

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

Regular Meeting of the Lakewood City Council called to order at 7:40 by Council President Butler

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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, Housing's Jeff Ashby.

Motion by Mr. Butler, seconded by Ms. Madigan, to approve the Minutes of the Regular Meetings of Council held May 17, 2010.

Motion adopted. All members voting yea.

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

1. **Housing Committee Report regarding Ordinance No. 39-10 (To Be Provided)**

**#1 Housing Committee Report Regarding Ordinance 31-10 - Madigan**

The Housing Committee reported favorably and recommended adoption at the last meeting and that recommendation still stands. Just to remind the public and the audience the Neighborhood Stabilization dollars paid for either the demolition or the purchase of these properties. Some have already been demolished and there may have been some rehab on some of these but the idea of this is that we want to give authority to the administration to go ahead and sell these properties as soon as possible after demolition or rehab.

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

Motion adopted. All members voting yea.

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2. **ORDINANCE NO. 39-10 - 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 1667 Waterbury

(PP#315-06-148), 2070 Dowd (PP#315-23-199), 2107 Robin (PP#315-22-074), 13736 Madison Avenue (PP#315-03-031), 1482-84 W. 117<sup>th</sup> (PP#315-14-002), 1301 Cranford (PP#311-32-172), 1297 Cranford (PP#311-32-173), 1269 Westlake (PP#311-29-041), 1598 Wyandotte (PP#315-03-095) and about 1383 Sloane Avenue (311-15-011), for a period not to exceed 12 months, pursuant to Section 155.07 of the Codified Ordinances. (PLACED ON 1<sup>ST</sup> READING & REERRED TO THE HOUSING COMMITTEE 5/3/10, 2<sup>ND</sup> READING 5/17/10) (Pg. 6)

Housing Committee recommended adoption.

Motion by Mr. Bugler, seconded by Ms. Madigan, to adopt Ordinance No. 39-10.  
Motion adopted all members voting yea.

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3. Rules & Ordinances Committee regarding Lakewood Ordinance No. 33-10- Keep Lakewood Beautiful Board (To Be Provided)

**#3 Rules & Ordinances Committee Report regarding Ordinance 33-10 – Keep Lakewood Beautiful Board - Smith**

On the first of June the Rules and Ordinances Committee met. In attendance were myself, Councilman Butler, Councilman Bullock, as well as Capt. Hassing from the Police Department, Jen Mladek from the Law Department, Rich Neff – Prosecutor for the City of Lakewood, Mary Hagan and a member of the public. We voted to recommend proposed changes to an ordinance that would allow the Keep Lakewood Beautiful Board to increase membership, increase the number of members on the board, increase the term of membership and to remove the restriction on the number of terms that a member may serve.

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

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4. **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. (**PLEASE SUBSTITUTE FOR ORDINANCE NO. 33-10 - PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 4/5/10, 2<sup>ND</sup> READING 4/19/10**) (Pg. 8).

Motion by Mr. Butler, seconded by Ms. Madigan, to substitute Ordinance No. 33-10.

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

Nays: None

Motion adopted. Ordinance No. 33-10.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 33-10 as substituted..

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

Nays: None

Motion adopted. Ordinance No. 33-10 adopted as substituted.

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5. Report from Community Relations Advisory Commission. (To Be Provided)

Community Relations Advisory Commission Representative April Stoltz provided a report. An Annual review and report was provided.

March 2009, partnered with Facing History and Ourselves – dialogue on immigration – held at Lakewood Hospital. Approximately 200 people in attendance. Sonia Nazario, author of Enrique’s Journey was brought in. Event was followed by a community conversation in April. Diversity Potlucks in January in cooperation with the Race and Diversity Group (RAD) - High School Group - approximately 100 people. Co-sponsored fund-raising event to help pay for White House Trip for RAD group. Community Relations Advisory Commission Recommends tonight, support of the Outdoor Basketball Committee – support their mission to bring back outdoor basketball back to Lakewood Parks. Future events – Diversity Potluck August 13<sup>th</sup>, Madison Park – outdoor pavilion. Community conversation on the parks. Continue to use formal provided by Councilmember Antonio.

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

Motion adopted. All members voting yea.

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6. Communication from Law Director Hurley regarding Amending 309.99 of Ordinance 23-10. (Pg.10)

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

Motion adopted. All members voting yea.

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7. **ORDINANCE NO. 40-10** - 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, amending Section 309.99, Fees within the Codified Ordinances of the City of Lakewood for the purpose of correcting a typographical error. (Pg.11)

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. 40-10 on final reading.

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

Nays: None

Rules Suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 40-10

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

Nays: None

Ordinance No. 40-10 adopted.

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

8. Communication from Council President Butler regarding 2010 Primary Election/Change of Council Meeting Date. (Pg.14)

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.

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9. **RESOLUTION NO. 8423-10** - 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, changing the date of the next regularly scheduled Lakewood City Council meeting to Wednesday, September 8, 2010 at 7:30 p.m. due to a scheduling conflict with the primary election to be held Tuesday, September 7, 2010. (Pg. 15)

Motion by Mr. Butler, seconded by Ms. Madigan, to amend Resolution No. 8423-10 wording from "the next regularly scheduled Lakewood City Council meeting", to "... the date of the September 6,2010 Lakewood City Council meeting to Wednesday, September 8, 2010 at 7:30 p.m. in the appropriate sections of the ordinance.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Summers, Smith  
Nays None  
Resolution Amended.

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8423-10 as amended.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Summers, Smith  
Nays None  
Resolution adopted as amended.

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10. Communication from All members of Council regarding Human Rights Pride Week. (Pg.17)

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

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{Please Note Change in Resolution to avoid duplication of numbers}

11. **RESOLUTION NO. ~~8424-10~~ – (8423A-10)** A RESOLUTION to proclaim the week of June 26, 2010 as Dignity of Human Rights Pride Week and recognizing the Cleveland Pride Committee and the LGBT community for its many and varied contributions that have enriched our civic life and aided in creating a more accepting and diverse society and community. (Pg. 18)

Motion by Ms. Antonio, seconded by Ms. Madigan, to adopt Resolution No. 8423A-10.  
Motion adopted. All members voting yea.

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12. Communication from Mayor FitzGerald and Councilmember Antonio regarding Human Resources Policy and Procedure Manual. (Pg. 19)

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

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13. Communication from Mayor FitzGerald and Councilmember Bullock regarding Legislation to make Lakewood a founding member of a regional Advanced Energy Special Improvement District. (Pg.20)

Motion by Mr. Butler, 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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14. **ORDINANCE NO. 41-10** – AN ORDINANCE authorizing the execution and delivery of a Petition and Approval of the Petition, Articles of Incorporation, and Initial Plan of the City of Cleveland-First Suburbs Development Council Advanced Energy Special Improvement District. (Pg.22)

Motion by Mr. Butler, seconded by Mr. Bullock, to place Ordinance No. 41-10 on 1<sup>st</sup> Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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15. Communication from Finance Director Pae regarding Amended Building & Facility Capital Contracting Authority Ord. 10-10. (Pg.41)

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.

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16. **ORDINANCE NO. 10-10A** - 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.42)

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

Motion adopted. All members voting yea.

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17. Communication from Finance Director Pae regarding 2011 Tax Budget Resolution. (Pg.44)

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.

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18. **RESOLUTION NO. 8424-10** - A RESOLUTION 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 approving the Tax Budget of the City of Lakewood, State of Ohio for the year 2011, and authorizing the filing of same with the Auditor of Cuyahoga County. (Pg. 45)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Resolution No. 8424-10 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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19. Communication from Finance Director Pae regarding 2010 2<sup>nd</sup> Quarter Transfers. (Pg.47)

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.

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20. **ORDINANCE NO. 42-10** - 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 authorize the transfer and advance of certain funds. (Pg.48)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 42-10 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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21. Communication from Police Chief Malley regarding June 12, 2010 Bike Rodeo. (Pg.50)

Motion by Mr. Butler, seconded by ms. Madigan, to adopt Resolution No. 8425-10.

Motion adopted. All members voting yea.

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22. **RESOLUTION NO. 8425-10** - 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 at the earliest period allowed by law authorizing the Mayor (Director of Public Safety), on behalf of the City of Lakewood, is hereby

authorized to give away up to (10) abandoned bicycles, that would otherwise be auctioned, for use as prizes to be given away at the Bike Rodeo hosted by the Lakewood Division of Police. (Pg.51)

Motion by Mr. Butler, seconded by ms. Madigan, to adopt Resolution No. 8425-10.  
Motion adopted. All members voting yea.

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23. Communication from Police Chief Malley regarding \$20,000 Byrne Memorial Grant.  
(Pg. 53)

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

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24. **RESOLUTION NO. 8426-10** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall go into effect and be in force after the earliest period allowed by law, authorizing the Mayor (Director of Public Safety), to enter into an agreement on behalf of the City of Lakewood with the City of Cleveland, City of Euclid, City of Garfield heights, City of Parma and the Cuyahoga County Board of Commissioners to accept Lakewood's allocated share of grant funds, currently estimated at \$20,000, from the City of Cleveland, as fiscal agent for grant funds awarded by the U.S. Department of Justice Fiscal year 2010 Edward Byrne Memorial Justice Assistance Grant (FY2010 JAG).  
(Pg.54)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8426-10.  
Motion adopted. All members voting yea.

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25. Communication from Fire Chief Mroz regarding Authority to Accept and Use Four (4) – Pet Oxygen Mask Kits from Lakewood Animal Hospital. (Pg.56)

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

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26. **RESOLUTION NO. 8427-10** – A RESOLUTION authorizing the Mayor to accept, on behalf of the City of Lakewood, the donation of four (4) pet oxygen mask kits from Lakewood Animal Hospital. (Pg.57)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8427-10.  
Motion adopted. All members voting yea.

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27. Communication from Human Services Director Buckon regarding Family to Family System of Care Expansion Project. (Pg.58)

Motion by Mr. Butler, seconded by Ms. Antonio, to receive, file and refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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28. **RESOLUTION NO. 8428-10** – 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 possible period allowed by law, authority to the Mayor, or his designee, on behalf of the City, to enter into an Amended 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 estimated amount estimated to be \$340,000. (Pg.59)

Motion by Mr. Butler, seconded by Ms. Madigan, to receive, file and refer Resolution No. 8421-10 to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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29. Communication from Human Services Director Buckon regarding Cuyahoga County Options for Elders Program 2010-2012. (Pg. 61)

Motion by Mr. Butler, seconded by Ms. Madigan, to receive, file and refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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30. **ORDINANCE NO. 43-10** - 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 or his designee for and on behalf of the City of Lakewood to enter into a contract with the Cuyahoga County Board of County Commissioners, Department of Senior & Adult Services, to provide home delivered meals, homemaker services, and medical transportation services under the Cuyahoga County Options for Elders Program for the contract period July 1, 2010 to June 30, 2012 in an amount estimated to be \$47,272.00. (Pg. 62)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 43-10 on 1<sup>st</sup> Reading and refer it to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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31. Communication from Human Services Director Buckon regarding PASSPORT Program. (Pg. 64)

Motion by Mr. Butler, seconded by Ms. Madigan, to receive, file and refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.



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32. **ORDINANCE NO. 44-10-** 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 or his designee for and on behalf of the City to enter into an Agreement with the Western Reserve Area Agency on Aging to accept and expend PASSPORT Program funds for the fiscal period covering July 1, 2010 through June 30, 2012 and ratifying any and all prior agreements to accept and expend funds for this project. (Pg. 65)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 44-10 on 1<sup>st</sup> Reading and refer it to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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33. Liquor Permit application for D2, D2X, D3, D3A and D6 transfers to Put In Bay Bar, 18206 Detroit Avenue, from Lakewood Lanes. (Pg.67)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer action on this liquor permit application.

Motion adopted. All members voting yea.

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34. Liquor Permit Application for D5 and D6 transfers to Deagans Kitchen & Bar, 14810-18 Detroit from Crazy Ritas. (Pg.68)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer action on this liquor permit application.

Motion adopted All members voting yea.

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Motion by Ms. Madigan, seconded by Ms. . Antonio, to adjourn.

Motion adopted. All members voting yea.

Meeting adjourned 9:12 PM.

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

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CLERK

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PRESIDENT