

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
NOVEMBER 2 , 2009
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by Acting President Madigan.
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Present: Councilmembers Nickie J. Antonio, Thomas R. Bullock III, Kevin Butler, 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.

Motion by Ms. Madigan, seconded by Mr. Bullock, to excuse the absence of Mr. Dever.
Motion adopted. All members voting yea.
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Reading and disposal of the Minutes of the Regular Meeting of Council held October 19, 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.

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

1. Housing Committee Report regarding Ordinances, 74-09 & 75-09. (To be Provided)

Councilmember Madigan submitted the following oral report:

The Housing Committee met on the 19th of October. Present were Councilman Summers, Mary Leigh from Community Development, Director Jeff Ashby as well as one member of the public. At issue were two ordinances. Proposed ordinance 74-09 which is a two-year agreement for funds to continue the Lakewood HOME Program. The HOME Program is a first time buyer program that offers deferred interest loan assistance to qualified first time buyers. In 2009 interestingly, about \$217,000 was lent and that purchase 20 homes in Lakewood for about \$1.9 million worth of property. We've been participating in this Cuyahoga County Housing Consortium for about 15 years and the Housing Committee recommends adoption.

Proposed ordinance 75-09 is an agreement for an additional \$300,00 from the same consortium home funds to construct new single-family homes on properties that will be taken down in our

historic Birdtown neighborhood. This HUD funding combined with federal neighborhood stabilization funding will go a long way in our community to add more value to our neighborhoods. The committee recommends adoption on that as well.

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

Motion adopted. All members voting yea.

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2. **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 1ST READING & REFERRED TO THE HOUSING COMMITTEE 10/5/09, SECOND READING 10/19/09) (Pg.4)

Motion by Ms. Madigan, seconded by Ms. Antonio, to adopt Ordinance No. 74-09.

Motion adopted. All members voting yea.

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3. **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 1ST READING & REFERRED TO THE HOUSING COMMITTEE 10/5/09, SECOND READING 10/19/09) (Pg.5)

Motion by Ms. Madigan, seconded by Ms. Antonio, to adopt Ordinance No. 75-09.

Motion adopted. All members voting yea.

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4. Rules & Ordinances Committee Report regarding Ordinances, 71-09 & 73-09. (To be Provided)

Mr. Butler submitted the following oral report:

Councilman Powers and I serve on the Rules and Ordinances Committee. Recently we’ve had the opportunity to review two ordinances that have been the result of deliberations within the Civil Service Commission and within Council itself. Earlier this year Council considered revisions to the sidewalks ordinance in order to remove some of the more detailed language regarding specifications for replacing or repairing sidewalk portions. That ordinance was passed earlier this year, we’ve made those changes. We’ve since had the opportunity to really visit the sections of our codified ordinances dealing with sidewalk and tree lawn repair. Specifically, previously the codified ordinances provided for a \$100 fine for property owners who failed to adhere to an order of the City to repair sidewalks. The proposed ordinance before you tonight amends those codified ordinances to include tree lawns as well as those areas of property falling within the scope of the homeowner’s responsibility for maintenance. And secondly, amends the penalty provision to permit the city to treat a homeowner who fails to repair and maintain sidewalks, tree lawns and driveway aprons the same way as we would treat a homeowner who fails to maintain his or her own property according to the building code. We have learned that Ohio law gives us the authority, gives any city the authority, to require homeowner’s to treat

abutting properties, mainly sidewalks, driveway aprons and tree lawns, the same way as they would treat their own properties. So, we have before you tonight, the Rules and Ordinances Committee has met twice now and considered changes, is a substitute ordinance for sections, dealing with sections 903.10 and 903.99 regarding the duty to repair and maintain sidewalks, tree lawns and driveway aprons. The Rules and Ordinances Committee, after deliberation, has unanimously recommended that that ordinance be adopted.

The second ordinance, the Rules & Ordinances Committee has met recently to discuss and debate is proposed ordinance 73-09 which follows this communication, and that deals with creating a new lateral entry hire program for the hiring of police officers in this city. What new code section 144.14 would do is permit the city to do, in a limited number of opportunities, hire officers who have been police officers, tested through the civil service process in other communities provided they meet the same eligibility requirements as officers would on our own civil service examination lists. The committee has met last week and earlier tonight. We've heard from various constituencies on this. Including the Civil Service Commission, the police union, the administration, members of council have had an opportunity to weigh in and before you tonight we have both a red lined and clean version of the ordinance that the Rules and Ordinances Committee has recommended unanimously for adoption. That being said we recommend that the following two ordinances 71-09 and 73-09 be adopted this evening.

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

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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 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/21/09, SECOND READING 10/5/09) (Pg. 6)

Motion by Ms. Madigan, seconded by Ms. Antonio, to substitute Ordinance No. 71-09.
Yeas: Antonio, Bullock, Butler, Madigan, Powers, Summers
Nays: None
Motion adopted. Ordinance substituted

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 71-09 as substituted.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Summers
Nays: None
Motion adopted. Ordinance No. 71-09 adopted as substituted

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6. **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 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 10/5/09, SECOND READING 10/19/09) (Pg. 11)

Motion by Ms. Madigan, seconded by Ms. Antonio, to substitute Ordinance No. 73-09.

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

Nays: None

Motion adopted. Ordinance substituted

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 73-09 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 73-09 adopted as substituted

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7. Health & Human Services Committee Report regarding Ordinance 77-09. (To be Provided)

Ms. Antonio submitted the following oral report:

The Health & Human Services Committee met earlier tonight. Councilmember Powers, myself and Director Buckon were in attendance. We discussed the communication that was brought before us with regard to the agreement with the County Commissioners, the Department for Senior and Adult Services, this is an agreement that provides funding, provides homemaker services, personal care services, medical transport and delivered meals. There was an adjustment to the contract in which personal care is taken, has been removed from the service category but the meals delivered has been increased as well as medical transportation. The committee got all of their questions answered by Director Buckon. The total amount of the amended contract is going to be \$57,435 for the total contract year or term, it's more than a year, and the committee recommends that adoption of this adjusted contract at third reading which would take place at the next regularly scheduled Council Meeting.

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8. **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. (PLACED ON 1ST READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 10/19/09) (Pg. 14)

Motion by Ms. Madigan, seconded by Ms. Antonio, to place on 2nd Reading and recommend adoption on it's third reading at the next regular Council Meeting.

Motion adopted. All members voting yea.

****NEW BUSINESS****

9. Communication from Mayor FitzGerald regarding implementing the principles of the housing initiative announced last fall. (Pg. 16)

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

Motion adopted. All member voting yea.

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10. Communication from Mayor FitzGerald regarding special home improvement financing opportunity with First Federal of Lakewood. (Pg. 18)

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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11. Communication from Mayor FitzGerald regarding an agreement with the District Advisory Council of Cuyahoga County for the provision of public health services for the 2010 calendar year. (Pg. 20)

Motion by Ms. Madigan, 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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12. **ORDINANCE NO. 78-09** AN ORDINANCE to enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed Two Hundred Nine Thousand Five Hundred Ninety Dollars (\$209,590.00) for a one year period commencing January 1, 2010. (Pg. 21)

Motion by Ms. Madigan, seconded by Ms. Antonio, to place Ordinance No. 78-09 on 1st Reading and refer it to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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13. Communication from Fire Chief Mroz regarding accepting and expending funds from the FY 2007 Urban Area Security Initiative. (Pg. 22)

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

Motion adopted. All members voting yea.

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14. **RESOLUTION NO. 8378-09** A RESOLUTION 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 as Director of Public Safety, on behalf of the City, to enter into an Agreement with the Cuyahoga County Commissioners to accept and expend funds in the amount of \$302.78 for overtime created by the City of Lakewood, Division of Fire's, participation in an Urban Area Security Initiative. (Pg. 23)

Motion by Ms. Madigan, seconded by Ms. Antonio, to Adopt Resolution No. 8378-09.
Motion adopted. All members voting yea.

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15. Communication from Police Chief Malley regarding a trade-in of various weapons maintained by the Division of Police. (Pg. 25)

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

Motion adopted. All members voting yea.

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16. **ORDINANCE NO. 79-09** 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 sell, through trade-in, 127 weapons and accessories, having an estimated value of \$40,000, in conjunction with the purchase of new-state-of-the-art weapons for the Lakewood Division of Police. (Pg. 26)

Motion by Ms. Madigan, seconded by Ms. Antonio, to place Ordinance No. 79-09 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

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Motion by Ms. Madigan, seconded by Mr. Butler, to adjourn.
Motion adopted. All members present voting yea.
Meeting adjourned 8:55 PM.

Approved: _____

CLERK

PRESIDENT