

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 1, 2010
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by Presiding Office Madigan.

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Present: Councilmembers Nickie J. Antonio, Thomas Bullock, Kevin Butler, Mary Louise Madigan, Brian Powers, Monique Smith, Michael P. Summers.

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Also Present: Mayor FitzGerald Law Director Hurley, Finance Director Pae, Police Chief Malley, Fire Chief Mroz, Public Works Director Beno, Human Services Director Buckon, Planning & Development Director Kelly, Assistant Director of Public Safety for Building and Housing Ashby.

Motion by Mr. Butler, seconded by Ms. Madigan, to approve the Minutes of the Regular Meeting of Council held February 16, 2010.

Motion adopted. All members voting yea.

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

1. Communication from Council President Butler regarding Lakewood's Participation in the 2010 Census. (Pg 8)

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

2. Report from Animal Safety and Welfare Advisory Board. (Pg.9)

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

3. **ORDINANCE NO. 3-10** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council, otherwise, it shall be in effect and be in force after the earliest period allowed by law, to provide for leashed dog-walking in Lakewood parks. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 1/19/10, 2ND READING 2/1/10, REPORTED OUT ON AND RECOMMENDED FOR ADOPTION 2/16/10 - DEFERRED 2/16/10) (Pg. 10)

Motion by Mr. Bullock, seconded by Mr. Butler, to substitute Ordinance No. 3-10; having the ordinance reflect that in (identical to amendment the Public Works Committee unanimously voted to accept) a new, Section 2, subsection C would clarify the pilot program, would not proceed; leashed dog walking would not be allowed in the parks unless all the specified criteria in the proposed pilot program ordinance were met, including the volunteer provided, maintain, equipment and signs.

Ms. Madigan commented on the timeliness of the amendment for review and the reliance on the use of a volunteer group to address a public policy issue.

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

Nay: Madigan

Motion adopted. Ordinance No. 3-10 substituted.

Bullock: This is the motion which is on the root issue itself which is that we are proposing today a pilot program to allow leashed dog walking for a potential 12 month period in two Lakewood parks, Lakewood and Kaufman Parks. We are not proposing to allow leashed dog walking in all parks under all circumstances forever. But we also are not proposing this pilot program to leave the current policy which is to have no dogs in any parks forever under any circumstances. What we are proposing, in my view, is a middle ground and it's something that we've worked very hard over the course of a year with a lot of citizens and a lot of citizen engagement to craft so that we are going into this experiment with our eyes open about potential problems and potential ways to address what I am sure would be more the occasional irresponsible user than the frequent one. But nonetheless to craft a successful policy I think you have to design it that way. So, the major features, and I don't know if we'd want to entertain a request for the clerk to read the amendment in full.

Butler: I'd prefer not. It's already been before us several times.

Bullock: OK. The major features are that this is a 12 month pilot program, leashed dog walking only, not off leash, dogs would not be allowed in the playground, not in the flowers, not in the switchback down to the paved walkway. Around the walking track traffic with dogs would give way to those without dogs. People would be required to clean up, clean up stations would be required, signs posting the rules would be required and really something that's perhaps most important of all that isn't in the ordinance but it's something that's been agreed to throughout is that we'd have a cultural responsibility, a culture of courtesy and ownership over the parks by our citizens rather like the block club programs which have turned around street after street in Lakewood when we've had problems. The best medicine for cleaning up issues is people getting engaged and people setting a positive example and I think when you have more eyes and ears in the parks it not only encourages responsibility and etiquette it also encourages safety quite frankly because if there are people horsing around on the playgrounds that are teenagers being teenagers or if they are people that are being unsafe it's better for all of us if we have citizens walking in the park. So all these things, all these features have been things we've discussed for a long, long time. I think we've got a good middle ground proposal to give it a try. As the Council President described, if it didn't work, for whatever reason, we have a way to exit this before the 12 months are up. We could either allow it to run its course after 12 months or if there were problems that somehow couldn't be addressed before the 12 months were up, Council would have the discretion to terminate the program. I'm optimistic that that wouldn't be required. I'm optimistic that what we see from residents is an outflow of responsibility, engagement and can

do spirit. I think we'll be pleasantly surprised, not pleasantly surprised but pleasantly ...our optimism will be confirmed by reality. Thank you. So I urge members to adopt.

Madigan: Thank you to all the people who cared enough to get organized. It's people like you who make Lakewood work well. However, I'm not in agreement with it. I've been clear about it for quite a while for a number of reasons. But even with all your help, all the organization that you've helped with, this has still been a rather disjointed and haphazard presentation of what essentially is an ordinance and could have actually just been a policy decision. There are a number of other things I'm not clear on. I'm not clear on the costs or who would bear them. I realize you've raised about \$1,400 of an approximate \$7,200 that you think it needs to get off the ground and I wish you luck in collecting the rest of that. That was one of the estimates in the beginning I recall, somewhere around there. But, I'm not only unclear on who's going to pay for the set up and getting this off the ground, I'm really unclear on what the cost is for every activity that's going to be needed in order to monitor all of this. There is a cost to every job that every city worker does to even breaking it down into an activity. There is a cost for the parks maintenance people. There's a cost for the signs. There's a cost for the enforcement – certainly I don't have any idea what the police costs would be. Who is it that's going to cite people who are not complying with this? In the time I've lived here, I think there's an extremely low number of tickets in our system right now, citations for people who have not cleaned up after their dogs as it is. As far as I know, no one else can issue the citations; only the police can issue those citations. I think that's a big cost and a lot to ask of our police department who is already clearly, very busy. In my neighborhood, on Lake and Edgewater, we have a problem right now with dog doo, with the smells associated with that on a very hot day, with litter in general, not just dogs litter. The measures of success are rather vague to me. Does one dog off the leash or one dog bite or one pile of dog waste indicate a lack of success or ...it's just not really clear, it's going to take time to figure some of that out. We're obviously a very crowded, condensed city, our parks are small and our parks are already filled with up with children, with the elderly, with people who are just walking around. There's not a whole lot of room for the limited area which this ordinance addresses. For instance, if you're a Lakewood Park, you couldn't use the ladies' room because it's too close to the playground. So, if you have your dog you can't use the ladies' room I believe. I believe that's within the span. That would be a problem for a lot of people. The limited days are going to be confusing to people. You can have them on some particular days but you can't have them when there's a concert or on the 4th of July, etc. I think people in Lakewood are smart enough to figure that out but it's a confusing law that could have been dealt with differently. We've already spent an unknown amount of time and money on this trial or this pilot project. This could have been done, this could have been a decision on a temporary basis. We didn't have to change the law or create a new law to do this. But, we're codifying what could have been done administratively, a changing of the policy. We already have a dog park in Lakewood and that's costing us something right now. What we're doing is adding two more although what we're going to have now is one unleashed dog park and two leashed dog parks. If that's the will of the Council then that's the will. But, we have a really long, long list of pressing issues. Sewer maintenance, housing issues, safety, litter, the census as Mrs. Buckon told us today that's a really big issue that I hope matters as much to this wonderfully organized group as walking your dogs because if we don't stay above 50,000 in this census, much more important than dog walking, we're in a lot of trouble in Lakewood financially. It's just not an issue that I think that we should be spending our very limited resources on. There are many more deserving issues. Thank you. This is not anti-dog, this is nothing personal, this is strictly business.

Summers: I also am voting against substitute ordinance 3-10 tonight. The reasons I take for this position are the following: This is not about letting a few sincere, self-proclaimed responsible dog owners walk in our parks. If it was, I would probably be in favor of it. I've received about 30 e-mails in support of this ordinance, all with the same wording, cut and pasted from some dog advocacy web site. Most do not include addresses which makes me suspect as to where the author lives. Previous experience on this council regarding dogs has proven that dog lovers far and away from Lakewood advocate on Lakewood issues. I take seriously communications from our citizens. I take less seriously communications from those who do not live or know our community. I've received also, almost an equal number of communications both written and oral from residents who advocate against this issue. Many of them dog owners; several are neighbors of Lakewood Park. This ordinance allows all dog owners to not only walk their dog in the park but they are permitted to bring their dog and stay in the park all day, every day. Imagine a beautiful summer weekend with hundreds if not thousands of park users enjoying the park with several hundred dogs tied up to picnic tables or walking also enjoying the park as dogs are known to do noisily and rambunctiously. I am un-persuaded by the notion that dogs and their owners are disenfranchised as taxpayers by their denial of access to our park. Dog owners in Lakewood have 120 miles of tree lawns in Lakewood plus one dog park. No taxpayer is denied access to our park by any existing ordinance. I am un-persuaded though I've thought carefully about each of these arguments by the way. I'm un-persuaded by the argument that every other community permits dogs in their parks and therefore we should as well. First, not every community does allow dogs in the parks. Near Lakewood we have many magnificent parks that do, Edgewater and the Metroparks. Thus, dog owners have choices today. I think non-dog owners should have choices as well. I'm also aware that not every dog owner takes disciplined responsibility for the behavior and actions of their pet. I also know that our densely populated city views our parks as an extension of their backyard. This extended yard is shared for the enjoyment of all. Rules are necessary to maintain its desirability for all. I believe that effective enforcement and funding of this ordinance rests in a volunteer citizens group. I've seen little evidence that this is a very large group and I believe that this group, while sincere in their beliefs and intentions, has challenges to maintain enforceability and funding in the long term. And finally, this ordinance approaches this subject as a 12-month pilot. My view is that it is not a 12-month test, it's actually a temporary view of a permanent ordinance. A serious test would have sunset provisions requiring renewal for continuance, this ordinance does not take this approach. For these reasons I do not feel it is appropriate for Lakewood to consider this issue at this point in time.

Powers: When this ordinance first came before us in a different form in a different council last year, was to allow all dogs in all parks all the time. Depending on how you count our parks there's somewhere between 10 and 20. What we have before us now is a 12-month trial period in only two parks with restrictions built in. I think that's been a compromise over a long period of time. I've sat in on too many committee meetings on this issue and I mean that. I don't think we've done a good job as a council managing this issue. I don't think getting an e-mail immediately before the vote did justice to what I think is a very good law. We spent too much time on it. It expired and we had to re-introduce it. There have been problems with it procedurally. But, I think as a pilot program, I am in favor of it. In large part because I've done the research on the evolution of parks across the United States. There was a time when most parks in most cities banned dogs. I think that pendulum has swung past the set up point and most communities that I've seen are allowing dogs in parks and we are going to experiment with it if this ordinance passes. I believe it will be a good experiment for us and I'm in favor of giving it a shot.

Smith: I would just quickly say that part of what we have to imagine what the execution of this program will look like and what the experience in the parks would be if dogs were allowed in the parks. When I think of summertime in the parks in a beautiful, highly utilized park, I think of an example of one of the most beautiful parks in the area which is Rocky River Park which I believe does allow dogs. I've seen dogs there. There's a playground there and I think of that place as just a beautiful place where ...I personally spent lots of great afternoons watching sunsets, people get their wedding pictures taken there. I don't think of it as a place where there's chaos and mayhem because there are dogs allowed. So, I feel optimistic about this program and I appreciate that citizens have taken it upon themselves to help try to , you know, take on the burden of making sure it's a success. That's kind of my thought on it.

Antonio: So, a lot of the comments made by my colleagues I agree with. I think we have taken much, much time on this issue and I agree that procedurally, I echo what Councilwoman Madigan pointed out and Councilman Powers has also reiterated in terms of just the procedural process of this was not the best, was not optimum. I think when it was originally introduced I pointed out that, you know, what we were talking about was giving permissions to our Public Works Director whether or not to give permission to people to have dogs in parks. A lot of issues are really important to us. I also understand through all of the public meetings that we've had where we hear from people. Some people consider dogs to be near and dear to them as much as some of us consider our children to be near to them. I don't share that opinion but I understand that some people feel that way and this is a member of their family, they want to participate out in the parks. I get that because I've heard it so much from some of the people who have come. I've owned a dog my whole life until the last two years because the dog aged out so at this point we're without a dog. But, I understand also the civic participation and the commitment. We saw it with the dog park, with our off-leash dog park in terms of how committed people were to make that happen. I also know that behind the scenes our Public Works Department continues to work very hard to maintain, to keep that a place where people can enjoy bringing their animals and socializing with each other from Lakewood and from surrounding communities. I have heard from people who live in communities outside of Lakewood that they're very excited about the opportunity to walk their dogs in our parks. So, will this be the thing that pulls us over the edge and makes sure that we have 50,000 plus people in our census? I hope so. That would be great. If this is the thing. Some people have indicated in their e-mails to us that if we don't pass this, they're going to move out of the community and we'll be down our 50,000 people and we won't qualify for some of the federal funds that we have right now. I also know that people really want to participate in a walkable community, that they're really looking for opportunities for social engagement and so this is one of those opportunities. Absolutely great. We also are a community that has quality schools. I hope that every single person that's in this room, that supports this that will follow up with both cleaning up after their dog, keep their dog in line will also participate in supporting our schools to their fullest extent, will be mindful of the children in the parks, and the seniors and everybody else who's there. Yes, 6.5 square miles. We live together and so we have the opportunity to collaborate and cooperate with each other. This is one more opportunity for citizens to take the highroad and also take the responsibility. I do appreciate the fact that this is a compromise from what it started out as and that is the only reason I'm going to vote for it tonight – to give the opportunity for us all to give this a try. But, I also what to pay attention to how this goes forward should it pass tonight. Should we have the votes to pass it tonight, that the responsibility and the accountability are really there on everyone's part. Thank you.

Butler: I do think that many of the concerns raised by my colleagues and folks who are against this measure are very valid. Mr. Hagan in particular has always been very sensible in his approach to this and I appreciate that. However, I think what the opponents of this really fail to comprehend fully is that it is indeed a pilot. It's a one-year pilot and we can shorten that time anytime we want. And we have repeatedly said at meetings where not all of you have been present, in fact very few folks have been present, we have repeatedly said that we have to have the courage to pull the plug if it doesn't work. While I can think of 20 reasons why this should not be passed, why dogs shouldn't be allowed in parks, I can think of 21 why they should. That one extra one is let's test it out. Let's see how it goes. Let's give it a shot. Maybe it will help things. Maybe it will put more people in the parks, more adults observing the children who commit the vandalism for example in the bathrooms which is a recurring problem we've learned over the years. I do not share the sentiment that this will bring on a doomsday scenario to our city. This is just allowing dogs in parks. To my knowledge, and there may be others in Cuyahoga County and I'm sure there are, but the only other city I know of that still prohibits dogs in parks is Euclid. And if that is not a city on the brink, what is? I don't see the people who have spoken tonight as folks who are not committed to Lakewood. These are good citizens. They are the ones who are willing to help make this thing work, put the money up, raise money, provide the bags, provide the cans, provide the signs, probably approach people, I hope, who aren't following the rules and let them know what the rules are. These are not people who are not committed. These are people who are very committed. I don't foresee this as something that's going to have a great detrimental effect to the city. I don't see it as a real big deal frankly. I'm willing to support it tonight.

Madigan: Just for the record because you did just address at least two of us, I do comprehend that this is a pilot. I get it.

Butler: Let me clarify my comment on that. The folks who have advocated against this I don't think realize that this is not a permanent ordinance in effect. It's an un-codified ordinance which means it's not going to go into our code book which is the existing body that the public is aware of, body of law that the public is aware of, it's an un-codified ordinance that creates an opportunity for the Director of Public Works to let dogs in two parks for a year provided certain things happen. I don't think the folks who are advocating against this, most who are advocating against this, really get that. Not my colleagues of course.

Motion by Mr. Butler, seconded by Mr. Bullock, to adopt Ordinance NO. 3-10.

Yeas: Antonio, Bullock, Butler, Powers, Smith

Nays: Madigan, Summers

4. **ORDINANCE NO. 17-10** – AN ORDINANCE to amend Section 905.19, Lakewood Park Lakefront, Section 905.98, Authority of the Superintendent of Parks, and Section 771.05, Bond of the Codified Ordinances of the City of Lakewood to replace the title Superintendent of Parks with Director of Public Works. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 2/1/10) (PLACED ON 1ST READING AND REFERRED TO THE PUBLIC WORKS COMMITTEE 2/1/10, REPORTED OUT ON AND RECOMMENDED FOR ADOPTION 2/16/10 - 2Nd READING 2/16/10) (Pg. 13)

Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt Ordinance No. 17-10.

Motion adopted. All members voting yea.

5. **ORDINANCE NO. 18-10** – AN ORDINANCE to amend Section 905.99, Penalty, of the Codified Ordinances of the City of Lakewood to create a penalty for violation of any park rule promulgated and posted pursuant to Section 905.98, Authority of the Director of Public Works. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 2/1/10, REPORTED OUT ON AND RECOMMENDED FOR ADOPTION 2-16-10ND READING 2/16/10) (Pg. 16)

Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt Ordinance No. 18-10.

Motion adopted. All members voting yea.

6. **Finance Committee Report regarding Ordinances Nos 4-10 through and including 15-10 (To Be Provided)**

Submitted By Mike Summers, Finance Chair

The capital budget for 2010 is created and funded with an understanding that no new debt will be issued to cover these expenditures.

The Sources of funds are derived from Fund balances from previous years, previous debt issuances that have not yet been spent, Federal Stimulus Grants, Community Development Block Grant monies, Water and Sewer user fees, and a minimal amount of General Fund dollars.

You have before you a spread sheet which summarizes the contracting authority ordinances and amounts, below which are the sources of funds for these categories, and the bottom line which indicates gaps in contracting Authority requests and relevant funding totals. A separate page explains the nature of the projects covered by this capital budget.

It is important to remember that the primary method of managing and controlling expenditures is through the appropriations ordinances by this Council. Contracting Authority is a secondary control mechanism. In most cases, the requested contracting authority amounts are in excess of the appropriated amounts to allow for solicitation of bids. Should bids exceed appropriation levels, the projects does not proceed unless Council appropriates more money, the projects is scaled back to meet existing appropriation levels, or the projects are postponed or canceled.

I direct you attention to The Parks Column. You will note, and possibly remember from previous years the ODNr grant received for shoring up the cliff behind St. Augustine School in anticipation of creating a possible beachhead. The status of this project remains uncertain. The mayor and his staff are engaged in discussions with ODNr to clarify the disposition of this projects and the grant funding.

All other projects can be funded by a combination of sources mentions above in the second paragraph.

The projects are noted as follows:

Parks

- The Lakewood Park Shore Line project is still being negotiated and its final financial outcome has not been determined by ODNr.

- Depending on the outcome there are funds available from the 2009 GO Bond Anticipation Notes. These remaining note proceeds are also being used to fund the Detroit Avenue Signal

Project which has not been bid yet by ODOT. At year-end, there was over \$1.0 million in unspent proceeds.

- The remaining \$132,500 in park improvement projects are currently appropriated in three different funds: CDBG, General and City Park Improvement Fund as shown in the attached document and in the 2010 Capital Improvement Plan document provided at the Feb. 16th Finance Committee Meeting.

Parks Conclusion:

- The revenues are available for the 2010 Parks projects and the contracting authority is sufficient for what is known at this point in time.

WWTP/Sewer These are the projects on the 2010 Capital List which was provided at the Feb. 16th Finance Committee Mtg. :

WWTP

- Secondary Digester Cover = \$1,181,421 (this is the actual cost which was bid & awarded in late 2009 under last year's contracting authority/ approx. 50% is ARRA Funds)
- Restoration of Concrete = \$652,000 (this is an estimate and has not been bid, but can be done in phases - engineering is still ongoing)
- Admin Bldg Roof = \$100,000 (this is a high estimate and has not been bid)
- Thickener Tank Drive Units = \$55,402 (this is the actual cost which was bid awarded in late 2009 under last year's contracting authority & is currently being installed / approx. 50% is ARRA Funds)
- Misc. repairs, maintenance allowance, bldg repairs & Machinery & Equip = \$260,000

Total = \$2,248,823

Project Contracting Authority = \$2,500,000

Engineering Contracting Authority = \$500,000

Sewer/WWC

- Long Term Control Plan & Storm Water Management = \$185,000
- 2010 Emergency Sewer Repairs = \$100,000
- Hydraulic Model = \$75,000

Total = \$360,000

Project Contracting Authority = \$500,000

Total 2010 WWTP/Sewer Projects (Estimated) = \$2,608,823

Total WWTP/Sewer Contracting Authority = \$3,250,000

Total 2010 WWTP/Sewer Revenues to support 2010 projects:

Restricted Cash Remaining from 2006 Revenue Bond = \$1,600,000

(Fund 510 Beginning Fund Balance = \$2.01 million / Fund 511 Beginning Fund Balance \$1.33 million - Therefore the funds are there - but will have to do a transfer from Fund 510 to Fund 511 sometime this year)

ARRA Federal Stimulus Grant = \$651,725

Sewer Rate Revenue = \$360,000

Total = \$2,611,725

December 21st Appropriated Budget Line Items to Cover the Above Projects:

Fund 510 (WWC) Professional Services = \$110,000

Fund 510 (WWC) Contractual Services = \$130,417

Fund 510 (WWC) Sewer Capital Repair = \$75,000

Fund 510 (WWC) Emergency Response = \$100,000
Fund 511 (WWTP) Professional Services = \$125,000
Fund 511 (WWTP) Misc. Repair Supplies = \$61,900
Fund 511(WWTP) Capital Improvements / Non-Bldg = \$1,500,000
Fund 511 (WWTP) Operating Equipment = \$105,000
Total = \$2,207,317

As a result of this analysis, The Finance Committee recommends approval of the contracting Authority ordinances on 3rd reading on tonight's docket.

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

{ ORDINANCES NOS. 4-10, 5-10, 6-10, 7-10, 8-10, 9-10, 11-10, 12-10, 13-10, 14-10, AND 15-10. PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/1/10, 2ND READING 2/16/10}

7. **ORDINANCE NO. 4-10** - 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 for the purpose of authorizing and directing 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **C.D.B.G. Fund Infrastructure 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. 18)

*Blanket Motion was made by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinances Nos. 4-10, 5-10, 6-10, 7-10, 8-10, 9-10, 11-10, 12-10, 13-10, 14-10, AND 15-10 *after Item 18* (Ordinance 15-10) was read in the agenda.

Motion was adopted. All members voting yea.

8. **ORDINANCE NO. 5-10** - 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 and directing 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Water System Replacement Program** 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.20)

* blanket motion was made after Item 18

9. **ORDINANCE NO. 6-10** - 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 and directing 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Wastewater System Replacement Program** 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. 22)

* blanket motion was made after Item 18

10. **ORDINANCE NO. 7-10** - 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 and directing 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and 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)

* blanket motion was made after Item 18

11. **ORDINANCE NO. 8-10** - 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 and directing 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 bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood 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. 26)

* blanket motion was made after Item 18

12. **ORDINANCE NO. 9-10** - 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 and directing 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Buildings & Facilities 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. 28)

* blanket motion was made after Item 18

13. **ORDINANCE NO. 10-10** - 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 and directing 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 bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Buildings & Facilities 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. 30)

* blanket motion was made after Item 18

14. **ORDINANCE NO. 11-10** - 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 and directing 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Signs & Traffic Signals** 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. 32)

* blanket motion was made after Item 18

15. **ORDINANCE NO. 12-10** - 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 and directing 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 bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Street Signs and Traffic Signals**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 34)

* blanket motion was made after Item 18

16. **ORDINANCE NO. 13-10** - 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 and directing 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Sidewalk 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. 36)

* blanket motion was made after Item 18

17. **ORDINANCE NO. 14-10** - 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 and directing 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Parks & Pools 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. 38)

* blanket motion was made after Item 18

18. **ORDINANCE NO. 15-10** - 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 and directing 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 bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Parks & Pools 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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 2/1/10) (Pg. 40)

*Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinances Nos. 4-10, 5-10, 6-10, 7-10, 8-10, 9-10, 11-10, 12-10, 13-10, 14-10, AND 15-10.

Motion adopted All members voting yea.

19. Housing Committee Report regarding Sale of 2042 Dowd. (TO BE PROVIDED)

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

Motion adopted. All members voting yea.

20. **ORDINANCE NO. 22-10** - 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 and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 2042 Dowd Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 2/16/10)(Pg. 42)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 22-10 on 2nd Reading.

Motion adopted. All members voting yea.

21. **ORDINANCE NO. 81-09A** - 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 81-09, adopted December 21, 2009 for the purpose of adding the Madison Ave. TLCI Planning Grant , 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. (PLACED ON 1ST READING & REFERED TO THE PUBLIC WORKS COMMITTEE 2/16/10) (Pg. 44)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 81-09A on 2nd Reading and refer it back to the Public Works Committee.

Motion adopted. All members voting yea.

22. **ORDINANCE NO. 20-10** – AN ORDINANCE to amend Section 144.04, Additional Credits, of the Codified Ordinances of the City of Lakewood to allow addition credit to be extended to candidates for original appointment to a civil service position where the candidate has been employed part time as a police officer with the division of police for twelve months preceding the examination. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 2/1/10, 2ND READING 2/16/10)(Pg. 47)

Motion by Mr. Butler, seconded by Ms. Madigan, to defer action on this item.

Motion adopted. All members voting yea.

23. Liquor Permit Application for a D3 transfer to CYBAR ONEZERO, d/b/a Capsule Bar, 14019 Madison Avenue. (Deferred 2/16/10) (Pg. 51)

Motion by Mr. Butler, seconded by Mr. Powers, to file no objection to the liquor permit.

Motion adopted. All members voting yea.

24. Communication from Mayor FitzGerald, Councilmember Antonio and Councilmember Madigan regarding Commendation for Father Jerome Duke. (TO BE PROVIDED)

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

Motion adopted. All members voting yea.

25. **RESOLUTION NO. 8404** – 10 A RESOLUTION commending Father Jerome J. Duke for his life-long commitment to Saints Cyril and Methodius and the Lakewood Community. (Pg. 52)

Motion by Mr. Butler, seconded by Ms. Antonio to amend Resolution No. 8404-10 to address a typographical error.

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

Nays: None

Motion adopted. Resolution amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution NO. 8404-10 as amended.

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

Nays: None

Motion adopted. Resolution No. 8404-10 adopted as amended.

26. Communication from Mayor FitzGerald regarding Decriminalizing Parking Violations.
(Pg. 53)

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

Motion adopted. All members voting yea.

27. **ORDINANCE NO. 23-10** - AN ORDINANCE to enact a new Chapter 309, Parking Violations Bureau, within the Codified Ordinances of the City of Lakewood for the purpose of decriminalizing parking citations pursuant to the authority granted to municipalities in Ohio Revised Code Chapter 4521. (Pg. 54)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 23-10 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

28. Communication from Finance Director Pae regarding 2010 1st Quarter Transfers. (Pg. 60)

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

Motion adopted. Six members voting yea.

Ms. Antonio absent for vote.

29. **ORDINANCE NO. 24-10** – 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 to authorize the transfer and advance of certain funds. (Pg. 67)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance on 1st Reading and refer it to the Finance committee.

Motion adopted. Six members voting yea.

Ms. Antonio Absent for vote.

30. Communication from Finance Director Pae regarding \$7,771,000 Renewal of City of Lakewood, Ohio 2007, 2008 and 2009 Various Purpose General Obligation Bond Anticipation Notes. (Pg. 69)

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

Motion adopted. Six members voting yea.

Ms. Antonio absent for vote.

31. **ORDINANCE NO. 25-10** - 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, to provide for the issuance and sale of notes of the City in a maximum principal amount of \$7,771,000, in anticipation of the issuance of bonds, for the purpose of retiring certain outstanding bond anticipation notes of the City issued to pay costs of various capital improvements, and declaring an emergency. (Pg. 70)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 25-10 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

32. Communication from Law Director Hurley regarding Lakewood Paramedic Association Collective Bargaining Unit for Non-firefighter Paramedics (Pg. 87)

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

Motion adopted. All members voting yea.

33. **ORDINANCE NO. 26-10** - 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 of the City of Lakewood, Ohio, to enter into an Agreement with the Lakewood Paramedic Association for a three year period commencing upon the date of ratification by City Council. (Pg. 88)

Motion by Mr. Butler, seconded by Ms. Antonio, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 26-10 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 26-10.

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

Nays: None

Motion adopted. Ordinance adopted.

34. Communication from Public Works Director Beno regarding John Lance Ford Donation to Repaint DARE Car. (Pg. 90)

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

Motion adopted. All members voting yea.

35. **RESOLUTION NO. 8405 – 10** - 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 accept, on behalf of the City of Lakewood, paint and related painting services for a DARE vehicle from John Lance Ford valued at \$4,000. (Pg. 91)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8405-10.

Motion adopted. All members voting yea.

36. Communication from Planning & Development Director Kelly regarding Sale of 1300 Andrews & 1195 Gladys. (Pg. 93)

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

Motion adopted. All members voting yea.

37. **ORDINANCE NO. 27-10** - 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 and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1300 Andrews (PP# 312-13-126) and 1195 Gladys (312-12-092), for a period not to exceed 12 months, pursuant to Section 155.07 of the Codified Ordinances. (Pg. 94)

Motion by Mr. Butler, seconded by Ms. Antonio, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 27-10 on final reading.

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

Nays: None

Motion adopted. Rules suspended

Motion by Mr. Butler, seconded by Ms. Madigan, to amend Ordinance No. 27-10 to reflect the addresses properly in the body of the ordinance..

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

Nays: None

Motion adopted. Ordinance amended.

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 27-10.

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

Nays: None

Motion adopted. Ordinance No. 27-10 adopted as amended.

38. Communication from Human Services Director Buckon regarding Agreement with Western Reserve Area Agency on Aging to Conduct Activities under the Beneficiary Outreach and Assistance Program of the Medicare Improvements for Patients and Providers Act. (Pg. 96)

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

Motion adopted. All members voting yea.

39. **RESOLUTION NO. 8406-10** – 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 an Agreement with the Western Reserve Area Agency on Aging to accept funds for outreach and enrollment of eligible individuals for Low-Income Subsidy (LIS) or Medical Savings Programs (MSP). (Pg. 97)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution NO. 8406-10.

Motion adopted. All members voting yea.

Motion by Mr. Butler and seconded to adjourn.

Motion adopted. All members voting yea.

Meeting adjourned 9:55 PM.

Approved: _____

CLERK

PRESIDENT