

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

Regular Meeting of the Lakewood City Council called to order at 7:24 PM 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, Public Works Director Beno, Police Chief Malley, Acting Fire Chief Gilman, Human Services Director Buckon, Planning & Development Director Kelly, Housing's Ashby

Motion by Mr. Butler, seconded by Ms. Madigan, to approve the Minutes of October 18, 2010 without the necessity of a reading.

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding Resolution No. 8450-10. (To Be Provided)

#1 Committee of the Whole report regarding Resolution 8450-10 – 2011 one-year Action Plan – Butler

Committee of the Whole which is the committee that comprises all seven members of council met last Monday and all were in attendance. We heard from Ryan Nowlin who is co-chair of the Citizens Advisory Committee and Emma Barcelona, the head of our Community Development Department here in the City. With respect to recommendations made by the CAC for the distribution of CDBG and emergency shelter grants funds coming from the Federal government. We, after some deliberation and discussion agreed with the CAC's recommendations and therefore agreed unanimously to recommend adoption of the resolution that follows this communication this evening which is a resolution directing the administration to send to HUD, which oversees our expenditure of these monies, a one-year action plan showing how we will spend this money in this City.

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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2. **RESOLUTION NO. 8450-10** – 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 authorizing and directing the Mayor to submit the Fiscal Year (FY) 2011 One-year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Shelter Grant (ESG) funds, and incorporates the City’s application for CDBG funds, ESG funds, HOME Investment Partnership funds, and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 10/4/10, 2<sup>ND</sup> READING 10/18/10) (HUD) (Pg. 4)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8450-10.

Motion adopted. All members voting yea.

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3. Finance Committee Report regarding Updates to Chapter 128 of the City of Lakewood Codified Ordinances: Municipal Income Tax. (To Be Provided)

October 26, 2010

Dear Members of Council,

The Finance Committee met on October 18<sup>th</sup>. All members were present, supported by Finance Director Pae, Assistant Finance Director Chittock, and Finance Manager Fisher.

The Finance Committee Considered proposed ordinance 71-10, amendments to Chapter 128 of Lakewood’s Municipal Income Tax Code. The proposed amendments are necessary to get our tax codes in compliance with the State Of Ohio codes and the Federal Internal Revenue Service codes. In 2001 the Ohio Legislature passed HB477 and in 2003 passed HB95 to require uniformity of tax codes across the Ohio’s municipal boundaries. The proposed amendments to Lakewood’s tax code will achieve this uniformity. All of the changes are required by Ohio Law except for two proposed changes:

**Chapter 128.1106 Business Losses.**

Lakewood will allow off setting losses if the taxable entities (corporations, partnerships, etc.) are located in Lakewood, or are both in the same city other than Lakewood.

**Chapter 128.1501 Penalties on Unpaid Taxes:**

Lakewood is instituting two possible penalties:

**Section A** charges a minimum of \$25 or 1% of tax due for failure to pay taxes, or estimated taxes due.

**Section C** assesses a \$25 penalty for failure to file a return, even if no tax is due.

Discussion on these two chapters explored the equity and impact of these provisions on Lakewood's citizens.

By a vote of 3-0, the Finance Committee recommends passage of ordinance 71-10 on third reading.

Mike Summers  
Chair, Finance Committee

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

*{Please note that Ordinance 71-10 was published in normal format at the 10/4/10 and 10/18/10 Council Meetings and is now published in reduced print due to its extreme volume. A standard print version of this ordinance is available for viewing in the Clerk of Council Office during regular business hours. The Ordinances may also be emailed to you directly upon request.}*

4. **ORDINANCE NO. 71-10** - AN ORDINANCE to amend Chapter 128, Municipal Income Tax, within the Codified Ordinances of the City of Lakewood for the purpose of updating the Code and to be consistent with Ohio Revised Code and Internal Revenue Code Changes. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 10/4/10, 2<sup>ND</sup> READING 10/18/10) (Pg. 8)

Motion by Mr. Butler, seconded by Ms. Antonio, to substitute Ordinance No. 71-10 with that brought forward that evening.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers  
Nays: None  
Motion adopted. Ordinance 71-10 substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 71-10 as substituted.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers  
Nays: None  
Motion adopted. Ordinance 71-10 adopted as substituted.

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5. Health & Human Services Committee Report regarding Resolution No. 8452-10.  
(To Be Provided)

**#5 Health & Human Services Committee Report regarding Resolution 8452-10 – Accept/expend funds for the Juvenile Diversion Program - Antonio**

The Health & Human Services Committee met this evening. In attendance were the members of the committee and Director Buckon who presented information to us with regard to the receipt of funding for the Juvenile Diversion Program and some additional funds to enhance the program which would increase participation and participants would provide more extensive monitoring and would also include a new provision of assessment for drug and alcohol involvement to all of the juveniles that participate in the diversion program. The committee makes the

recommendation to this body that we certainly enter into the agreement with the County Commissioners to receive these funds and also there is a request to pass this on second reading tonight because time is of the essence to receive the funds.

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

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6. **RESOLUTION NO. 8452-10** 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 Board of County Commissioners and their successors to accept and expend funds in an amount estimated at \$40,251 to expand services provided under the City's Juvenile Diversion Program. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 10/18/10) (Pg. 16)

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. 8452-10 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 Resolution No. 8452-10.  
Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers.  
Nays: None  
Motion adopted. Resolution No. 8452-10 adopted.

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7. **ORDINANCE NO. 73-10** - 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, providing for the issuance and sale of bonds in the aggregate principal amount not to exceed \$7,771,000 to pay costs of various improvements; approving and authorizing various documents and actions related to the issuance of the bonds. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 10/18/10) (Pg. 18)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 73-10 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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8. **ORDINANCE NO. 74-10** - 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, providing for the issuance and sale of bonds in the aggregate principal amount not to exceed \$4,550,000 to refund all or a portion of the City's outstanding various purpose general obligation bonds,

series 1998; approving and authorizing various documents and actions related to the issuance of the bonds. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 10/18/10) (Pg. 23)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 74-10 on 2<sup>nd</sup> Reading. Motion adopted. All members voting yea.

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

9. Communication from Councilmember Antonio regarding Appointing Carla Williams to the Community Relations Advisory Commission. (Pg. 28)

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

Motion adopted. All members voting yea.

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10. Communication from Public Works Director Beno regarding Dog walking pilot program report. (Pg. 29)

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

Motion adopted. All members voting yea.

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11. Communication from Police Chief Malley regarding renewing lease for Ward I Neighborhood Office. (Pg. 30)

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.

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12. **ORDINANCE NO. 76-10** - 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, requesting Council's specific approval of and authorizing the Mayor to enter into an Addendum to and Renewal of Lease for property located at 17415 Detroit Avenue, Lakewood, Ohio for use by the Division of Police ("Division") as the Ward I Neighborhood Police Station, in accordance with Lakewood Codified Ordinance §111.04(a)(4). (Pg. 31)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 76-10 on 1<sup>st</sup> Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

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13. Communication from Captain Hassing regarding Resolution for University Hospital/OVI Task Force & Safety Belt Usage grants. (Pg.40)

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

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14. **RESOLUTION NO. 8453-10** - A RESOLUTION authorizing the Mayor, as Safety Director, to enter into agreements on behalf of the City to accept and expend grant funds, in an amount totaling \$7,875.80, from University Hospitals Health System/Rainbow Babies & Children’s Hospital for the purpose of providing targeted enforcement activity within the City of Lakewood. (Pg. 41)

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this Resolution to be read on three separate days and placing Resolution No. 8453-10 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 Resolution No. 8453-10.  
Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers.  
Nays: None  
Motion adopted. Resolution No. 8453-10 adopted. .

Motion by Mr. Butler, seconded by Ms. Madigan, to adjourn the meeting.  
Motion adopted. All members voting yea.

Meeting adjourned 8:10 PM.

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

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CLERK

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PRESIDENT