

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
APRIL 6, 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: Mayor FitzGerald, Law Director Hurley, Finance Director Pae, Police Representative Sabala, Fire Representative Hageman, Public Works Director Beno, Human Services Director Buckon, Assistant Director, Safety – Division of Building and Housing Ashby.

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 March 16, 2009 and the Special Meeting of Council held March 24, 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. **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, PLACED ON 2ND READING AND RECOMMENDED FOR ADOPTION on 3RD READING 3/16/09) (Pg. 5)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 33-09.
Motion adopted. All members voting yea.

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2. **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, PLACED ON 2ND READING AND RECOMMENDED FOR ADOPTION ON 3RD READING 3/16/09)(Pg. 7)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 34-09.
Motion adopted. All members voting yea.

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3. 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. (Deferred 3/16/09) (Pg. 20)

Motion by Mr. Dever, seconded by Mr. Bullock, to defer action on this liquor permit application.
Motion adopted. All members voting yea.

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

4. Communication from Mayor FitzGerald regarding Appointment of Jeff Ashby to Position of Assistant Director, Safety – Division of Building and Housing. (Pg. 21)

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. Communication from Mayor FitzGerald regarding Mayor Appointment to the Community Relations Advisory Commission. (Pg. 22)

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

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6. Communication from Mayor FitzGerald regarding L.E.A.F. (Lakewood Earth and Food Community) *{Add-on}*(Pg. 23)

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

Motion adopted. All members voting yea.

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7. Communication from Law Director Hurley regarding New Lakewood “Public Nuisance Buildings & Structures, Repair or Demolition” Ordinance/Repeal of Existing Ordinance. (Pg. 24)

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

Motion adopted. All members voting yea.

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8. **ORDINANCE NO. 39-09** - 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, repealing Lakewood Codified Ordinance §1306.521, Repair or Demolition of Unsafe Structures. (Pg. 25)

Mr. Dan Slife from LEAF spoke on behalf of the L.E.A.F. organization in conjunction with the Mayor’s communication.

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 39-09 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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9. **ORDINANCE NO. 40-09** - 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, adapting section 1306.521, Public Nuisance Buildings and Structures, Repair or Demolition thereof, for the purpose of adapting a clear and concise method for the repair or demolition of unsafe structures of nuisance properties. (Pg. 31)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 40-09 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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10. Communication from Finance Director Pae regarding Mechanic Tool Donation. (Pg. 39)

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

Motion adopted. All members voting yea.

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11. **RESOLUTION NO. 8337-09** - A RESOLUTION authorizing the Director of Finance to accept, on behalf of the City of Lakewood, an anonymous donation of tools for use by

the Division of Fleet with an appraised value of ten thousand two-hundred dollars (\$10,200). (Pg. 40)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8337-09.
Motion adopted. All members voting yea.

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12. Communication from Public Works Director Beno regarding Cuyahoga County Engineer Financial Assistance – Bunts Road Construction Project (CR 232). (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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13. **ORDINANCE NO. 41-09** - 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 Mayor to enter into an agreement with the Cuyahoga County Board of Commissioners for the improvement of Bunts Road from Lakewood Heights Boulevard to Clifton Boulevard. (Pg. 42)

Motion by Mr. Dever, seconded by Ms. Antonio, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 41-09 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. 41-09.

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

Nays: None

Motion adopted. Ordinance No. 41-09 adopted.

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14. Communication from Public Works Director Beno regarding Detroit Avenue Traffic Signal Warrants (Pg. 48)

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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15. (Removed from Agenda)

16. (Removed from Agenda)

17. Communication from Human Resources Director Yousefi regarding Repeal 149.07 Longevity/ Establishing Bonus Merit System. (Pg.56)

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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18. **ORDINANCE NO. 42-09** - 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 repeal Section 149.07, Longevity Compensation, of the Lakewood Codified Ordinances. (Pg. 57)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 42-09 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. Six members voting yea.

Mr. Butler absent for vote.

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19. **ORDINANCE NO. 43-09** - 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 enact new Section 149.07, Merit Bonus Awards, of the Lakewood Codified Ordinances. (Pg. 60)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 43-09 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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20. Communication from Police Chief Malley regarding Byrne Formula Grant. (Pg. 62)

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

Motion adopted. All members voting yea.

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21. **ORDINANCE NO. 44-09** - 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 Mayor or his designee, to enter into an agreement on behalf of the City of Lakewood with the Cities of Bedford Heights, East Cleveland, Euclid, Garfield Heights, Maple Heights, North Olmsted, North Royalton, Parma, Parma Heights, Shaker Heights, Solon, south Euclid, University Heights, Warrensville Heights, the Board of Cuyahoga County Commissioners (Jurisdictions), and the City of Cleveland to reallocate grant funds totaling more than \$5,000,000 from the U.S. Department of Justice American Recovery

and Reinvestment Act of 2009 Edward Byrne Memorial Justice Assistance Grant (Recovery JAG) as approved by the Bureau of Justice Assistance, and authorizing the City of Lakewood to receive \$1000,000 of those grant funds. (Pg. 63)

Motion by Mr. Dever, seconded by ms. Madigan, to amend Ordinance No. 44-09 by indicating the dollar amount as \$100,000 (one hundred thousand dollars) in both places within the ordinance.

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

Nays: None

Motion adopted. All members voting yea. Ordinance No. 44-09 is amended.

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. 44-09 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. 44-09 as amended.

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

Nays: None

Motion adopted. Ordinance No. 44-09 adopted as amended.

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22. Communication from Planning & Development Director Kelly regarding Clifton Boulevard Streetscape Enhancement Project. (Pg. 65)

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

Motion adopted. All members voting yea.

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23. Liquor Permit Application for a Liquor Agency Contract – to Simon Beverage - 18414-26 Detroit Avenue. (To be addressed separate from the following item) (Pg. 67)

Motion by Mr. Butler, seconded by Mr. Bullock, to file no objection to this liquor application.

Motion adopted. All members voting yea.

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24. Liquor Application for C1, C2, D6 stocks To Simon Beverage - 18414 Detroit Avenue. (Pg. 68)

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

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 8:49 PM.

Approved: _____

CLERK

PRESIDENT