

**MINUTES  
OF THE  
REGULAR MEETING OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
JUNE 21, 2010  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:42 by Council President Butler

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

Motion by Council President Butler, seconded by Ms. Antonio, to excuse the absence of Ms. Madigan (due to work-related business out of state).

Motion adopted. All members present voting yea.

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Also Present: Mayor FitzGerald, Law Director Hurley, Finance Director Pae, Police Chief Malley, Fire Chief Mroz, Public Works Director Beno, Human Services Director Buckon, Planning & Development Director Kelly, Housing's Jeff Ashby, Engineer's Office Bill Corrigan.

Motion by Mr. Butler, seconded by Ms. Antonio, to approve the Minutes of the Special Meetings of Council held June 1 and June 10, 2010 and the Regular Meeting of Council held June 7, 2010.

Motion adopted. All members present voting yea.

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

1. Health & Human Services Committee Report regarding Human Services Grant Legislation (To Be Provided)

**#1 Health & Human Services Report Regarding Human Services Grant Legislation. Councilmember Antonio, Health & Human Services Committee Chair submitted the following report..**

The Heath & Human Services Committee met tonight and in attendance were members Kevin Butler, Brian Powers, myself and a member of the public as well as Director Dottie Buckon. Three issues were discussed in the meeting and the committee recommends passage with some amendments of the proposed resolution for the Family to Family System of Care, passage with amendments to the proposed ordinance for County Options for Elders and passage of the proposed ordinance Passport Program as well. So, I would like to submit this report and receive and file it.

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

Motion adopted. All members voting yea.

Ms. Antonio supplements the report indicating suspension of the rules was recommended because of grant deadlines.

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2. **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. (REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 6/7/10) (Pg.5)

Motion by Mr. Butler, seconded by Ms. Antonio, to suspend the rules requiring this Resolution to be read on three separate days and placing Resolution No. 8428-10 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8428-10.

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

Nays: None

Motion adopted. Resolution No. 8428-10 adopted.

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3. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 6/7/10) (Pg. 7)

Motion by Ms. Antonio, seconded by Mr. Butler, to amend Ordinance No. 43-10 by replacing instances where the term “Resolution” appear in the legislation with the term “Ordinance” to reflect “Ordinance” language, and as also the phrasing “be it resolved”, to reflect, “be it ordained” consistent with ordinance language.

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

Nays: None

Motion adopted. Ordinance amended.

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. 43-10 on final Reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 43-10 as amended

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

Nays: None

Motion adopted. Ordinance No. 43-10 adopted as amended.

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4. **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. . (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 6/7/10) (Pg. 9)

Motion by Ms. Antonio, seconded by Mr. Butler, to amend Ordinance No. 44-10 by replacing instances where the term “Resolution” appear in the legislation with the term “Ordinance” to reflect “Ordinance” language, and as also the phrasing “be it resolved”, to reflect, “be it ordained” consistent with ordinance language.

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

Nays: None

Motion adopted. Ordinance amended.

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. 44-10 on final Reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 43-10 as amended

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

Nays: None

Motion adopted. Ordinance No. 44-10 adopted as amended.

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5. Rules & Ordinances Committee Report regarding Council staff evaluations (To Be Provided)

**#5 Rules & Ordinances Committee Report regarding Staff Evaluations., Councilmember Smith, Rules & Ordinances Committee Chair submitted the following report:**

On June 1<sup>st</sup>, one of the items we discussed in the Rules & Ordinances committee was the implementation of staff evaluations for the office of the Council. We just want to sort of

standardize that process and formalize it. It's something that hasn't necessarily been done in the past so we will use an existing format that the Human Resources Department here at city hall follows for other employees and we will set a deadline shortly to have the evaluations made by council and have that all on the record.

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

Motion adopted. All members voting yea.

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6. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/7/10)(Pg. 11)

Motion by Mr. Butler, seconded by Mr. Bullock, to place Ordinance No. 41-10 on 2<sup>nd</sup> Reading and refer it back to the Public Works Committee.

Motion adopted. All members voting yea.

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7. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 6/7/10) (Pg. 25)

Motion by Mr. Butler, seconded by Mr. Summers, to place Ordinance No. 10-10A on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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8. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 6/7/10) (Pg. 27)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Resolution No. 8424-10 on 2<sup>nd</sup> Reading and refer it back to the Finance Committee.

Motion adopted. All members voting yea.

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9. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 6/7/10) (Pg.29)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 42-10 on 2<sup>nd</sup> Reading and refer it back to the Finance Committee.

Motion adopted. All members voting yea

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10. Liquor Permit application for D2, D2X, D3, D3A and D6 transfers to Put In Bay Bar, 18206 Detroit Avenue, from Lakewood Lanes. (DEFERRED 6/7/10) (Pg.31)

Motion by Mr. Powers, seconded by Ms. Antonio, to defer action on this application.

Motion adopted. All members voting yea.

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11. Liquor Permit Application for D5 and D6 transfers to Deagans Kitchen & Bar, 14810-18 Detroit from Crazy Ritas. (DEFERRED 6/7/10) (Pg.32)

Motion by Mr. Bullock, seconded by Mr. Powers, to file no objection on this liquor application.

Motion adopted. All members voting yea.

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

12. Communication from Councilmember Powers regarding Incentives to Encourage Home Ownership in Lakewood by Lakewood Employees. (Pg.33)

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

Motion adopted. All members voting yea.

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13. Communication from Councilmember Bullock regarding Increasing on-site storm water management in Lakewood. (Pg.34)

Motion by Mr. Bullock, seconded by Mr. Butler, 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. 45-10** – 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 increase on-site storm water management in Lakewood. (Pg.36)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 45-10 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 Councilmember Bullock regarding Devising a citywide comprehensive bicycle and pedestrian plan. (Pg.38)

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

Motion adopted. All members voting yea.

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16. **RESOLUTION NO. 8430-10** – A RESOLUTION directing the Planning Commission to devise a citywide comprehensive bicycle and pedestrian plan. (Pg.40)

Motion by Mr. Butler, seconded by Mr. Bullock, to place Resolution No. 8430-10 on 1<sup>st</sup> Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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17. Communication from Mayor FitzGerald regarding Appointments to the Nuisance Abatement Appeals Board. (Pg.42)

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

Motion adopted. All members voting yea.

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18. Communication from Law Director Hurley regarding Approval of Fact Finders Report re: Employee Bargaining Unit Contract with Lakewood Association of Firefighters, IAFF Local 382. (Pg.43)

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

Motion adopted. All members voting yea.

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19. **ORDINANCE NO. 46-10** – 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, approving the Fact Finders Report resulting from the collective bargaining process with the Lakewood Association of Firefighters, Local #382 of the International Association of Firefighters, AFL-CIO. (Pg.44)

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. 46-10 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Mr. Summers, to adopt Ordinance No. 46-10.

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

Nays: None

Motion adopted. Ordinance No. 46-10 adopted.

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20. Communication from Finance Director Pae regarding July 2010 Appropriation. (Pg.46)

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

Motion adopted. All members voting yea.

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21. **ORDINANCE NO. 47-10** – 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.47)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 47-10 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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22. Communication from Fire Chief Mroz regarding Amendments to Chapter 15 – Fire Prevention Code. (Pg.60)

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

Motion adopted. All members voting yea.

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23. **ORDINANCE NO. 48-10** – AN ORDINANCE to enact new Chapter 1503, Open Burning within Part Fifteen, Fire Prevention Code, of the Codified Ordinances of the City of Lakewood for the purpose of regulating burning within the City of Lakewood. (Pg.61)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 48-10 on 1<sup>st</sup> Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

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24. **ORDINANCE NO. 49-10** – AN ORDINANCE to amend section 1501.04, Enforcement, of the Lakewood Codified Ordinances, to authorize the issuance of misdemeanor citations for violation of any provision of Chapter 1501 of the Lakewood Fire Code by appropriate fire officials. (Pg. 66)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 49-10 on 1<sup>st</sup> Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

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25. Communication from Human Services Director Buckon regarding Play A Day Family Literacy Programs. (Pg.68)

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

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26. **RESOLUTION NO. 8431-10** – 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 and directing the Mayor or his designee, on behalf of the City, to accept and expend funding received by The Greater Cleveland Family Support Consortium on behalf of its members from The Cleveland Foundation to conduct Play A Day Family Literacy programs. (Pg. 69)

Motion by Mr. Butler, seconded by Ms. Antonio, to suspend the rules requiring this resolution to be read on three separate days and placing Resolution No. 8431-10 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Mr. Summers, to adopt Resolution No. 8431-10.

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

Nays: None

Motion adopted. Resolution No. 8431-10 adopted.

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Motion by Mr. Butler, seconded by Mr. Bullock, to adjourn

Motion adopted. All members voting yea.

Meeting adjourned 8:54 PM.

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

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CLERK

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PRESIDENT