

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
APRIL 5, 2010
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:42 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 Representative, Fire Representative, Public Works Director Beno, 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 Meetings of Council held March 1 and March 15, 2010.

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding Council Appointments. (To Be Provided)

#1 Committee of the Whole Report regarding Council Appointments - Kevin Butler
Tonight the Committee of the Whole met to discuss the following two resolutions which are resolutions to appoint members of the citizenry to the Municipal Income Tax Board of Review. One is for a one-year term and one is for a two-year term. We recommended unanimously that David Sangree be recommended for the one-year term which is the next resolution and that John Jamieson be recommended for the position in the two-year term. We also met regarding updates on Lakewood Farmer's Markets and we have learned through the efforts of Council members Smith and Bullock particularly, Planning Director Nate Kelly and I would imagine his staff and some very active citizens that we will have a Saturday morning farmer's market in Lakewood beginning in June this year from nine to, I believe one, noon or one, one o'clock, right at the City Center which is where Marc's Plaza and the park formerly known as Sinagra Park are located. So, we're delighted about that and we got some updates on that tonight.

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

2. **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. 5)

Motion by Mr. Butler, seconded by Ms. Madigan, amend Resolution No. 8408-10 by inserting the name David Sangree.

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. 8408-10 as amended.

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

Nays: None

Motion adopted. Resolution No. 8408-10 adopted as amended.

3. **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. 6)

Motion by Mr. Butler, seconded by Ms. Madigan, amend Resolution No. 8409-10 by inserting the name John Jamieson.

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. 8409-10 as amended.

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

Nays: None

Motion adopted. Resolution No. 8409-10 adopted amended.

4. Finance Committee Report regarding Ordinances Nos. Ordinance 25-10 (\$7,771,000) Bond Anticipation Notes, Fiscal Officer's Certificate, Ordinance 24-10 (Transfer and Advance of Certain Funds), No. 28-10, March 2010 Appropriations Ordinance, ordinance 82-09A (Amended Purchasing and Contracting Ordinance FY 2010. (Pg. 7)

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

5. Fiscal Officer's Certificate - \$7,771,000 Bond Anticipation Notes (Pg. 9)

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

6. **ORDINANCE NO. 25-10** - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT OF \$7,771,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF VARIOUS IMPROVEMENTS, AND DECLARING AN EMERGENCY. (**PLEASE SUBSTITUTE FOR ORDINANCE NO. 25-10** - PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/1/10, 2ND READING 3/15/10) (Pg. 10)

Motion by Mr. Butler, seconded by Ms. Madigan, to substitute Ordinance No. 25-10.
Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers
Nays: None
Motion adopted. Ordinance amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 25-10 as amended.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers
Nays: None
Motion adopted. Ordinance No. 25-10 adopted as substituted.

7. **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, 2ND READING 3/15/10) (Pg. 17)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 24-10.
Motion adopted. All members voting yea.

8. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/15/10) (Pg. 19)

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 28-10 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 adopt Ordinance No. 28-10 as amended.

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

Nays: None

Motion adopted. Ordinance No. 28-10 adopted.

9. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/15/10) (Pg. 32)

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 82-09A 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 adopt Ordinance No. 82-09A as amended.

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

Nays: None

Motion adopted. Ordinance No. 82-09A adopted.

10. **Economic Development Committee Report regarding Ordinance No. 29-10 – Sale of Driveway to Micencik Funeral Home.** (Pg. 39)

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

Motion adopted. All members voting yea.

11. **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). (PLACED ON 1ST READING & REFERRED TO THE ECONOMIC DEVELOPMENT COMMITTEE 3/15/10) (Pg. 40)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 29-10 on Second Reading.

Motion adopted. All members voting yea.

12. Health & Human Services Committee Report regarding Circulator Bus Update,(Shopper Shuttle), Update on Keep Lakewood Beautiful phone number, Human Services Departmental Review, Vital Statistics Review, Excessive Vehicle Idling Ordinance Status (To Be Provided)

#12 Health & Human Services Committee Report regarding Shopper Shuttle, Update on Keep Lakewood Beautiful phone number, Human Services Departmental Review and Excessive Vehicle Idling Ordinance status – Nickie Antonio

The Health & Human Services Committee did meet this evening. In attendance were committee members Butler, Powers, Directors Ashby and Beno and a member of the public. We did discuss the proposed Keep Lakewood Beautiful phone line. Two areas of follow up we're going to be looking for from Director Ashby and also Director Beno, one was the customer connection with the phone trees regarding the existing lines at City Hall and how one navigates through that. That discussion has come up a few times. The second one is, Director Ashby will research a direct way to have a phone number or an existing phone number identified so there is one call that can be made to report trouble much like a comparable system that we have online right now. The other item that we talked about was just closing the loop on the Shopper Shuttle. It is running. It's been favorably received so far and while certainly it doesn't replace our daily circulator, it's a wonderful step in the right direction and folks are very happy that they have the opportunity to independently shop one day a week. So, we're very happy to have that going. The third thing that we talked about was the reducing excessive idling ordinance that the... proposed ordinance is in committee, it will be reviewed by the Law Department. What we're asking for is both a comparison of our current laws and ordinances regarding noise where there might be some cross over with this as well as look at the recently passed Cleveland ordinance which also is an anti-idling ordinance that we believe we can take some best practices from so we will come back around to that. We did not do a review of the Health & Human Services annual report. That will be rescheduled and at that time we are hoping to also schedule the Vital Statistics so we'll take care of both of those reports then. Respectfully submitted.

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

Motion adopted. All members voting yea.

13. 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) (Deferred 3/15/10) (Pg. 44)

Motion by Mr. Powers, seconded by Ms. Madigan, to file no objection to the permit application.

Motion adopted. All members voting yea.

****NEW BUSINESS****

14. Communication from Council President Butler regarding Lakewood Chamber of Commerce Updates. (Pg. 45)

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

15. Communication from Councilmember Bullock regarding Ordinances to protect the public interest by increasing transparency in reporting political campaign donations and expenditures and strengthening protections against improper compensation of Lakewood public officials in the form of campaign donations. (Pg.46)

Motion by Mr. Butler, seconded by Mr. Powers, to receive, file and refer the communication to the Committee of the Whole.
Motion adopted. All members voting yea.

16. **ORDINANCE NO. 30-10** – 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 require candidates for municipal office in the City of Lakewood to electronically file reports on their campaign donations and expenditures with the Director of Law, and to require the Director of Law to make publicly available a searchable database of this information. (Pg.49)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 30-10 on 1st Reading and refer it to the Committee of the Whole.
Motion adopted. All members voting yea.

17. **ORDINANCE NO. 31-10** - 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 strengthen ethical protections in the City of Lakewood against soliciting or receiving improper compensation. (Pg. 51)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 31-10 on 1st Reading and refer it to the Committee of the Whole.
Motion adopted. All members voting yea.

18. Communication from Planning & Development Director Kelly regarding Clifton Boulevard Transportation Enhancements Program (Pg.56)

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

19. Communication from Public Works Director Beno regarding Fees for non-compliance to Residential Refuse and Recycling Rules and Regulations. (Pg. 57)

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

Motion adopted. All members voting yea.

20. **ORDINANCE NO. 32-10** - AN ORDINANCE to amend section 1777.02 within the Sanitary Code of the Codified Ordinances of the City of Lakewood for the purpose of creating civil penalties for noncompliance with rules and regulation promulgated pursuant to that section. (Pg.58)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 32-10 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

21. Communication from Mayor FitzGerald regarding Keep Lakewood Beautiful Board Membership. (Pg. 60)

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

Motion adopted. All members voting yea.

22. **ORDINANCE NO. 33-10** – AN ORDINANCE to amend Section 145.04, Membership, within Chapter 145, Keep Lakewood Beautiful, of the Codified Ordinances of the City of Lakewood to increase membership, increase the term of membership and to remove any restrictions on the number of terms that a member may serve. (Pg. 61)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 33-10 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

{ADD-ON ITEMS 23 & 24 (Items that were received after the docket deadline)}

23. **(Add-on)** Communication from Mayor FitzGerald and Councilmember Bullock regarding Support for Early Steps towards Solar Special Improvement District. (Pg.64)

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

Motion adopted. All members voting yea.

24. **(Add-on) RESOLUTION NO. 8415-10** - A resolution in support of the First Suburbs Development Council and the City of Cleveland in their collaborative application to the EfficientGovNow Grant Program, as a part of the Fund for Ohio Economic Future, for the amount of One Hundred Thousand and 00/100 Dollars (\$100,000) for the purpose of establishing a joint Solar Special Improvement District in the City of Cleveland, the City

of Lakewood and the other member municipalities of the First suburbs Consortium.
(Pg.65)

Motion by Mr. Bullock, seconded by Mr. Butler, to adopt Resolution No. 8415-10.
Motion adopted. All members voting yea.

Motion by Mr. Butler, seconded by Ms. Madigan, to adjourn.
Motion adopted. All members voting yea.
Meeting adjourned 8:53 PM.

Approved: _____

CLERK

PRESIDENT