

**MINUTES  
OF THE  
REGULAR MEETING OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
NOVEMBER 16 , 2009  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35 PM by President Dever.

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Present: Councilmembers 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 Chief Mroz, Human Services Director Buckon, Public Works Director Beno, Planning & Development Director Kelly, Assistant Director of Safety – Division of Building and Housing Ashby.

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Motion by Mr. Dever, seconded by Ms. Madigan, to excuse the absence of Ms. Antonio. Motion adopted. All members present voting yea.

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Reading and disposal of the Minutes of the Regular Meeting of Council held November 2, 2009. Motion

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.

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Without objection from Council Item 22 was read first in the agenda order.

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1. Planning Commission Report regarding Ordinance 62-09 – Amending Chapter 1134 of Zoning Code to Preserve Historic Interiors. (Pg. 6)

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

Motion adopted. All members present voting .

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2. **ORDINANCE NO. 62-09** – AN ORDINANCE to amend Chapter 1134, Historic Preservation Districts (HPD) and Historic Properties (HP), of the Zoning Code of the Codified Ordinances of the City of Lakewood to expand the scope of the chapter to public interior portions of buildings with unique historical value. (PLACED ON 1<sup>ST</sup>

READING & REFERRED TO THE PLANNING COMMISSION AND THE COMMITTEE OF THE WHOLE 9/9/09, 2<sup>nd</sup> READING 9/21/09) (Pg. 7)

Motion by Mr. Butler, seconded by Ms. Madigan, to refer the ordinance to the Committee of the Whole.

Motion adopted. All members present voting yea.

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3. **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 1<sup>ST</sup> READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 10/19/09, 2<sup>nd</sup> READING, REPORTED OUT ON AND RECOMMENDED FOR ADOPTION 11/2/09) (Pg. 37)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 77-09.

Motion adopted. All members present voting yea.

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4. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 11/2/09) (Pg. 39)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 78-09 on 2<sup>nd</sup> Reading.

Motion adopted. Five members present voting yea

Mr. Butler absent for vote.

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5. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 11/2/09) (Pg. 40)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 79-09 on 2<sup>nd</sup> Reading.

Motion adopted. Five members present voting yea

Mr. Butler absent for vote

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

6. Committee of the Whole Report from Councilman Dever regarding registered sex offenders (To Be Provided)

Item 6 removed from docket agenda by Council Present.

7. Communication from Mayor FitzGerald regarding registered sex offenders (Pg. 42)

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

Motion adopted. Five members present voting yea  
Mr. Butler absent for vote

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8. **ORDINANCE NO. 86-09** 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 amend Section 533.17 Prohibitions on Residency, of the Codified Ordinances of the City of Lakewood to update and include changed designations under the State Code requirements for the registration of sex offenders. (Pg. 43)

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. 86-09 on final reading.

Yeas: Bullock, Butler, Dever, Madigan, Powers, Summers  
Nays: None  
Motion adopted. Rules suspended

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 86-09.

Yeas: Bullock, Butler, Dever, Madigan, Powers, Summers  
Nays: None  
Motion adopted. Ordinance No. 86-09 adopted.

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9. Communication from Finance Director Pae regarding appropriations, purchasing and revenues necessary for the 2010 budget. (Pg. 46)

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 present voting yea.

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10. **ORDINANCE NO. 80-09** 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, 2010. (Pg. 47)

Motion by Mr. Dever, seconded by ms. Madigan, to place Ordinance No. 80-09 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting .

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11. **ORDINANCE NO. 81-09** 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 (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 service contracts in accordance with the Administrative Code of the City of Lakewood for the **Division of Planning & Development** 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. 60)

Motion by Mr. Ever, seconded by Ms. Madigan, to place Ordinance No. 81-09 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting .

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12. **ORDINANCE NO. 82-09** 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 (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 2010 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. 62)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 82-09 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting .

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13. **ORDINANCE NO. 83-09** 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 (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 2010 Appropriation Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$60,000 without separate Resolution of Council. (Pg. 66)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 83-09 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting .

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14. **ORDINANCE NO. 84-09** 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 amend Ordinance 53-06 adopted July 3, 2006 to amend Chapter 915, Water Rates, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting water rates charged against each lot, parcel of land or premises which may have an active water connection with the Municipal water system. (Pg. 70)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 84-09 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting .

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15. **ORDINANCE NO. 85-09** 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, amending Ordinance 54-06, adopted July 3, 2006 to amend section 902.04, Rates and Charges, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting sewer rates charged against each lot, parcel of land or premises which may have an active sewer connection with the Municipal wastewater disposal system or which may otherwise discharge wastewater either directly or indirectly into such system or any part thereof. (Pg. 73)

Motion by Mr. Dever, seconded by ms. Madigan, to place Ordinance No. 85-09 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting .

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16. Communication from Humans Services Director Dottie Buckon regarding the 2010 Program Year Contract with Western Reserve Area Agency on Aging, Title III of the 1965 Older Americans Act for the 2010 program year (Pg. 77)

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

Motion adopted. All members present voting .

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17. **RESOLUTION NO. 8379-09** 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 Mayor, or his designee to enter into a Contract with the Western Reserve Area Agency on Aging to accept funds for the City's programs covering Social/Supportive, Transportation and

Nutrition Services, such contract providing partial funding for supplemental programs under Title III of the 1965 Older Americans Act for the 2010 program year. (Pg. 78)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8379-09.  
Motion adopted. All members present voting .

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18. Communication from Chief Malley regarding including an administrative fee for towing vehicles. (Pg. 79)

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

Motion adopted. All members present voting .

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19. **ORDINANCE NO. 87-09** AN ORDINANCE to create new Section 135.15 Administrative Towing Fees of the Codified Ordinances of the City of Lakewood to establish an administrative fee for the towing of vehicles ordered by the Division of Police. (Pg. 80)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 87-09 on 1<sup>st</sup> Reading and refer it to the Public Safety Committee.

Motion adopted. All members present voting .

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20. Communication from Public Works Director Beno regarding seeking ARRA Stimulus funding for WWTP secondary digester covers and thickener tank drive units. (Pg. 82)

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

Motion adopted. All members present voting .

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21. **RESOLUTION NO. 8380-09 (DESIGNATION CHANGED TO REFLECT RESOLUTION)** 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 Mayor to apply for, accept and enter into a Water Pollution Control Loan Fund Full Principal Forgiveness Assistance Agreement on behalf of the City of Lakewood for planning, design and/or construction of Waste Water Treatment Facilities Improvements with the Environmental Protection Agency of the State of Ohio in an amount estimated at \$652,500. (Pg. 83)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8380-09.

Motion adopted. All members present voting .

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22. Communication from Planning Director Kelly regarding a presentation from the Cleveland Restoration Society (Pg. 85)

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

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23. Communication from Planning Director Kelly regarding an Economic Development Fund loan to 717Ink and University Tees. (Pg. 86)

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

Motion adopted. All members present voting .

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24. **ORDINANCE NO. 89-09** AN ORDINANCE authorizing the Mayor or his designee to enter into an agreement with University Tees, Inc. or its designee for participation in the Lakewood Business Investment Program (BIP) of the Economic Development Fund (EDF) for a five (5) year loan in an amount of Fifty Thousand Dollars (\$50,000). (Pg. 87)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 89-09 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members present voting .

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25. Communication from Councilmember Summers regarding the reappointment of Ray Cushing to the Finance Audit Committee. (Pg. 89)

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

Motion adopted. All members present voting .

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

Motion adopted. All members present voting .

Meeting adjourned at 8:30 PM.

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

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CLERK

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PRESIDENT