

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 16, 2009
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 R. Bullock III, Kevin Butler, Michael W. Dever, Mary Louise Madigan, Brian Powers, Michael P. Summers.

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Also Present: Law Director Hurley, Finance Director Pae, Police Representative Sabala, Fire Representative Hageman, Public Works Director Beno, Human Services Director Buckon, Project Administrator for New Lakewood Fitzgerald.

Motion by Mr. Dever, seconded by Ms. Madigan, to excuse the absence of Mr. Butler.

Motion adopted. All members present voting yea. (Mr. Butler arrives at 7:40PM).

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Reading and disposal of the Minutes of the Regular Meeting of Council held February 17, 2009 and March 2, 2009.

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

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding Mandatory Recycling. (To Be Provided)

Councilmember Dever submitted the following oral report:

#1 COW Report regarding Mandatory Recycling – Michael Dever

Dear Members of Council and the public, the Committee of the Whole met this evening to address the mandatory recycling ordinance that was referred from the Public Works Committee. It's been in discussion now for about the last eight weeks or so concerning this ordinance and communication about instituting mandatory recycling within our community. I'm happy to report that there was a lot of legwork was done in that committee, there were members of the public that were participating, Miss Mary Evans was in attendance at some of our meetings, Jennifer Goetchius believe it is, from Eco Lakewood was also in attendance, we had people from the Solid Waste District offer input on this ordinance that we've put together. I want to applaud Councilman Butler for a lot of the hard work and heavy lifting that he did on this ordinance. The recycling ordinance was crafted, and directs residents to a guide book that the Director of Public Works will be putting together that will be referencing and providing direction on what is recyclable in the community, how to recycle and general refuse related procedures. Also, on a dollar and cents, the savings that are noticed are two fold. First, the reduction in the amount of refuse being sent to landfills, right now we send it via the City of Cleveland's waste transfer station which currently costs the City about \$42.10 per ton. The state budget right now there is

some fees that are about to be tacked on to increase the cost of dumping refuse to as high as, it could be \$45.00 – the state budget hasn't been adopted yet. The City currently spends roughly a million dollars a year in tipping fees so any way that we can reduce those costs out there is a benefit to the City's bottom line. I'm going to briefly turn it over to Councilman Butler who did a lot of the legwork on this draft ordinance just to kind of highlight some of the prohibitions and fees that are associated with it. Councilman.

Butler: Thank you, Mr. Chair.

Certainly this was a group effort and Councilman Dever has been pursuing a better recycling system in Lakewood for a long time now and so I really have to defer to his leadership on this. I was merely charged with the task of drafting something that we could use moving forward through the process. I did that, and my Council colleagues have made some very important changes throughout the drafting process and I'm indebted to them as well for those. I also had some help from the Law Department and I appreciate the Law Department's help quite a bit. To arrive at this ordinance we relied on similar ordinances and programs from around the country and frankly from around Northeast Ohio. Very few people know, Brooklyn, Ohio already has its own mandatory recycling policy. So, we drew even on their ordinance to come up with our own. What the ordinance essentially does, a few things...The first is, it requires the citizens of Lakewood, from the effective date of the ordinance moving forward, which by the way, if Council supports the ordinance tonight, would be July 1 of this year. It requires citizens to separate their recyclable materials from their trash, from their other refuse from this point forward. And what those recyclable materials are will be governed by the Director of Public Works within the Mayor's administration. They will come up with the plan and all the recyclable materials. I would imagine it's going to look extremely similar to what we currently accept for recycling if not exactly the same. The second thing is, it prohibits people from stealing recyclables that have been placed on the lawn for collection. That's not unusual, we already have an anti-rummaging ordinance that prohibits people from meddling in other peoples refuse. So, this ordinance does that. The chief thing that this does though is it provides the City with an opportunity to encourage participation in this program. Obviously, we're making it mandatory; we provide for fees for our own refuse employees who would be obligated to sort your recyclable materials from your trash were you not to do it yourselves. We also provide for the ability for the City simply not to collect your trash if you're not recycling your recyclables. Those are a couple of things, a couple of tools that we enabled the City to have in enforcing this. We don't anticipate that we're going to have to use those tools often because we think we're going to have a very good education campaign rolled out between now and then in conjunction with the City's automated refuse program which is coming up as you all know, I'm sure, very soon. So, we really do expect and anticipate great participation among our citizens. We already have one of the top percentages in terms of those who recycle in our community. I think that will only grow and we will all benefit as a result of that. That said, I don't have too much more to offer on the ordinance itself. We did make some changes, some very minor changes in committee tonight. So, I would ask, once the ordinance comes before us, that we substitute with those minor changes and adopt it this evening. I certainly would be willing to take any questions.

Dever: Just to follow up on this then also, the biggest concern that did come out of the committee was the educational component of this. The legislation that we have crafted once again guides us to a guidebook which will provide the outline of what is recyclable and what is not. In communication with the administration, with the Public Works Director, with the Refuse Manager and also with the Mayor they have four or five times they plan on being able to reach out to the public to those individual property owners over the course of now and when the automated refuse collection and recycling start together so that they plan on getting that education out to you via any sort of electronic means, through water bills... So the notices will be out there. We put a lot of faith into the administration and I feel very confident that this task will be able to get accomplished. Once again, you are about to get a 96-gallon container on each property that receives municipal waste collection, that will be their first notice

that things are about to change here within our community. With that, I'm going to make a motion to receive and file that oral communication.

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

Questions. Councilwoman Antonio.

Antonio: Yes. Thank you. Just a couple things. One, I'd like to underscore, what Councilman Butler said and as part of the Public Works Committee, I appreciate his coming in and helping with the drafting of the ordinance. We looked at a lot of different ordinances as you said, so I really appreciate his attention to detail as always. But to underscore that the most important thing to me, as we worked through this, was to make sure people are motivated to do this and I think we are very fortunate, we have a 40% rate of recycling right now which again is very high compared to other communities. We have a motivated group of people like Glen Campbell and the LEAF program and H2O students. We are so ahead of a lot of communities in terms of really having the role of the people to participate to begin with. We also were fortunate because we have a system in place already where our refuse workers nudge us and tell us when we've done something wrong. They either leave us the note or...and that will continue. But sometimes, I've had written notes on my recycling, my paper, when I didn't put it in the box, do something right. I can't even remember what we didn't do right but, I got a hand written note that told me not only that I didn't do it the right way but how to do it the right way so the next time it could be picked up. I'm confident that those kinds of things will continue. I also want to...one of the other ways that we are going to be encouraging block clubs to also get involved in getting the word out, educating their neighbors about how this will work, certainly providing assistance for neighbors as we usually do. But I also want to reiterate that when those 96-gallon garbage cans come, there has been a concern all the way through, my concern has been for people who are either disabled or senior citizens who can't possibly push that cart out and we have said on numerous occasions that ...and I just want to say it again...that folks need to contact City Hall to let them know that they need some assistance and we've had the assurance of the Public Works Director that the refuse workers will get your name and address, make accommodations, so that your cans can come out and go back. I think it's really important that people keep that in mind. When we first started this, when Councilman Dever first introduced this a couple of years ago, we were all a little squeamish about mandatory recycling knowing that we would save money and save our planet by not putting so much into the landfill but not quite sure how to do this. So, I think we've done some really good work in terms of pairing it with our new trash removal system and I'm real hopeful that it will be successful. Thank you.

On the motion to receive and file the oral report. .

Motion adopted. All members voting yea. Report is received and filed.

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2. **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”. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 2/17/09, 2ND READING 3/2/09. REFERRED FROM THE PUBLIC WORKS COMMITTEE TO THE COMMITTEE OF THE WHOLE 3/9/09) (Pg. 6)

Motion by Mr. Butler, seconded by Ms. Antonio, to amend the substituted Ordinance No. 28-09 by

Mr. Dever, notes the items to be amended – changing the last Whereas from June 1st to July 1st, 2009 and also in 1777.03 Mandatory Recycling – Section C – after, “as well as on the City’s official website, add to that “...or its equivalent..”

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Substitute Ordinance 28-09 amended.

Motion by Mr. Dever, seconded by Ms. Antonio, to substitute Ordinance No. 28-09 as amended.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Ordinance No. 28-09 substituted as amended.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 28-09 as substituted.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Ordinance No. 28-09 adopted as amended and substituted.

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3. Committee of the Whole Report regarding Municipal Pool Rates. (To Be Provided)

#3 COW Report regarding Municipal Pool Rates – Michael Dever

This evening the Committee of the Whole met to discuss an ordinance that was provided to us to amend, to raise the municipal pool rates. We had met a few times on this, waiting for information. We had the Finance Director in attendance as well as the Recreation Director from Lakewood Public Schools which operate the pools for us in the community. The pool rates have not been increase since 2002 and right now we are paying in excess of \$100,000 which comes from the City's water fund to subsidize the pools. Some of the cost drivers that include some of that subsidy is \$30,000 to \$35,000 in increased minimum wage since the minimum wage went up last year, that's an increased cost driver right there. In addition, the pool attendance rates fluctuate so we're looking at that, what other pools are charging, what amenities we have. A question was brought up, was it a hot or cold summer, depends on when people come to the pool. What ultimately came out of it...there was a recommendation to raise the rates by a certain dollar figure. The committee had decided, and I'm not going to speak for everyone there, that maybe we should take a one year approach and try to get a handle on this subsidy that we are providing to the pools. It was a recommendation and it was a five to two vote on that, to increase the pool rates this coming year by roughly 50 cents for a daily admission for a child and ... Daily admission fee - \$1.00 for seniors. Resident adult from \$3.50 to \$4.00. Resident student from \$3.00 to \$3.50. Individual season passes, a resident student from \$25.00 to \$30.00. A resident adult from \$35.00 to \$40.00. What we're trying to do is just at least get a hold on this. That subsidy continues to increase. There was a recommendation that we will revisit this in the fall when we go into our budget hearings but to at least try to get a handle on these increased costs that are impacting the pool. With that, there was a recommendation to adopt these increases for this coming year amongst others. Move to receive and file that oral report.

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

Motion adopted. All members voting yea.

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4. **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. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 2/17/09, 2ND READING 3/2/09) [SUBSTITUTION EXPECTED](Pg. 10)

Motion by Mr. Dever, seconded by Mr. Butler, to amend the substituted ordinance.

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

Mr. Butler clarifies that Council was amending the ordinance by striking some of the increases that follow 2009, specifically eliminating those in 2010, 11 and 12 in lieu of Council meeting on the issue again in the fall.

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

Nays: None

Motion adopted. Ordinance No. 30-09 amended.

Motion by Mr.. Dever, seconded by Mr. Butler, to substitute Ordinance No. 30-09 as amended.

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

Nays: None

Motion adopted. Ordinance No. 30-09 substituted as amended.

Motion by Mr. Dever, seconded by Mr. Butler, to adopt Ordinance No. 30-09 as substituted.

Mr. Powers made the following comments:

To clarify for the record; my points on this have not been supportive of this increase for two reasons ; number one – in these economic times this is a hit that a lot of people won't be able to take and number two – since 2002 our revenues have declined thirty-five percent - it means that in that time one out of three swimmers who used to swim with us as recently as 2002 have now declined to swim with us at the current rates and I don't believe that increasing the rates will have the intended effect - they may have the opposite effect of reducing our overall revenue.

Ms. Antonio made the following comments:

I also do not support increasing the rates at this time partly for the reason that Councilman Powers has indicated in terms of tough economic times. I also am hopeful that between now and the next time that we talk about this we'll have data to be able to really find out the reasons why the revenues have declined and if there are some other solutions or if indeed raising the rates will be the thing. I understand that it's important to make incremental increases when we do that and that they haven't been done in a long time but I didn't see the information that lead me to believe that this was the best solution to date.

Mr. Bullock made the following comments:

I appreciate the discussion of this issue that my colleagues have made and I'm comfortable with the compromise proposal before us today which takes a step towards recovering some of the costs and then agrees that we're going to revisit this issue to take another look over the long term. I think it's important in addition to the cost that Council President highlighted – the City pays for the pools in three ways – one is the first way which we are discussing tonight which is payments to the Recreation Department to keep the operating staff going and in that account we've operated on a deficit in the ballpark of 80-110,000 dollars a year. But there's two other ways in which the City pays to run the pools, and the second way is equipment and capital maintenance and upgrades for the actual physical structure and the third way is the Public Works staff time in fuel costs – when there are repairs made those are internal costs that are probably not accounted or broken out but none-the-less the City pays as part of its regular operating budget so the deficit for the pools is much greater than the \$112,000 that we showed in 2007 merely to pay the personnel that are operating the pools on a day to day basis. So that point,

Councilman Summers and some others made a legitimate point that we need to take at least an incremental step with steps toward recovering some of those costs because it's really a big burden.

At the same token I appreciate Councilman Powers point that what in terms of a business plan for the pools how will we get out of the hole and will that help or hurt and I think that's still an open question. And as he points out the declining attendance over the years has led to a decline in revenues whereas comparatively speaking our costs are flat but none-the-less I think it was good deliberation, so I appreciate it, I'm comfortable supporting a compromise proposal tonight.

Yeas: Bullock, Butler, Dever, Madigan, Summers

Nays: Antonio, Powers

Motion adopted. Ordinance No. 30-09 adopted as amended and substituted.

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5. Public Works Committee Report regarding Ordinance No. 31-09. (To Be Provided)

Mr. Dever submitted the following report:

#5 Public Works Committee Report regarding Ordinance 31-09 - Michael Dever

Dear Members of Council. The Public Works Committee met this evening to discuss the upgrade and interconnection of the traffic signals along Detroit Avenue. We are going to be entering an agreement with the Ohio Department of Transportation to approve these fixtures. The last upgrade on these fixtures was approximately 25 - 30 years ago. The average life of a traffic structure is approximately 25 years so it's ended its useful life so it's time to start looking at replacement on these. This is just an agreement to work with the Ohio Department of Transportation to begin the design phase. Actually, I'm incorrect on that. This is just an agreement for the City and the Ohio Department of Transportation to work together on this project. With that, move to receive and file this communication.

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

Motion adopted. All members voting yea.

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6. **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 **Cohasset** Avenue in the City of Lakewood with the Ohio Department of Transportation. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 31-09 PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 2/17/09, 2ND READING 3/2/09)(Pg. 13).

Motion by Mr. Dever, seconded by Ms. Madigan, to substitute Ordinance No. 31-09.

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

Nays: None

Motion adopted. Ordinance No. 31-09 substituted.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 31-09 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 31-09 adopted as substituted.

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7. Finance Committee regarding Ordinance Nos. 35-09 & related Ordinance; 32-09, 33-09; 8-09A, 9-09A, 12-09A and 17-09A. (Supplemental Report to be provided) PG.16)

Mr. Summers supplemented the report with the following comments:

We are under extreme budget pressure, we're needing to make some significant investments in the infrastructure of the City and we have some deadlines that we have to meet to finance the vehicles, to provide the cash for these things which is debt. Amidst all of our considerations is this large, stimulus package coming from Washington. Now, there's some very good news for Lakewood here but it confounds our timing of what we do and how we do it and when we do it and to what amount we do it so we're in a very fluid state here happily reacting to some good news – one of which was acknowledgement that \$575,000 of stimulus money will be forthcoming to Lakewood to fund construction obligation we thought we had on our side of the pocket book but in fact will come from the Federal Government to replace traffic signals on Clifton. Stay tuned for further information from ODOT tomorrow; March 17 – there's an expectation that much of their roughly \$9 million (\$900,000,000) of Ohio's Federal money will begin to be allocated. We're hopeful that we will continue to get more money to fund some of the infrastructure issues that we have planned tonight including some signalization as well as street repair. The City has put in a bid for up to \$12 million (\$12,000,000) in additional money for street reconstruction. It would be a wonderful thing if we got all that. We're shovel ready but there's a lot of other cities obviously competing for the limited pool of money as well. Nevertheless we are hopeful that we will get some money so capital expenditure program is getting bolstered by the Federal Government our other taxpayer money that we all contribute and we'll continue to adapt so we'll be meeting as a Council actually and as a Committee over the next week to continue to adapt to these changing circumstances but so far it's been particularly good news.

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

Motion adopted. All members voting yea.

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8. Communication from Finance Direct Pae regarding Repeal of Ordinance 21-09. (Pg. 17)

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. **ORDINANCE NO. 36-09** – 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 e in force after the earliest period allowed by law, to repeal Ordinance 21-09, adopted February 17, 2009. {NEW ORDINANCE} (Pg. 18)

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. 36-09 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. 36-09

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

Nays: None

Motion adopted. Ordinance No. 36-09 adopted.

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10. **ORDINANCE NO. 35-09** - - 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 in the City issued to pay costs of various capital improvements, and declaring an emergency. (PLACED ON 1ST READING 3/2/09) (Pg. 23)

(Clarification was provided by the Finance Director regarding the discrepancy in the ordinance published in the docket) - indicating the preamble is correct.)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 36-09 on 2nd Reading.
Motion adopted. All members voting yea.

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11. **ORDINANCE NO. 32-09** - 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, 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"). (**PLEASE SUBSTITUTE** FOR ORDINANCE 32-09 - PLACED ON 1ST READING AND REFERRED TO THE FINANCE COMMITTEE 3/2/09)(Pg.28)

Motion by Mr. Dever, seconded by Ms. Madigan, to amend Ordinance No. 32-09 to delete 5/3 Bank and insert the name Key Bank.

Councilmember Madigan clarifies that the substitution in involves substituting Key Bank with Fifth Third Bank and changing the appropriate address in the fourth "Whereas" and in also in Section 6.

Yeas; Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers.

Nays: None

Motion adopted. Ordinance No. 32-09 amended.

Motion by Mr. Dever, seconded by Ms. Antonio, to substitute as amended.

Yeas; Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers.

Nays: None

Motion adopted. Ordinance No. 32-09 substituted as amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules.

Yeas; Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers.

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt as substituted.

Yeas; Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers.

Nays: None

Motion adopted. Ordinance No. 32-09 adopted as substituted.

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12. **ORDINANCE NO. 33-09** – 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 to authorize the transfer and advance of certain funds. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/2/09) (Pg. 32)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 33-09 on 2nd Reading and refer it back to the Finance Committee.

Motion adopted. All members voting yea.

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13. **ORDINANCE NO. 34-09** – 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 to establish appropriations for current expenses and other expenditures for the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2009. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/2/09)(Pg. 34)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 34-09 on 2nd Reading.

Motion adopted. All members voting yea.

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- ~~14. **ORDINANCE NO. 08-09A** – 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 08-09, adopted January 20, 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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/2/09) (Pg. 47)~~

Per the Finance Committee Report Item 14 – was removed from the docket.

- ~~15. **ORDINANCE NO. 09-09A** - 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 09-09, adopted January 20, 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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/2/09) (Pg. 49)~~

Per the Finance Committee Report Item 15 was removed from the docket.

16. **ORDINANCE NO. 12-09A** - 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 12-09, adopted January 20, 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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/2/09) (Pg. 51)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 12-09A on 2nd Reading.
Motion adopted. All members voting yea.

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17. **ORDINANCE NO. 17-09A** - 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 and be in force after the earliest period allowed by law, amending Ordinance 17-09, adopted January 20, 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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/2/09) (Pg. 53)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 17-09A on 2nd Reading.
Motion adopted. All members voting yea.

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18. Rules & Ordinances Committee Report regarding Parade Permitting Process – Ordinance No. 68-08. (Pg. 56)

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

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19. **ORDINANCE NO. 68-08** – AN ORDINANCE to amend Chapter 557; Parades, of the Codified Ordinances of the City of Lakewood for the purpose of allowing community groups the non-exclusive use of park space for special events within the City of Lakewood. (**PLEASE SUBSTITUTE** for Ordinance No. 68-08 Placed on 1st Reading and Referred to the Rules & Ordinances Committee 7/7/08, 2nd Reading 7/21/08). (Pg. 57)

Motion by Mr. Butler, seconded by Ms. Madigan, to substitute Ordinance No. 68-08.
Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Ordinance No. 68-08 substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 68-08 as substituted.
Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers

Nays: None

Motion adopted. Ordinance No. 68-08 adopted substituted.

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

20. Joint Communication from Councilmembers Antonio, Bullock, and Mayor FitzGerald regarding Supporting Employee Free Choice Act. (Pg.62)

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

Speakers Judy Gallo, Winnie Antonio, and Lloyd Clark were recognized as supporters of the Resolution.

Motion adopted. All members voting yea.

21. **RESOLUTION NO. 8333-09- A RESOLUTION** urging Congress to pass the Employee Free Choice Act to protect and preserve for America's workers their freedom to choose for themselves whether or not to form a union. (Pg. 63)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8333-09.

Motion adopted. All members voting yea.

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22. Joint Communication from Councilmember Bullock and Mayor FitzGerald regarding Earth Hour. (Pg. 65)

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

Motion adopted. All members voting yea.

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23. **RESOLUTION NO. 8334-09 – A RESOLUTION** to become the first city in Ohio to participate in Earth Hour 2009. (Pg. 66)

Motion by Mr. Bullock, seconded by Ms. Antonio, to adopted Resolution No. 8334-09.

Motion adopted. All members voting yea.

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24. Communication from Mayor FitzGerald regarding Mayoral Appointment to the Community Relations Advisory Commission. (Pg. 67)

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. Communication from Public Works Director Beno regarding Land and Water Conservation Fund Application. (Pg. 68)

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

Motion adopted. All members voting yea.

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26. **RESOLUTION NO. 8335-09** – 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 City of Lakewood to execute and file an application with the Ohio Department of Natural resources for financial assistance through the Land and Water Conservation Fund (LWCF) Program. (Pg. 69)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution NO. 8335-09.
Motion adopted. All members voting yea.

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27. Communication from Fire Chief Mroz regarding Severe Weather Awareness Week. (Pg.71)

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

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28. **RESOLUTION NO. 8336-09** – A RESOLUTION proclaiming March 23, 2009 through March 27, 2009 as “Severe Weather Awareness Week. (Pg. 72)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8336-09.
Motion adopted. All members voting yea.

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29. Liquor Permit Application for D1, D2, D3, D3A and D6 stocks to Mahalls; 13200 Madison Avenue. (Pg.73)

Motion by Mr. Bullock, seconded by Mr. Butler, to file no objection to this liquor permit.
Motion adopted. All members voting yea.

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30. Liquor Permit Application for D1, D2, D3, D3A and D6 transfers to DRH Holdings LLC d/b/a Cronies 17900 Detroit Avenue from JMH Entertainment Inc; same address. (Pg. 74)

Motion by Mr. Deer, seconded by Ms. Madigan to defer action on this liquor permit.
Motion adopted. All members voting yea.

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Motion by Mr. Dever, seconded by Ms. Madigan, to adjourn.
Motion adopted. All members voting yea.
Meeting adjourned 9:07PM.

Approved: _____

CLERK

PRESIDENT