

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 15, 2010
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:36 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 defer the Minutes of the Regular Meeting of Council held March 15, 2010.

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding Council's Legislative Priorities in 2010 and 2011 and Council Procedures. (Pg. 6)

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

Motion adopted. All members voting yea.

2. Committee of the Whole Report regarding Final Status of Referred Items. (Pg.10)

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

Motion adopted. All members voting yea.

3. Rules and Ordinances Committee Report regarding Ordinance 20-10 (Civil Service Exam Credit & Anti-Idling Ordinance... (To Be Provided)

Rules & Ordinances Committee Report regarding Ordinance 20-10 (Civil Service Exam Credit and Anti-idling Ordinance. Monique Smith

The Rules and Ordinance committee met this evening and on Tuesday, March 9th to discuss some outstanding old business as well as some new items. Meeting attendees included committee members councilman Butler, councilman Bullock , Chief Malley, members of the public and other councilmembers. On March 9th we discussed two items. The first was an amendment to Chief Malley's proposed ordinance 20-10 which would update Civil Service rules to provide additional exam credit for police department applicants with part-time and auxiliary experience who are pursuing a full-time officer position within 12 months of their previous role. The committee unanimously voted to recommend passage of the ordinance tonight with the proposed substitution to allow an officer from any police department to qualify rather than only those from Lakewood police department. The second item we discussed on March 9th was council meeting rules and procedures including possible changes which may improve the flow and timing of our meetings. This discussion was a follow up to the discussion that arose during the Committee of the Whole meeting on February 27th. Our committee agreed that it would be useful to invite local experts and academics on meeting procedures to advise us as we explore this topic further.

We also had a brief meeting this evening in which we revisited a communication from councilmembers Antonio and Madigan on a proposed anti-idling ordinance from last year. The committee voted unanimously to recommend that this health related ordinance be referred out of Rules and Ordinances committee and into the Health & Human Services committee.

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

4. **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. **(PLEASE SUBSTITUTE FOR ORDINANCE NO.20-10 PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 2/1/10, DEFERRED 3/1/10)(Pg. 11)**

Motion by Mr. Butler, seconded by Ms. Madigan, to substitute Ordinance No. 20-10.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers,
Nays: None
Motion adopted.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 20-10 as substituted.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers.
Nays: None
Ordinance No.20-10 adopted as substituted.

5. **ORDINANCE NO. 56-09** – AN ORDINANCE to enact a new Section 331.47, Excessive Idling, of the Codified Ordinances of the City of Lakewood. (PLACED ON

1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE
7/6/09, 2ND READING 2/20/09).(Pg. 15)

Motion by Mr. Butler, seconded by Ms. Antonio, to refer Ordinance No. 56-09 to the Health & Human Services Committee.

Motion adopted. All members voting yea.

6. **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, REPORTED OUT ON, PLACED ON SECOND READING AND RECOMMENDED FOR ADOPTION 3/1/10)(Pg. 18)

Motion by Ms. Madigan, seconded by Ms. Antonio, to adopt Ordinance No. 22-10.

Motion adopted. All members voting yea.

7. Public Works Committee Report regarding Ordinance No. 81-09A. & RESOLUTION 8403-10 (To Be Provided)

#7 Public Works Committee Report regarding Ordinance 81-09A and Resolution 8403-10

The committee met briefly tonight and reported favorably. The Planning Director's ordinance to allow the city to receive \$50,000 in funds for the purpose of a planning grant for the Madison Ave. eastern end district. We will shortly have the chance to vote on not only ordinance 81-09A but also an add-on resolution. Mr. Planning Director, do you want to characterize further the grant that the city's going to be receiving?

Director Kelly: Thank you Councilman Bullock. This grant is similar to the grant that we received for planning for Detroit Ave. We hope to see similar results. It'll be \$50,000 toward the planning of Madison Ave. which is the street, I think, that has our best potential. I look forward to working with the public and Council to deliver a great product.

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

Motion adopted. All members voting yea.

8. **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, 2ND READING 3/1/10) (Pg. 20)

Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt Ordinance No. 81-09A.
Motion adopted. All members voting yea.

8A. (ADD-ON) RESOLUTION NO. 8403-10 - AN EMERGENCY RESOLUTION authorizing the Mayor to enter into an agreement with the Northeast Ohio Area Coordinating Agency (NOACA) to accept and expend funds in the amount of \$50,000 for the Transportation for Livable Communities Program for Madison Avenue. (Referred to the Public Works Committee 2/16/10) (Pg 22A)

Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt Resolution NO. 8403-10.
Motion adopted. All members voting yea.

9. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 3/1/10) (Pg. 23)

Motion by Mr. Bullock, seconded by Ms. Madigan, to place Ordinance No. 23-10 on 2nd Reading.
Motion adopted. All members voting yea.

10. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/1/10) (Pg. 35)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 24-10 on 2nd Reading and refer back to the Finance Committee.
Motion adopted. All members voting yea.

11. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/1/10) (Pg. 37)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 25-10 on 2nd Reading and refer it back to the Finance Committee.

Motion adopted. All members voting yea.

****NEW BUSINESS****

12. Communication from Councilmember Butler regarding formation of Economic Development Committee. (Pg.54)

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

Motion adopted. All members voting yea.

13. Communication from City Council regarding Support of Cuyahoga County Health and Human Services Levy. (Pg.55)

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

Motion adopted. All members voting yea.

14. Communication from Mayor FitzGerald regarding Resolution to extend support to Cuyahoga County Health and Human Services 2.9 mill Renewal. (Pg.56)

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

Motion adopted. All members voting yea.

15. **RESOLUTION NO. 8407-10** - A Resolution to support Cuyahoga County Health and Human Services 2.9 mill renewal. (Pg.57)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8407-10.

Motion adopted All members voting yea.

- 16. RESOLUTION NO. 8408-10** - 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 approving Council's nomination and appointment of _____ as a member of the Municipal Income Tax Board of Review for a one year term ending December 31, 2010. (Pg. 58)

Motion by Mr. Butler, seconded by Ms. Madigan, to refer Resolution No. 8408-10 to the Committee of the Whole.

Motion adopted. All members voting yea.

17. RESOLUTION NO. 8409-10 - 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 approving Council's nomination and appointment of _____ as a member of the Municipal Income Tax Board of Review for a two year term ending December 31, 2011. (Pg. 59)

Motion by Mr. Butler, seconded by Ms. Antonio, to refer the Resolution to the Committee of the Whole.

Motion adopted. All members voting yea.

18. Communication from Councilmember Summers regarding First Federal of Lakewood's 75th Anniversary. (Pg.60)

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

Motion adopted. All members voting yea.

19. **RESOLUTION NO. 8410-10** – A RESOLUTION to recognize First Federal of Lakewood's 75th Anniversary March 16, 2010. (Pg. 61)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8410-10.

Motion adopted. All members voting yea.

20. Communication from Councilmember Bullock regarding Resolution for Lakewood to become an official city participant in Earth Hour 2010. (Pg. 62)

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

Motion adopted. All members voting yea.

21. **RESOLUTION NO. 8411-10** – AN EMERGENCY RESOLUTION for the City of Lakewood to participate in Earth Hour 2010. (Pg. 63)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8411-10.

Motion adopted. All members voting yea.

22. Communication from Councilmember Bullock and Assistant Director of Public Safety, Division of Building & Housing Ashby regarding Resolution to authorize a one-year graffiti prevention pilot program and expenditure of funds for the purpose of acquiring information to aid law enforcement. (Pg. 64)

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

Motion adopted All members voting yea.

23. **RESOLUTOIN NO. 8412-10** – AN EMERGENCY RESOLUTION authorizing Director of Public Safety to establish a one year graffiti prevention pilot program with the expenditures not to exceed \$5,000 for the purpose of acquiring information to aid law enforcement activities related to graffiti-related offenses. (Pg. 65)

Motion by Mr. Powers, seconded by MR. Butler, to receive, file and refer the Resolution to the Public Safety Committee.

Motion adopted. All members voting yea.

24. Communication from Human Services Director Buckon regarding Juvenile Diversion Program. (Pg. 67)

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

Motion adopted. All members voting yea.

25. **RESOLUTION NO. 8413-10** - 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 Cuyahoga County Juvenile Court to accept funds in an amount estimated at \$14,400.00 for the City's Juvenile Diversion Program. (Pg. 68)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8413-10.

Motion adopted. All members voting yea.

26. Communication from Fire Chief Mroz regarding Severe Weather Awareness Week. (Pg.69)

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

Motion adopted. All members voting yea.

27. **RESOLUTION NO. 8414-10** - A RESOLUTION proclaiming March 22, 2010 through March 26, 2010 as "Severe Weather Awareness Week". (Pg.70)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8414-10.

Motion adopted. All members voting yea.

28. Communication from Finance Director Pae regarding March 2010 Appropriation. (Pg. 71)

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

Motion adopted. All members voting yea.

29. **ORDINANCE NO. 28-10** - 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 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. 72)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 28-10 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

30. Communication from Planning & Development Director Kelly regarding Proposal to Sell Parking Lot #1. (Pg. 85)

Motion by Mr. Butler, seconded by Ms. Antonio, to receive, file and refer the communication to the Economic Development Committee.

Motion adopted. Six members voting yea.

Mr. Summers abstains.

31. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2010. (Pg. 86)

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

Motion adopted. All members voting yea.

32. **ORDINANCE NO. 82-09A** - 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 82-09, adopted December 21, 2009 for the purpose of adding, deleting, and increasing contracting authority for the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 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. 87)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 82-09A on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

33. Communication from Public Works Director Beno regarding Sale of Driveway to Misencik Funeral Home. (Pg. 94)

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

Motion adopted. All members voting yea.

34. **ORDINANCE NO. 29-10** - AN ORDINANCE authorizing the Mayor, on behalf of the City of Lakewood, to sell and transfer title to a City owned access drive between the Joseph A. Misencik Funeral Home at 12500 Madison Avenue and 1645 Lakewood Avenue. The sale and transfer of title would be made to William and Lucy Greaney, the owners of the Joseph A. Misencik Funeral Home, for the purchase price of Eight Thousand Dollars (\$8,000). (Pg. 95)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 29-10 on 1st Reading and refer it to the Economic Development Committee.

Motion adopted. All members voting yea.

35. Liquor Permit Application for D2, D2X, D3, D3A transfers to Hearn's Pub, 13601-03 Detroit from Rizzo Lane, d/b/a Caseys Tavern; (same address) (Pg. 99)

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

Motion adopted. All members voting yea.

Motion by Mr. Butler, seconded by Ms. Antonio, to adjourn.

Motion adopted. All members voting yea.

Meeting adjourned 8:34 PM.

Approved: _____

CLERK

PRESIDENT