

**MINUTES  
OF THE  
REGULAR MEETING OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
OCTOBER 5, 2009  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:40 PM by Acting President Madigan.

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Present: Councilmembers Nickie J. Antonio, Thomas R. Bullock III, Kevin Butler, Michael W. Dever, Mary Louise Madigan, Brian E. Powers, Michael P. Summers.

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

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Motion by Acting President Madigan, seconded by Ms. Antonio, to excuse the absence of Mr. Dever. (for temporary delay – Mr. Dever arrives at 8:17 PM).

Motion adopted. All members present voting yea.

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Reading and disposal of the Minutes of the Regular Meeting of Council held September 21, 2009.

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

Motion adopted. All members present voting yea.

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Without objection from Council items 7, 8, 20 and 21 were read first respectively in the agenda order.

**\*\*\*\*OLD BUSINESS\*\*\*\***

1. Committee of the Whole Report regarding Ordinance No. 66-09. Economic Development Fund to 14701 Detroit, LLC. (To Be Provided)

**COMMITTEE OF THE WHOLE REPORT 10-5-09**

Acting President Madigan submitted the following oral report:

The Committee of the Whole met tonight to discuss Ordinance 66-09 – a Business Investment Program Loan to 14701 Detroit. All members were present – Mr. Dever was absent due to a previous engagement. Planning & Development Director Kelly, Law Director Hurley, Public Works Director Beno, Building Director Jeff Ashby were in attendance.

The Ordinance proposes providing an Economic Development Fund Loan of \$200,000 to 14701 Detroit Avenue LLC - the new owner and developer for the INA and Baily buildings. The money comes from the City's allocation of federal Block Grant dollars.

Detroit, LLC is made up of real estate professionals, real estate developers and proven property brokers. Their listings span the region and are well regarded among their peers. Although the buildings together represent the second largest office complex in Lakewood, situated at the most trafficked intersection in the city, this site has great views, open floor plans, and-among the most coveted assets has – it has its own 400 car parking facility.

However, we learned that mismanagement by the previous owners – who were out-of—and apparently never even saw the building left the building in disrepair and in need of significant rehabilitation in order to attract tenants. The new owners have already attracted new retail tenants and worked with the city in attaining high-end office tenants, even before building improvements had been made. Both buildings are undergoing \$5,700,000 worth of renovation to attract high end tenants. The City recently advocated for historic rehabilitation on the Bailey Building at the corner of Warren and Detroit. It was indicated that a complete exterior renovation is needed, which will include removing the 40 year old pre-cast concrete facade and restoring the brick and 80-some windows as the building was originally designed.

Inside, the office space will accommodate 200,000 sq. ft. of build-to-suit office. Other renovations include new retail storefronts, a new lobby and improved access to both the parking structure and the street. The owners are obligated to create ten ow , moderate income CDBG eligible jobs. However, 200,000 sq ft office should support about 375 new jobs. So far, interested parties for the building have been professional service organiz- ations with significant payroll- to-employee ratios. Economic benefit calculations will be based on an estimated 200 county-average income positions, so that's what we're shooting for there.

The Economic Development Committee as required by ordinance has reviewed the application and recommended approval of a seven (7) year loan of \$200,000, to be repaid fully by 2016. If approved by City Council the funds would be disbursed on a reimbursement basis, for exterior renovations, which must be previously approved by the Architectural Review Board The Committee unanimously recommended adoption this evening. Move to receive and file.

Motion by Ms. Madigan, seconded by Ms. Antonio, to receive and file the report.  
Motion adopted. Six members voting yea.  
Mr. Dever absent for vote.

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2. **ORDINANCE NO. 66-09** - AN ORDINANCE authorizing the Mayor or his designee to enter into an agreement with 14701 Detroit, LLC or its designee for participation in the Lakewood Business Investment Program (BIP) of the Economic Development Fund (EDF) for a seven (7) year loan in an amount of Two Hundred Thousand Dollars (\$200,000.00). (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 9/9/09, 2<sup>ND</sup> READING 9/21/09) (Pg. 6)

Motion by Ms. Madigan, seconded by Ms. Antonio, to adopt Ordinance No. 66-09.  
Motion adopted. Six members voting yea.  
Mr. Dever absent for vote.

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3. Housing Committee Report regarding Ordinance No. 67-09 – Accepting Dowd Property from Center for Families and Children for City’s Land Bank.

HOUSING COMMITTEE REPORT 10-5-09

Ms. Madigan submitted the following report:

The Housing Committee met tonight. Present were Councilmen Summers and Powers, later joined by Councilwoman Antonio, Councilman Butler and Councilman Bullock. Also present were Directors Kelly and Ashby. For a number of years the City has been trying to acquire this vacant building, this vacant, unused building on Dowd Street, right across from the school. The cost to rehab this building is about \$300,000. The City could, however, demolish this building and that is a possibility at a cost of possibly around \$15,000 or so. If the building is demolished we expect to build a new single family home on that property. We have an agreement to share the net proceeds with the Center for Families and Children if there is a sale before March, 2011. The Chair is going to entertain a motion later to amend to “...a share of NET proceeds...”. Move to receive and file.

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

Motion adopted. Six members voting yea.

Mr. Dever absent for vote.

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4. **ORDINANCE NO. 67-09** - AN ORDINANCE authorizing the Director of Planning and Development to enter into an agreement with the Center for Families and Children to accept title to real property located at 2070 Dowd Street, Lakewood, Ohio (Permanent Parcel No. 315-23-199) and allowing the Center for Families and Children to share in the proceeds of the sale of the property in the event that the property is sold. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HOUSING COMMITTEE 9/9/09, 2<sup>ND</sup> READING 9/21/09) (Pg. 8)

Motion by Mr. Summers, seconded by Ms. Madigan, to put the word, “net” in front of proceeds in Section 1 of Ordinance 67-09 to gain further clarity in terms of understanding of what might transpire as far as the sale of the property and sharing the benefits of the sale.

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

Nays: None

Mr. Dever absent for vote. (Mr. Dever has not yet arrived)

Motion adopted. Ordinance No. 67-09 amended.

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 67-09 as amended.

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

Nays: None

Mr. Dever absent for vote. (Mr. Dever has not yet arrived)

Motion adopted. Ordinance No. 67-09 adopted amended.

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5. **ORDINANCE NO. 71-09** - AN ORDINANCE to amend Section 903.10, Duty to Repair and Maintain Sidewalks and Driveway Aprons and Section 903.99, Penalty within Chapter 903, Sidewalks and Curbs

of the Codified Ordinances of the City of Lakewood to include tree lawn in the definition of sidewalk for the purpose of clarification and to create a penalty for failure to repair a sidewalk or driveway apron. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/21/09) (Pg. 9)

Motion by Ms. Madigan, seconded by Mr. Butler, to place Ordinance No. 71-09 on 2<sup>nd</sup> Reading.  
Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 72-09** - AN ORDINANCE authorizing and directing the Mayor, or his designee to enter into an agreement with the Northeast Ohio Areawide Coordinating Agency (NOACA) to receive and expend financial assistance under the Northeast Ohio Areawide Coordinating Agency's (NOACA) Transportation for Livable Communities Initiative (TLCI) Planning Grant Program, including the expenditure of a required 20% non-federal match. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 9/21/09) (Pg. 14)

Motion by Ms. Madigan, seconded by Mr. Butler, to place Ordinance No. 72-09 on 2<sup>nd</sup> Reading.  
Motion adopted. All members voting yea.

**\*\*\*\*NEW BUSINESS\*\*\*\***

{Item was moved to beginning of agenda order}

7. Communication from All Members of Council regarding Resolution honoring Milan Stankovich on his retirement. (Pg. 16)

{Item addressed first in docket agenda}

Motion by Ms. Madigan, seconded by Ms. Antonio, to receive and file the communication.  
Motion adopted. Six members voting yea.  
Mr. Dever absent for vote. (Mr. Dever had not yet arrived)

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8. **RESOLUTION NO. 8372-09** – A RESOLUTION honoring Milan Stankovich on retiring from the City of Lakewood. (Pg.17)

{Item was addressed second in docket agenda}

Motion by Ms. Madigan, seconded by Ms. Antonio, to adopt Resolution No. 8372-09.  
Motion adopted. Six members voting yea.  
Mr. Dever absent for vote (Mr. Dever had not yet arrived)

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Mayor FitzGerald adds to the communication indicating to Mr. Stankovich, "...he has a whole lifetime of experience so I want to invite you back, Milan, whenever you want to come back and if you're looking for a job reference for your next career I will be available to you but I just want to thank you – on behalf of the City I just want to personally thank you for everything that you did. You're an outstanding example of a public employee; probably one of the finest we've ever had, so thank you.

Councilmember Antonio added, "...it's always been nice to walk into City Hall and be greeted so warmly...it has really been a pleasure to serve with you and I echo what the Mayor has said in terms of getting historic

information and just the kindness and helpfulness at the same time I always felt safe when you were here, Milan, so I'm really going to miss you, thank you for your service.

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9. Communication from Mayor FitzGerald and Police Chief Malley regarding Hiring Requirements for Entry Level Patrol Officers. (Pg. 18)

Motion by Ms. Madigan, seconded by Ms. Antonio, to receive, file and refer the communication to the Rules & Ordinances Committee.

Councilmember Butler asked that the Chair of the Civil Service Committee be invited to the Committee meeting when the item is being discussed in Committee.

Motion adopted. Six members voting yea.  
Mr. Dever absent for vote. (Mr. Dever has not yet arrived)

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10. **ORDINANCE NO. 73-09** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to authorize and set out the method of Original Appointments to the Division of Police, to include a combination of appointment from a certified list and lateral entry hire. (Pg.19)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 73-09 on 1<sup>st</sup> Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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11. Communication from Mayor FitzGerald regarding Registering Vacant Buildings. (Pg.22)

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

Discussion was regarding registration applying to specific individuals as opposed to organizations because of the difficulty in tracking organizations. It was determined that this was a key issue that was to be addressed during the drafting of the legislation.

Ms. Antonio indicates Mr. Ashby from the Building Department has been highly responsive to issues coming up involving similar issues.

Motion adopted. All members voting yea.

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12. Communication from Finance Director Pae regarding 2009 Amended WWTP Capital Contracting Authority. (Pg.23)

The reason for the request to suspend the rules - foregoing two readings in order for the ordinance to be adopted that night was discussed.

It was stated that four or five projects at the Wastewater Treatment Plant were in process, that the EPA informed the City in the last weeks that the projects were to be funded as soon as possible to meet timetables and schedules. It was indicated that certain projects had to be out to bid and awarded by the end of the year. One project was in excess of a million dollars.

There was discussion as to if this project would have on any impact on other projects that have been approved. Response was given that original Wastewater Treatment Plant Capital Contracting Ordinance was made before the knowledge of Federal Stimulus Money coming in. It was stated that some of the projects were to be done in future years but that the stimulus funds allowed them to be done in the present year.

It was stated that the work that was being done would be refunded 50 percent of the cost, that four out of the five projects allowed for the purchase of the equipment and that city workers would be installing the equipment. A summary of the details of the project was requested.

Clarification was asked for regarding if the \$1.2 million approved for the Wastewater Treatment Plant capital improvements this year. It was stated that the design was finished in 2009, construction would then be done in 2010. As to what was the million dollar project paying for - - a larger item – “Digester” was on item along with other part replacements

It was stated that some work would start in 2009, and the increase in contracting authority would be necessary and it would carry over. Consideration was given to the possibility of the City receiving needed federal stimulus money but having to spend an additional \$400,000 – if the City had to make a 50% match. It was asked if the project would have an impact on an already diminished 2010 capital budget.

A response was provided stating that the Wastewater Treatment Plant was funded through varied means including dedicated millage (2 mils), also through dedicated user fees and City-issued debt. It was indicated that considerable debt was issued in 2006 for sewer and that left-over proceeds from the Detroit Avenue sewer project which came in under was available. The City was spending down those proceeds. It was discussed that projects on the plan have been made for 2009, 2010 - and with the advent of the federal stimulus funds the projects could be expedited. It was stated that General Obligation debt was not issued for these projects and that this would be a challenge in 2010. It was clarified that the million dollars is referring to G.O. debt.

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

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13. **ORDINANCE NO. 16-09A** - 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 16-09, adopted January 20, 2009 for the purpose of increasing contracting authority for the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bids and enter into a contract with the lowest and best bidder for **Wastewater Treatment Plant Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg.24)

Motion by Ms. Madigan, seconded by Mr. Dever, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 16-09A on final reading.

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

Nays: None.

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Dever, to adopt Ordinance No. 16-09A.

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

Nays: None.

Motion adopted. Ordinance No. 16-09A adopted.

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14. Communication from Planning & Development Director Kelly regarding Participation in the Northeast Ohio Area Wide Coordinating Agency's (NOACA) Transportation for Livable Communities Initiative (TLCI) (Pg.27)

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

Motion adopted. All members voting yea.

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*{DUE TO DUPLICATION IN NUMBERING RESOLUTION NUMBER IS MODIFIED WITH "A"}*

15. **RESOLUTION NO. 8372-A-09-** – A RESOLUTION 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 at the earliest period allowed by law, authorizing and directing the Mayor, on behalf of the City, to apply for financial assistance under the Northeast Ohio Areawide Coordinating Agency's (NOACA) Transportation for Livable Communities Initiative (TLCI) Planning Grant Program. (Pg. 28)

Motion by Ms. Madigan, seconded by Mr. Dever, to refer Resolution No. 8372-A-09 to the

Mr. Dever indicated that a Public Works Committee meeting would be had after the award was won.

Motion adopted. All members voting yea.

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16. Communication from Planning & Development Director Kelly regarding Cuyahoga Housing Consortium, HOME Down Payment Assistance Contract. (Pg. 30)

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

Motion adopted. All members voting yea.

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17. **ORDINANCE NO. 74-09** – AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into a two year agreement with Cuyahoga County, the lead entity in the Cuyahoga Housing Consortium ("Consortium") and various lending institutions and individuals participating in the Lakewood HOME Program ("Program") for an amount not to exceed \$249,947. (Pg.31)

Motion by Ms. Madigan, seconded by Ms. Antonio, to place Ordinance No. 74-09 on 1<sup>st</sup> Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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18. Communication from Planning & Development Director Kelly regarding Request to Receive \$300,000 of HOME Funds. (Pg.32)

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

Motion adopted. All members voting yea.

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19. **ORDINANCE NO. 75-09** – AN ORDINANCE authorizing the Mayor, on behalf of the City, to enter into an agreement with Cuyahoga Housing Consortium for an additional \$300,000 in HOME funds for the construction of single family homes in areas where properties need to be razed. (Pg. 33)

Motion by Ms. Madigan, seconded by Ms. Antonio, to place Ordinance No. 75-09 on 1<sup>st</sup> Reading and referred to the Housing Committee.

Motion adopted. All members voting yea.

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{Item addressed 3<sup>rd</sup> in docket agenda order}

20. Communication from Planning & Development Director Kelly regarding Fiscal Year 2010 CDBG, ESG, and HOME. (Pg. 34)

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

Motion adopted. six members voting yea.

Mr. Dever absent for vote. (Mr. Dever had not yet arrived)

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{Item addressed 4<sup>th</sup> in docket agenda order}

21. **RESOLUTION NO. 8373-09** – A RESOLUTION 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 authorizing and directing the Mayor to submit the Fiscal Year (FY) 2010 One-Year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) fund and Emergency Shelter Grant (ESG) funds, and incorporates the City's application for CDBG funds, ESG Funds, HOME Investment Partnership funds, and any other entitlement funds from the U.S. Department of Housing and Urban Development, and all amendments thereto and all understandings and assurances contained their, to the U.S. Department of Housing and Urban Development (HUD). This will also authorize the submission of the Five-Year Consolidated Plan for 2010-2015 HUD. (Pg.39)

Motion by Ms. Madigan, seconded by Ms. Antonio, to refer Resolution No. 8373-09 to the Finance Committee.

Councilmember Butler thanks Mr. Metzger and the Citizens Advisory Committee for extensive volunteer service to the community, indicating the many hours spent meeting to arrive at the recommendations. He



indicated that the task was not easy as the Committee had to at times recommend reductions and denials of funding. He recognized Monique Smith as member of the Committee who in attendance at the Council meeting.

Councilmember Antonio added thanks to Committee indicating the challenges that went before the Committee because of the economy.

Councilmember Summers announced that the Finance Committee would meet Monday; October 12<sup>th</sup> and invited any members of the Citizens Advisory Committee members who could attend to attend.

Councilmember Bullock asked clarification on the one year plan versus the five year plan and Mr. Kelly responded that the five year plan is required every five years.

To refer to the Finance Committee.

Motion adopted. Six members voting yea.

Mr. Dever absent for vote. (Mr. Dever had not yet arrived)

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22. Communication from Finance Director Pae regarding 2010 Tax Advance Resolution. (Pg. 41)

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

Motion adopted. Six members voting yea.

Ms. Antonio absent for vote.

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23. **RESOLUTION NO. 8374-09** - 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 requesting the Cuyahoga County Auditor to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real; personal property; estate taxes and special assessments collected in the year 2010 in such amounts as may be requested and available. (Pg. 42)

Motion by Ms. Madigan, seconded by Mr. Dever, to adopt Resolution No. 8374-09.

Motion adopted. Six members voting yea.

Ms. Antonio absent for vote.

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24. Communication from Finance Director Pae regarding Property Tax Rate Resolution for 2010. (Pg.44)

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

Motion adopted. Six members voting yea.

Ms. Antonio absent for vote.

25. **RESOLUTION NO. 8375-09** - 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 accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. (Pg.45)

Motion by Ms. Madigan, seconded by Mr. Dever, to adopt Resolution No. 8375-09.

Motion adopted. Six members voting yea.

Ms. Antonio absent for vote.

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26. Communication from Finance Director Pae regarding adding Keep America Beautiful and Heritage Ohio to the Membership Resolution. (Pg.47)

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

Motion adopted. All members voting yea.

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27. **ORDINANCE NO. 90-08B** – 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, amending Ordinance 90-08A, adopted September 9, 2009 for the purpose of adding American Planning Association, authorizing 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 enter into contracts for **Memberships** as authorized by the 2009 Appropriation Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$60,000 without separate Resolution of Council. (Pg. 48)

Motion by Ms. Madigan, seconded by Mr. Dever, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 90-08B on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Dever, to adopt Ordinance No. 90-08B.

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

Nays: None

Motion adopted. Ordinance No. 90-08B adopted.

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Motion by Mr. Dever, seconded by Ms. Madigan, to Place Ordinance No. 72-09 on 1<sup>st</sup> Reading and refer it to the Public Works Committee.

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 8:36 PM.

Approved: \_\_\_\_\_

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CLERK

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PRESIDENT