

**MINUTES  
OF THE  
REGULAR MEETING OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
OCTOBER 19, 2009  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:36 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 E. Powers, Michael P. Summers.

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

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Reading and disposal of the Minutes of the Regular Meeting of Council held October 5, 2009.

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

Motion adopted. All members present voting yea.

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

1. Finance Committee Report regarding 1. Resolution No. 8373-09. 2. Budget Strategy (To Be Provided)

Mr. Summers submitted the following report:

The Finance Committee Met on October 19th,2009. Present were members Madigan, Butler and Summers, Mayor Fitzgerald, Planning Director Kelly, Finance Director Pae and Assistant Finance Director Schuster, and Human Service Director Buckon.

The Finance Committee took the following action:

- 1) Reviewed and recommends for inclusion in the 2010 budget the Citizens Advisory Committee's recommended allocation of the \$2.1 million dollar Community Development Block Grant monies expected from the Federal Government in 2010.
- 2) Reviewed, discussed the 2010 budget levels and the process by which final appropriation decision will be made. The key steps and decision are the following:
  - a. By November 15th,2009, Mayor Fitzgerald will submit to the County the initial statement of expected revenues and expenditures for 2010. These projections are expected to be a structurally balanced budget with revenues greater than expenditures. This action will formally serve as the starting point of our budget deliberations.

b. The drama of this routine request is that revenues are expected to be approximately 4.5°/D less than 2009. Expenditures, therefore, must be reduced by this same percentage, or more to structurally balance this budget. Historically, Lakewood and most cities in our county, would be benefiting from property tax increases resulting from the just completed triennial appraisal. In this depressed housing market, we are experiencing an average of a 6°/D reduction in property tax collections.

3) The Council is charged with making the following decisions:

a. Are the forecasts reasonable in their approach and conclusions?

b. Should expenditures be less than revenues (as we have done in the 2008 and 2009 budgets)?

c. If expenditures are greater than revenues, what fund balances are we drawing from? And what risks are we taking in doing so?

d. If expenditures are to be less than revenues- how much of an ending balance do we desire?

e. In all cases, what expenditures must be reduced and by how much? What are the service delivery reductions that might result from these reduced expenditures?

4) The timing of these decisions is to a large extent determined by the outcome of the collective bargaining process for all seven bargaining units. These processes commenced October 1, 2009, and will continue during the next several months.

5) We are also challenged to factor in the investment requirements mandated by the Environmental Protection Agency regarding our water and waste water handling systems. These requirements will very likely have an impact on water and sewer rate charges. In consideration of the above issues and factors, the Finance Committee voted 3-0 to recommend that City Council strive to achieve a structurally balanced budget for 2010. We recognize the difficulties of the road ahead.

As a starting point, we ask Council President Dever to convene a Committee of the Whole on or after November 15th to begin to address the key questions identified in this report. Respectfully Submitted Michael P. Summers, Chair Finance Committee

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

Motion adopted. All members voting yea.

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2. **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 therein, 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. (REFERRED TO THE FINANCE COMMITTEE 10/5/09) (Pg. 5)

Motion by Mr. Summers, seconded by Ms. Antonio, to adopt resolution No. 8373-09.  
Motion adopted. All members voting yea.

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3. Finance Chair Summers Introduction of and submission of Audit Committee's Annual Report.

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

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4. Rules & Ordinances Committee Report regarding Ordinances 56-09, 71-09, and Item Removal from Committee. (Pg.14)

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

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5. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 10/5/09) (Pg. 15)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 73-09 on 2<sup>nd</sup> Reading and refer it back to the Rules & Ordinances Committee.

Mr. Butler indicates the Rules & Ordinances Committee would meet on the item Tuesday, October 27<sup>th</sup>, tentatively in the Jury Room at 8:00 a.m.

Motion adopted. All members voting yea.

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6. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HOUSING COMMITTEE 10/5/09) (Pg.18)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 74—9 on 2<sup>nd</sup> Reading and refer it back to the Housing Committee.

Motion adopted. Six members voting yea.

Mr. Butler absent for vote.

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7. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HOUSING COMMITTEE 10/5/09) (Pg. 19)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 75-09 on 2<sup>nd</sup> Reading and refer it back to the Housing Committee.

Motion adopted. Six members voting yea.

Mr. Butler absent for vote.

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

8. Communication from Councilmember Bullock regarding Resolution to Express the City's Commitment to the Principles of Buying American Products and Services Using Funds received Under the American Recovery and Investment Act. (Pg. 20)

Motion by Mr. Bullock, seconded by Mr. Butler, to substituted the communication to reflect the signatures of both Councilmember Bullock and Mayor FitzGerald to the original letter.

Motion adopted. All members voting yea.

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

Motion adopted. Six members voting yea.

Mr. Butler absent for vote.

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9. **RESOLUTION NO. 8376-09** – A RESOLUTION to encourage the use of federal economic recovery funds to promote goods and services made or performed by American citizens and companies. (Pg. 21)

Motion by Mr. Butler, seconded by Mr. Dever, to adopt Resolution No. 8376-09.

Motion adopted. All members voting yea.

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10. Communication from Finance Director Pae regarding Purchasing and Contracting Ordinance FY 2009. (Pg.23)

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. **ORDINANCE NO. 89-08B** - 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 89-08A, adopted April 20, 2009 for the purpose of adding, deleting, and 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 enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2009 Appropriation Ordinance and the

Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg.24)

Motion by Mr. Dever, seconded by Ms. Antonio, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 89-08B 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. 89-08B.

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

Nays: None

Ordinance No. 89-08B adopted.

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12. **ORDINANCE NO. 76-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to council otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Director of Finance to enter into an agreement with the Beck Center facilitating the pass through of Energy Efficiency and Conservation Block Grant Funds in the amount of \$57,000 in accordance with the award received from the Department of Energy for such purposes. (Pg.31)

Motion by Mr. Dever, seconded by Ms. Antonio, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 76-09 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. 89-08B.

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

Nays: None

Ordinance No. 76-09 adopted.

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13. Communication from Public Works Director Beno regarding Safe Routes to Schools Grant. (Pg.33)

Mr. Beno amends the communication to read the grant application amount to read \$20,000.

Councilmember Antonio asked the time period for entire project, asking if it extended beyond 2009.

Public Works Director Beno indicated it would be a type of ongoing project, and updates would be approved. The present project is a five year plan.

Mr. Dever asked if the Resolution had to be adopted that evening.

Mr. Beno indicated it would have to be as the application was due the day after the next Council Meeting.

Mr. Butler referenced families north of Lake whose children walk to Harding School. He mentioned that in order to cross Lake in the morning with assistance of a stop sign or a traffic light that they would have to go to either Summit or Webb. He indicated that members of the community have approached him about making that route for any students who are in between Webb and Summit safer in order to walk straight south to Harding. He asked that this be considered as this goes forward.

Mr. Butler asks for the exact changes, referencing that the Resolution references that the “project shall be in the amount of \$500,000...asks if the request for the amendment is now limiting the project scope to \$20,000.

Public Works Director Beno indicated that the grant is only for creating the plan.

Deletion of the third Whereas clause was also considered important for consistency.

Mr. Bullock asked that the issue of snow on sidewalks in front of schools be addressed as something in need of improvement. He indicated last year there were complaints of kids having to walk in the street. Mr. Bullock asked if there was any type of opportunity in the funding to address that issue.

Discussion was had indicating the City’s policy had never been to send city workers out to remove snow and clear sidewalks around schools. There was a suggestion made that ticket may have been issued in the past under the extenuating circumstances. It was determined that no one had was familiar with any citation ever being issued for this.

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

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**14. RESOLUTION NO. 8377-09** - 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 Transportation, Safe Routes to School Project. (Pg. 34)

Mr. Butler referred to Section 2 regarding amending the dollar amounts and quoted, “*the total cost of the project is estimated to be \$500,000 of which the City of Lakewood if awarded the fund agrees to pay 100% of the construction cost over and above the maximum amount provided by the State of Ohio...*” Mr. Butler asked if removal of the word “construction” would be necessary because the grant was for a planning grant, not a construction grant.

Public Works Director Beno indicated that the language reflected standard language provided in the grant sample.

Motion by Mr. Butler, seconded by Ms. Madigan, to amend Resolution No. 8377-09 by

Deleting the third Whereas clause and reducing the dollar amount in section 2 from \$500,000 to \$20,000 (twenty thousand) and eliminating the word “construction” from that section.

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

Nays: None

Motion adopted. Resolution No. 8377-09 amended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8377-09 as amended.

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

Nays: None

Motion adopted. Resolution No. 8377-09 ADOPTED AS amended.

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15. Communication from Police Chief Malley regarding Resolution for University Hospital/Cuyahoga County High Visibility Enforcement Grants. (Pg. 36)

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

Motion adopted. All members voting yea.

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16. **RESOLUTION NO. 8378-09** – A RESOLUTION authorizing the Mayor, as Safety Director, to enter into agreements on behalf of the City to accept and expend grant funds, in an amount totaling \$13,214.25, from University Hospitals Health System/Rainbow Babies & Children’s Hospital for the purpose of providing targeted enforcement activity within the City of Lakewood. (Pg.37)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8378-09.

Motion adopted. All members voting yea.

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17. Communication from Human Services Director Buckon regarding Cuyahoga County Options for Elders Program.

Motion by Mr. Dever, seconded by Ms. Antonio, to receive, file and refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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18. **ORDINANCE NO. 77-09** – 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, authorizing the Mayor or his designee, for and on behalf of the City of Lakewood to enter into an amended agreement with the Cuyahoga County Board of County Commissioners, Department of Senior & Adult Services, to provide home delivered meals, homemaker services, personal care services, and medical transportation services under the Cuyahoga County Options for Elders Program that will extend the current agreement through June 30, 2010. (Pg. 40)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 77-09 on 1<sup>st</sup> Reading and refer it to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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Motion by Mr. Dever, seconded by Mr. Butler, to adjourn.

Motion adopted. All members voting yea.

Meeting adjourned 8:24 PM.

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

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CLERK

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PRESIDENT