, to adopt Resolution NO. 8327-09.
Motion adopted. All members voting yea.

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7. Finance Committee Report regarding Salary Ordinance Revisions – Ordinance No. 18-09 – and Note Ordinances Nos. 21-09 –27-09. (Pg.14)

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

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8. **ORDINANCE NO. 18-09** - 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 provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners effective January 1, 2009. **(PLEASE SUBSTITUTE FOR ORDINANCE NO. 18-09 PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 1/20/09) (Pg.15)**

Motion by Mr. Dever, seconded by Mr. Summers, to substitute Ordinance No. 18-09.
Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers.
Nays: None
Motion adopted. Ordinance substituted.

Motion by Mr. Dever, seconded by Ms. Antonio, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 18-09 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. 18-09 as substituted.
Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers.
Nays: None
Motion adopted. Ordinance No. 18-09 adopted as substituted.

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FISCAL OFFICERS CERTIFICATES

Blanket motion made after item 19...

*Motion by Mr. Dever, seconded by Ms. Antonio to receive and file the fiscal officers certificates reflected in items 9-19.

Motion adopted. All members voting yea.

9. Street Improvement Notes, Series 2009 (Pg. 21)

* See Blanket motion after item 19

10. Traffic Signalization Improvement Notes, Series 2009 (Pg. 22)

* See Blanket motion after item 19

11. Municipal Recreational Facilities Notes, Series 2009 (Pg. 22)

* See Blanket motion after item 19

12. Buildings and Facilities Notes, Series 2009 (Pg. 23)

* See Blanket motion after item 19

13. Sidewalk Program Notes, Series 2009 (Pg. 24)

* See Blanket motion after item 19

14. Reforestation Program Notes, Series 2009 (Pg. 25)

* See Blanket motion after item 19

15. Various Purpose Refunding Notes, Series 2009 (2008 Street Improvement Projects) Supplemental Fiscal Officer's certificate of Maximum Maturity (Pg. 25)

* See Blanket motion after item 19

16. Various Purpose Refunding Notes, Series 2009 (2008 Municipal Buildings and Facilities Project) Supplemental Fiscal Officer's Certificate of Maximum Maturity. (Pg. 26)

* See Blanket motion after item 19

17. Various Purpose Refunding Notes, Series 2009 (2008 Municipal Recreational Facilities Project) – Supplemental Fiscal Officer's Certificate of Maximum Maturity. (Pg. 27)

* See Blanket motion after item 19

18. Various Purpose Refunding Notes, Series 2009 (2008 Traffic Signalization Project) Supplemental Fiscal Officer's Certificate of Maximum Maturity. (Pg. 28)

* See Blanket motion after item 19

19. Various Purpose Refunding Notes, Series 2009 (2007 Municipal Recreational Facilities Project) Supplemental fiscal Officer's Certificate of Maximum Maturity. (Pg. 29).

*Motion by Mr. Dever, seconded by Ms. Antonio to receive and file the fiscal officers certificates reflected in items 9-19.

Motion adopted. All members voting yea.

PLEASE NOTE: The following note ordinances were published in their entirety in the 2/2/09 council docket and are published by first page only here. Any person wishing to review these ordinances in full may refer to the 2/2/09 council docket or review them in the Clerk of Council office during regular business hours.

[Ordinances Nos. 21-09 through and including Ordinances No. 27-09 were placed on 1st Reading and referred to the Finance Committee 2/2/09]

20. ORDINANCE NO. 21-09 - 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, to provide for the issuance and sale of notes of the City in a maximum principal amount of \$4,321,000, in anticipation of the issuance of bonds, for the purpose of retiring certain outstanding bond

anticipation notes of the City issued to pay costs of various capital improvements, and declaring an emergency. (Pg. 30)

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 21-09 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. 21-09.

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

Nays: None

Motion adopted. Ordinance No. 21-09 adopted.

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*Blanket Motion made by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 22-09, 23-09, 24-09, 25-09 26-09 and 27-09 on second reading and refer them back to the Finance Committee.

Motion adopted. All members voting yea.

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21. **ORDINANCE NO. 22-09** - 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, to provide for the issuance and sale of notes of the City in a maximum principal amount of \$310,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of (1) resurfacing and improving city-owned parking lots, (2) reconstructing the fuel tank bulk head in the Fire Department fuel island, (3) reconstructing, renovating and improving various City buildings and facilities, and (4) making capital improvements to the Serpentine Arena at Winterhurst ice rink, and declaring an emergency. (Pg. 66) (Pg. 31)

*See blanket motion after item 26

22. **ORDINANCE NO. 23-09** - 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, to provide for the issuance and sale of notes of the City in a maximum principal amount of \$850,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of (1) improving the Lakewood Park Shoreline by constructing and installing a stone facing to stabilize the shoreline slope and provide beach access in accordance with the Master Plan for Lakewood Park, and (2) improving City parks, and declaring an emergency. (Pg. 31)

*See blanket motion after item 26

23. **ORDINANCE NO. 24-09** - 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, to provide for the issuance and sale of notes of the City in a maximum principal amount of \$60,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of the City's reforestation program, and declaring an emergency. (Pg. 32)

*See blanket motion after item 26

24. **ORDINANCE NO. 25-09** - 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, to provide for the issuance and sale of notes of the City in a maximum principal amount of \$100,000, in anticipation of the issuance of bonds, and the levy and collection of special assessments, for the purpose of paying the costs of the City's 2009 sidewalk program, and declaring an emergency. (Pg. 32)

*See blanket motion after item 26

25. **ORDINANCE NO. 26-09** - 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, to provide for the issuance and sale of notes of the City in a maximum principal amount of \$920,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of improving streets by designing, renovating, and replacing traffic signals in the City, and declaring an emergency. (Pg. 33)

*See blanket motion after item 26

26. **ORDINANCE NO. 27-09** - 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, to provide for the issuance and sale of notes of the City in a maximum principal amount of \$1,635,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of improving certain streets in the City, and declaring an emergency. (Pg. 33)

*See blanket motion after item 26

27. Finance Committee Report regarding Review of Limits for Expenditures Requiring Council Approval. (Pg.34)

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

Motion adopted. All members voting yea.

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28. Public Safety Committee Report regarding Daytime Curfew. (To Be Provided)

#28 Public Safety Report regarding Daytime Curfew – Mr. Bullock submitted the following report:

Thanks Mr. Chair. First, let me apologize for arriving late. I was returning from a business trip in Cincinnati and got here as quickly as I could. My schedule was delayed unexpectedly. On the matter before us, the Public Safety Committee, Councilman Powers and I held two hearings to give full consideration to this daytime curfew ordinance proposed by the administration. We heard from the administration, we heard from the school board, we heard from members of the public on this topic. What this proposed ordinance does is, it would give additional tools to the police to deal with students and juveniles who are not supposed to be in school due to the fact that they may be expelled, they may be suspended or for other reasons. They may have dropped out of the system. Right now, what our system does is when there is a student or underage, when there is a minor that is not in school, the police check in with that individual. If they are supposed to be in school, they are delivered to the school. But in the cases when they're not, when the facility is called and the answer is they're not supposed to be delivered to the school,

then right now we have to release the kids at large. What the problem with that system is, unfortunately, there are parents who are chronically irresponsible and so you've got a certain small subset of problematic and potentially problematic youth. So, under the new change, what this would do is essentially allow the police to hold the juveniles until a parent or responsible guardian can come collect them at the end of the day. It would also hold parents who are, have demonstrated to be irresponsible accountable through fines. Through misdemeanor offences. I think Councilman Powers, I'll defer the floor to you and I heard, and deliberated and heard from the school board and we moved in the committee to recommend to the full Council that we adopt the ordinance with the one caveat being that, we heard from a number of home schooled families, parents that choose to educate their kids not in the school system, but at home. They expressed some potential concerns that some how this policy might end up adding additional burden or some kind of undue oversight to their kids who may legitimately be going to the library or the parks or something like this. After talking to the police, I think what we found was that there is no new contact after this proposed ordinance compared to today. So, in other words, if home schooled kids are doing just fine today and not getting undue attention from the police or if they're getting checked in with the police and the determination is made, they have a legitimate reason not to be at a school because they are being home schooled, then there should be no change under this policy that would create any new problems. So, I'm comfortable that this is a good policy. The one note might be, perhaps the administration could consider a letter of intent or some kind of explicit agreement with the home-schooled families just to provide the reassurance that you really already have done on the record in a public safety committee. I think that might be a prudent step. Councilman Powers would you like to add anything?

Powers: I'll hold my comments until we debate the legislation. I would just note that we voted unanimously to recommend passage this evening with one minor substitution of the word subsection for division, which we can handle in a few moments.

Motion by Mr. Powers, seconded by Mr. Dever, to receive and file that report.

Mr. Butler made the following comments:

In the committee meetings I assume we had representative of the police department, correct? Was there any discussion or debate on where the police department would hold these children who are picked up under this ordinance? Would we just sit them down in the hallway? Is that how that would ordinarily work? Perhaps the Chief could answer that.

Chief Malley responded in part: The way it works normally now with the night time curfew arrests is we generally try with the local kids to, if we're not too busy, to deliver them to home first, if parents are home to take the kids. Otherwise they get booked into the juvenile holding cell that we have here and wait for a response from a parent.

Ms. Antonio asked the following: Just taking that one step further...what I heard you say was if they are local kids, kids from Lakewood...what happens if they're not?

Chief Malley responded; Most generally with the nighttime curfew, or if they're out violating another law during the daytime then they'll be brought in and booked in the juvenile facility here.

On the motion to receive and file –
Motion adopted. All members voting yea.

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29. **ORDINANCE NO. 98-08** - AN ORDINANCE 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. (**PLEASE SUBSTITUTE** for Ordinance No. 98-08 placed on 1st Reading and referred to the Public Safety Committee 12/15/08, 2nd Reading 1/5/09). (Pg. 35)

Discussion was had regarding the education plans for the law. It was mentioned that the schools were participating in the education piece, especially with new residents. Mayor FitzGerald provided background information on the development of the law. The hiring of an attendance officer from the schools was mentioned as well as the intent on aiming at repeat offenders.

Motion by Mr. Dever, seconded by Ms. Madigan, to substitute Ordinance No. 98-09, to substitute the word, “subsection” for “division”.

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

Nays: None

Motion adopted. Ordinance No. 98-08 substituted.

Motion by Mr. Dever, seconded by Ms. Antonio to adopt Ordinance No. 98-08 as substituted. .

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

Nays: None

Motion adopted. Ordinance No. 98-08 adopted as substituted.

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30. **ORDINANCE NO. 19-09** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council, otherwise, it shall be in effect and be in force after the earliest period allowed by law, to expand local organic food in Lakewood by allowing backyard eggs. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 2/2/09)(Pg 37)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 19-9 on 2nd Reading.

Motion adopted. All members voting yea.

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31. **ORDINANCE NO. 20-09** – AN ORDINANCE to take effect immediately providing it receives the affirmative vote of at least five (5) members elected to Council, otherwise, it shall be in effect and be in force after the earliest period allowed by law, to strengthen Lakewood farmers markets by permitting sale of dairy, meat, and eggs. (PLACE ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 2/2/09) (Pg. 45)

Motion by Mr. Dever, seconded by Mr. Dever, to place Ordinance No. 20-09 on 2nd reading and refer it back to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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

32. Communication from Councilmember Dever regarding Mandatory Recycling Ordinance. (To Be Provided)

Mr. Dever submitted the following communication:

Communication from Michael Dever regarding Mandatory Recycling

Dear Members of Council, at our January 21st Council meeting, I placed a communication on the docket to pursue mandatory recycling in tandem with our new automated collection of refuse. The Public Works committee has been meeting and discussing the merits, costs, savings and educational aspects of implementing a citywide mandatory recycling plan. There is a general consensus within the committee to proceed with developing a comprehensive recycling plan for the community and implementing it with curbside collections. This evening I submit for first reading, a mandatory recycling ordinance for our community. This ordinance will provide a general framework for a comprehensive plan and rules for recycling. The intent is to develop guidelines for separation and collection of recyclable materials. These guidelines and procedures will be administered by the Director of Public Works and/or his or her designee. The guidelines will be published and displayed on the City's website and in addition, other educational material will be produced and distributed to those persons receiving municipal solid waste collections. I would like to acknowledge and thank Councilman Butler and Assistant Law Director Scott Claussen for this draft ordinance referencing various model ordinances from communities such as Cambridge, MA and Brooklyn, OH. Please refer this ordinance to the Public Works Committee for further discussion and development.

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

Motion adopted. All members voting yea.

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33. **ORDINANCE NO. 28-09** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council, or otherwise to take effect and be in force after the earliest period allowed by law, to create a new Section 1777.02 of the Codified Ordinances of the City of Lakewood titled “Mandatory Recycling”. (Pg.50)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 28-09 on 1st reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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34. Communication from Council President Dever regarding Phasing Out Antiquated Fire Alarm System; Gamewell. (Pg. 53)

Motion by MR. Dever, seconded by Ms. Antonio, to receive, file and refer the communication to the Public Works Committee.

Motion adopted. All members voting yea.

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35. Communication from Councilmember Bullock regarding Appointment of Greg Mahoney to the Community Relations Advisory Commission. (Pg.54)

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

Motion adopted. All members voting yea.

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36. Communication from Councilmember Antonio regarding Empowering & Strengthening Ohio's People (ESOP). (Pg.55)

Motion by Ms. Antonio, seconded by Ms. Madigan, to receive and file the communication.
ESOP representative provided information on ESOP.

Motion adopted. All members voting yea.

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37. Communication from Councilmember Antonio regarding Addressing the Transportation Needs of Lakewood's Seniors. (Pg.56)

Motion by Ms. Antonio, 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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38. Communication from Police Chief Malley regarding City Donating \$485.29 worth of impounded contraband to Lakewood Christian Service Center. . (Pg. 57)

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

Motion adopted. All members voting yea.

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39. **RESOLUTION NO. 8329-09** - 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 at the earliest period allowed by law authorizing the Mayor (Director of Public Safety), on behalf of the City of Lakewood, is hereby authorized to dispose of various gift cards valued at \$485.29 through a donation to the Lakewood Christian Service Center. (Pg. 58).

Motion by Mr. Dever, seconded by ms. Madigan, to adopt Resolution No. 8329-09.

Motion adopted. All members voting yea.

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40. Communication from Public Works Director Beno regarding Ohio Department of Development, Diesel Emissions Reduction Grant (DERG), Public Private Partnership (PPP) with The Great Lakes Construction Company. (Pg.60)

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

Motion adopted. All members voting yea.

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41. **ORDINANCE NO. 29-09** - 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 the Director of Public Works to enter into a Public Private Partnership Agreement with The Great Lakes Construction Company in order to facilitate the replacement of two engines in two Caterpillar bulldozers that will reduce emissions with grant monies awarded by the Ohio Department of Development, Diesel Emissions Reduction Grant Program. (Pg. 61)

Motion by Mr. Dever, seconded by Mr. Dever, seconded by Ms. Antonio, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 29-09 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Mr. Butler, to adopt Ordinance No. 29-09.

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

Nays: None

Motion adopted. Ordinance No. 29-09 adopted.

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42. Communication from Public Works Director Beno regarding Outdoor Pool Rates. (Pg.63)

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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43. **ORDINANCE NO. 30-09** - AN EMERGENCY ORDINANCE establishing rates of admission to the Lakewood Municipal Swimming Pools located at Lakewood Park and Madison Park, and superseding Ordinance No. 9-02 adopted April 1, 2002 and all other ordinances inconsistent herewith. (Pg.64)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 30-09 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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44. Communication from Public Works Director Beno regarding ODOT PID 82794; Cuy-Lakewood Signals (Phase 2) (Pg.67)

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

Motion adopted. All members voting yea.

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45. **ORDINANCE NO. 31-09** - 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, committing the City of Lakewood to participate in the upgrade and interconnection in the traffic signals along Detroit Avenue (U.S. 6A) from Arthur Avenue to Ridgewood Avenue in the City of Lakewood with the Ohio Department of Transportation. (Pg. 68).

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 31-09 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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46. Liquor Permit for a D5 transfer to Hospitality Holdings, Inc. 17014 Madison Avenue, from JJT Incorporated d/b/a Mullens of Letterfrack, same address. (Pg. 71)

Motion by Mr. Dever, seconded by Mr. Butler, to defer action on this liquor permit application.
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 9:00PM.

Approved: _____

CLERK

PRESIDENT