

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

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by President Dever.  
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Present: Councilmembers Nickie J. Antonio, Thomas R. Bullock III, Michael W. Dever, Mary Louise Madigan, Brian E. Powers, Michael P. Summers.  
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Motion by Mr. Dever, seconded by Ms. Antonio, to excuse the absence of Mr. Butler.  
Motion adopted. All members present voting yea.  
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Also Present: Mayor FitzGerald, Law Director Hurley, Finance Director Pae, Police Chief Malley, Fire Representative, Human Services Director Buckon, Public Works Director Beno, Planning & Development Director Kelly, Assistant Director of Safety – Division of Building and Housing Ashby.

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

1. Committee of the Whole Report regarding Ordinance No. 62-09 (To Be Provided)

**#1 Committee of the Whole Report Regarding 62-09 – Amend Chapter 1134 – Historic Preservation Districts and Historic Properties - Michael Dever submitted the following oral report:**

Council met this evening, briefly to obtain more information about the historic preservation ordinance that is before it. We just received a legal report from our esteemed Law Director and her staff and we are going to be reviewing that so that item this evening is going to be deferred. We're going to do further investigation.

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

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

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3. Health & Human Services Committee Report regarding Ordinance 78-09. (To Be Provided)

**Health & Human Services Committee Report regarding Ordinance 78-09 – Agreement with County for Health Services – Nickie J. Antonio submitted the following oral report:**

Your Health & Human Services Committee met tonight. In attendance were Director Buckon, Terry Allen from the Cuyahoga County Health Department, Councilman Powers and members of the public, and also the Director of the Building Department. We discussed a few issues, we reviewed the status of the Health Department providing services for the City of Lakewood. One issue that came up was a discussion where the Health Department made a commitment for some increased communication with regard to both lead testing and abatement within homes. I believe this was brought up by the administration as a concern and so the discussion was had there. Both to have a contact person from the County Health Department who is John Sobolewski and he will be in direct contact with our Director Buckon as well as representatives from both Planning and Development and the Building Department to coordinate both when lead testing occurs and then the results of that testing so that there's a full circle in terms of the information being transmitted as well as Lakewood taking full advantage of the funds that are available for lead abatement. This will be the third contract year for this agreement. The committee was satisfied with the information that we received and recommends entering into a contract this year. However, we made the recommendation that we will be bringing forward to amend the agreement so that emergency language was added so that this can be substituted and voted on tonight. That is my report.

Motion by Mr. Dever, seconded by Ms. Madigan, to receive and file the report.  
Motion adopted. All members 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, 2<sup>nd</sup> READING 11/16/09)(Pg. 22)

Motion by Ms. Antonio, seconded by Ms. Madigan, to amend Ordinance No. 78-09, to include language for the ordinance to take immediate effect.

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

Nays: None

Motion adopted. Ordinance amended.

Motion by Mr. Dever, seconded by Ms. Antonio, to substitute.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 78-09 as substituted.

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

Nays: None

Motion adopted. Ordinance Adopted as substituted. .

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5. Public Safety Committee Report regarding Ordinance No. 79-09 (To Be Provided)

**Public Safety Committee Report regarding Ordinance 79-09 – Weapons Trade-in – Tom Bullock submitted the following oral report:**

The Public Safety Committee met tonight to consider ordinance 79-09. We heard from Police Chief Malley about the happy news of two vendors for guns and police weapons competing against each other to the effect that they are saving \$40,000 for the taxpayers thanks to their willingness to trade-in new weapons for our existing police force weapons so that we get new weapons, they get back the trade-in value. We've been assured by the Police Chief that all of the weapons the City has used will be going back to the company, the distributor then ultimately licensed dealers and vendors. That's the safest means for reselling. After a brief discussion, the committee recommended the ordinance for passage to full council.

Dever: What type of weapons are we looking at?

Bullock: Chiefly hand guns. The two companies who bid one versus the other were Smith and Wesson, Glock then counter offered. Our current vendor is Glock and we're staying with them apparently. The communication from the Chief also lists 14 rifle accessories. Chief, if you'd like to shed more specific light – or not.

Dever: I'm fine with the specifics there.

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

Motion adopted. All members voting yea.

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6. **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 &

Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt Ordinance No. 79-09.  
Motion adopted. All members voting yea.

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7. Public Safety Committee Report regarding Ordinance No. 87-09 (To Be Provided)

**Public Safety Committee Report regarding Ordinance 87-09 – New Section 135.15 -  
Administrative Towing Fees– Tom Bullock submitted the following oral report:**

The Public Safety Committee also met tonight to consider ordinance 87-09. We had a discussion and got some insight into...the City's rationale here is that currently the towing fees that people pay for a tow, whether voluntary or involuntary, goes entirely to the towing company. There's some uncompensated costs the city incurs and the rationale here is to recover that. We made an amendment to the proposed ordinance to substitute the rate of \$25.00 into the blank that was included in the introduced version but we did not move to recommend out the ordinance tonight. We wanted to have the chance to get from the City additional information about the rate that our contract with the towing company assesses to the residents and in addition see what other cities charge for their administrative fee. So, our recommendation tonight will be simply to refer back to, to place on second reading and refer back to the Public Safety Committee.

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

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8. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 11/16/09) (Pg.25)

Motion by Mr. Bullock, seconded by Ms. Madigan, to place Ordinance No. 87-09 on 2<sup>nd</sup> Reading and refer it back to the Public Safety Committee.  
Motion adopted. All members voting yea.

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9. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/16/09) (Pg. 27)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 80-09 on 2<sup>nd</sup> Reading and refer it back to the Committee of the Whole.  
Motion adopted. All members voting yea.

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10. **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. (**PLEASE SUBSTITUTE** FOR ORDINANCE 81-09 PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/16/09, RE-SUBMITTED BY ADMINISTRATION AS A **SUBSTITUTE** AT THE 12/2/09 DOCKET) (Pg. 40)

Motion by Mr. Dever, seconded by Ms. Madigan, to substitute Ordinance No. 81-09 and place on 2<sup>nd</sup> Reading.

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

Nay: None

Motion adopted. Ordinance No. 81-09 substituted and placed on 2<sup>nd</sup> Reading. .

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11. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/16/09) (Pg. 42)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 82-09 on 2<sup>nd</sup> Reading and refer back to the Committee of the Whole.

Motion adopted. All members voting yea.

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12. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/16/09) (Pg. 46)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 83-09 on 2<sup>nd</sup> Reading and refer back to the Committee of the Whole.  
Motion adopted. All members voting yea.

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13. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/16/09) (Pg. 50)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 84-09 on 2<sup>nd</sup> Reading and refer it back to the Committee of the Whole.  
Motion adopted. All members voting yea.

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14. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/16/09) (Pg. 54)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 85-09 on 2<sup>nd</sup> Reading and refer it back to the Committee of the Whole.  
Motion adopted. All members voting yea.

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15. **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). (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 11/16/09) (Pg. 59)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 89-09 on 2<sup>nd</sup> Reading and refer it back to the Finance Committee.

Motion adopted. All members voting yea.

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

16. Communication from Council President Dever regarding Council Appointments. (Pg.61)

Motion by Mr. Dever, seconded by Ms. Antonio, to receive, file and refer the communication to the Committee of the Whole.

Motion adopted. All members voting yea.

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17. Communication from Councilmember Bullock and Mayor FitzGerald regarding creating a Lakewood Solar Special Improvement District (SID) (Pg. 63)

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

Motion adopted. All members voting yea.

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18. Communication from Mayor FitzGerald recognizing the new members of the Community Emergency Response Team. (Pg. 64)

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

Motion adopted. All members voting yea.

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19. Communication from Mayor FitzGerald announcing the appointment of Ms. Renee Mahoney to the City of Lakewood Audit Committee (Pg. 65)

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

Motion adopted. All members voting yea.

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20. Communication from Mayor FitzGerald announcing the appointment of Mr. Carl Orban to the Architectural Board of Review. (Pg. 66)

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

Motion adopted. All members voting yea.

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21. Communication from Mayor FitzGerald proposing Review of the City's current system of parking ticket collection to include possibility of changing from criminal offenses to civil offenses. (Pg.67 )

Motion by Mr. Dever, 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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22. Communication from Human Services Director Buckon regarding Resolution Authorizing Agreement with Cuyahoga County Department of Children and Family Services to Conduct the Family to Family System of Care Program. (Pg.68)

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

Motion adopted. All members voting yea.

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23. **RESOLUTION NO. 8381-09** – 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 possible period allowed by law, granting authority to the Mayor, or his designee, on behalf of the City, to enter into an Agreement with the Cuyahoga County Department of Children and Family Services to accept and expend funds for the Family to Family System of Care Expansion Project in an amount not to exceed \$320,385.00 for the contract period from January 1, 2010 to December 31, 2010. (Pg. 69)

Motion by Ms. Antonio, seconded by Ms. Madigan, to substitute Resolution No. 8381-09 to adjust the amount of the project from \$328,385.00 to \$328,388.00 per the final number supplied by the Cuyahoga County Department of Children and Family Services.

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

Nays: None

Motion adopted. Resolution substituted.

Motion by Ms. Antonio, seconded by Ms. Madigan, to adopt Resolution No. 8381-09 as substituted.

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

Nays: None

Motion adopted. Resolution adopted substituted.

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24. Communication from Planning & Development Director Kelly regarding Partnership and Contractual Agreement with RTA for Enhanced Transit Waiting Environment in Downtown District. (Pg.71)

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

Motion adopted. All members voting yea.

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25. **ORDINANCE NO. 88-09** – 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 on behalf of the City of Lakewood to enter into an agreement with the Greater Cleveland Regional Transit Authority (RTA) to accept funds for the purchase and/or installation of an enhanced transit waiting environment for one of the bus stops in Lakewood's downtown district. (Pg.72)



Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring Ordinance No. 88-09 be read on three separate days and placing Ordinance No. 88-09 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 88-09

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

Nays: None

Motion adopted. Ordinance No. 88-09 adopted.

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26. Liquor Permit Application for D2, D2X, D3, D3A & D6 transfers to 14027 Madison Ave. LLC d/b/a Richland Café from Jay RRS Inc. d/b/a Richland Cafe same address (Pg. 74)

Motion by Mr. Dever, seconded by Ms. Madigan, to refer this item to the Public Safety Committee.

Motion adopted. All members voting yea.

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Motion by Mr. Dever, seconded by Ms. Madigan to adjourn the meeting.

Motion adopted. All members present voting .

Meeting adjourned at 9:02 PM.

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

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CLERK

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PRESIDENT