

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JUNE 1, 2009
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:37 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.

Motion by Ms. Madigan, seconded by Mr. Butler, to excuse the absence of Mr. Dever. (Mr. Dever arrives at 8:08 PM)

Motion adopted. All members present voting yea.

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Also Present: Mayor FitzGerald, Law Director Hurley, Assistant Finance Director Schuster, Police Chief Malley, Fire Chief Mroz, Public Works Director Beno, Human Services Director Buckon, Planning & Development Director Kelly, Assistant Director Safety – Division of Building and Housing Ashby.

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Reading and disposal of the Minutes of the Regular Meeting of Council held May 18, 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.

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

1. Finance Committee Report regarding Ordinance No. 18-09A – Salary Ordinance Amendment. (To Be Provided)

#1 Finance Committee Report Regarding 18-09A Salary Ordinance Amendment – Mike Summers; Chair

Thank you Mr. Chairman, the Finance Committee met tonight . All members were present which include Councilpersons Butler, Madigan and Summers, Assistant Finance Director Schuster, Human Resource Director Yousefi, Law Director Hurley and also attending were Council Members Powers, Bullock and Antonio as well as Assistant Public Safety Director Ashby was present. The item under consideration was a pay

grades for three different categories to accommodate some organizational changes in the salary structure of the non-contract, union contract related positions. The items were amended and approved for recommendation but at the request of the Mayor we are going to defer action on this until the next Council meeting. I ask that this report be received and filed and that we refer ordinance 18-09A for the next meeting.

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

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2. **ORDINANCE NO. 18-09A** - 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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 5/4/09, 2ND READING 5/18/09)(Pg. 5)

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

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3. Rules & Ordinances Committee Report regarding Ordinance No. 45009. (To Be Provided)

#3 Rules & Ordinance Committee Report regarding Ordinance 45-09 – Kevin Butler; Chair

Dear Members of Council, your Rules and Ordinances Committee met this evening and previously with regard to the ordinance that follows this communication. Councilman Powers and I are the members of the Rules and Ordinances Committee. Tonight we reviewed the ordinance that you have before you in the agenda and made one substantive change and that is in new section 903.05 we changed the language from “current material and construction specifications will be determined by the engineering department under the authority of the Director of Public Works” to the following: “Current material and construction specifications shall be determined and kept on file for public inspection by the engineering department under the authority of the Director of Public Works.” That was the only substantive change the committee made. We also made a number of typographical changes only and adopted those unanimously in committee. Tonight, Council has before it a substitute which is separate from the docket and that substitute reflects the changes that the committee made in committee. The committee voted unanimously to recommend the adoption of the substitute this evening. Let me explain very briefly what the changes in the sidewalk ordinance do. The original changes proposed by the Public Works Director. They streamline the fees that are required for

pulling permits for sidewalk repair. The fees were across the board previously; they're now \$25.00 per permit. They also take the specifications for sidewalk repair out of the codified ordinances and place them squarely into the hands of the people who can manipulate those and arrive at those best and those are the administrators in charge of the permitting and inspection of sidewalks. Those are the two primary changes. With that, I move to receive and file.

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

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4. **ORDINANCE NO. 45-09** - 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 amend Chapter 903, Sidewalks and Curbs of the Codified Ordinances of the City of Lakewood to update enforcement and inspections contained within this Chapter. (PLACED ON 1ST READING AND REFERRED TO THE RULES & ORDINANCES COMMITTEE 4/20/09, 2ND READING 5/4/09)(Pg. 11)

Motion by Mr. Butler, seconded by Ms. Madigan, to substitute Ordinance No. 45-09.
Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Ordinance is substituted.

Motion by Mr. Dever, seconded by Mr. Butler, to adopt Ordinance No. 45-09 as substituted.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Ordinance No. 45-09 adopted as substituted.

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5. **ORDINANCE NO. 48-09** – 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 of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2009. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 5/18/09) (Pg. 19)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance NO. 48-09 on 2nd Reading.

Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 49-09** – 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 5/18/09) (Pg. 32)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 49-09 on 2nd Reading and refer it back to the Finance Committee.

Motion adopted. All members voting yea.

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7. **ORDINANCE NO. 50-09** - 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 Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1346 Webb Road for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 5/18/09) (Pg. 34)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 50-09 on 2nd Reading and refer it back to the Housing Committee.

Motion adopted. All members voting yea.

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8. **ORDINANCE NO. 51-09** - 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 Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1667-1669 Waterbury Road for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (Placed on 1st READING & REFERRED TO THE HOUSING COMMITTEE 5/18/09) (Pg. 36)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 51-09 on 2nd Reading and refer it back to the Housing Committee.

Motion adopted. All members voting yea.

****NEW BUSINESS****

9. Communication from Councilmember Antonio regarding Dignity of Human Rights Pride Week. (Pg. 38)

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

Motion adopted. All members voting yea.

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10. **RESOLUTION NO. 8352-09** – A RESOLUTION to proclaim the week of June 15, 2009 as Dignity of Human Rights Pride Week and recognizing the Cleveland Pride Committee and the LGBT community for its many and varied contributions that have enriched our civic life and aided in creating a more accepting and diverse society and community. (Pg.39)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8352-09.

Motion adopted. All members voting yea.

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11. Communication from Councilmembers Antonio and Madigan regarding Anti-idling Law. (Pg.40)

Motion by Ms. Antonio, seconded by Mr. Butler, to receive, file and refer this communication to the Law Department.

Motion adopted. All members voting yea.

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12. Communication from Councilmember Bullock regarding Request by Citizens to Permit Leashed Dog-walking in Lakewood Park. (Pg.44)

Motion by Mr. Dever, seconded by Mr. Bullock, to receive, file and refer this communication to the Public Safety Committee.

Motion adopted. All members voting yea.

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13. Communication from Finance Director Pae regarding 2009 CDBG Infrastructure Contract Authority Amendment. (Pg.45)

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

Motion adopted. All members voting yea.

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14. **ORDINANCE NO. 4-09A** - 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 04-09, 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 **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. 46)

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. 4-09A 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. 4-09A.

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

Nays: None

Motion adopted. Ordinance No. 4-09A adopted.

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15. Communication from Human Services Director Buckon regarding 2009 Supplemental Nutrition Funds. (Pg.48)

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

Motion adopted. All members voting yea.

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16. **RESOLUTION NO. 8353-09** - 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 and directing the Mayor or his designee, on behalf of the City, to enter into an Agreement with the Western Reserve Area Agency on Aging (WRAAA) to accept and expend Supplemental Nutrition Funds made available through the 2009 American Recovery and Reinvestment Act (ARRA) for the fiscal period covering July 1, 2009 through September 30, 2010. (Pg.49)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8353-09.

Motion adopted. All members voting yea.

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17. Communication from Human Services Director Buckon regarding Donation of Copier to The Lakewood Foundation. (Pg. 51)

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

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18. **RESOLUTION NO. 8354-09** - 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, on behalf of the City of Lakewood, is hereby authorized to dispose of a Ricoh Aficio 350e copier, manufactured in September of 2000 through a donation to The Lakewood Foundation. (Pg. 52)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8354-09.
Motion adopted. All members voting yea.

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19. Communication from Public Works Director Beno regarding Ordinance 521.17 – Shopping Cart Litter. (Pg. 54)

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

Motion adopted. All members voting yea.

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20. **ORDINANCE NO. 52-09** – AN ORDINANCE to amend Section 521.17, Shopping Cart Litter, of the Lakewood Codified Ordinances for the purposes of allowing the City of Lakewood to donate, recycle or otherwise dispose of the carts that are unclaimed. (Pg. 55)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 52-09 on 1st Reading.

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 8:30 PM.

Approved: _____

CLERK

PRESIDENT