

**MINUTES  
OF THE  
REGULAR MEETING OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
NOVEMBER 15, 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, 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, Fire Chief Mroz, Human Services Director Buckon, Planning & Development Director Kelly, Housing's Ashby, Human Resources Director Yousefi.

Motion by Mr. Butler, seconded by Ms. Madigan, to excuse the absence of Ms. Antonio, who is attending orientation in Columbus for the position of State Representative.

Motion adopted. All members present voting yea.

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Reading and disposal of the Amended Minutes of the Regular Meeting of Council held October 18, 2010.

Motion by Mr. Butler, seconded by Ms. Madigan, to approves the amended Minutes of the Regular Meeting of Council held October 18, 2010.

Motion adopted. All members voting yea.

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Reading & disposal of the Minutes of the Regular Meeting of Council held November 1, 2010.

Motion by Mr. Butler, seconded by Ms. Madigan, to approves the amended Minutes of the Regular Meeting of Council held October 18, 2010.

Motion adopted. All members voting yea.

Reading and disposal of the Special Meeting of Council held November 8, 2010.

Motion by Mr. Butler, seconded by Ms. Madigan, to approves the amended Minutes of the Regular Meeting of Council held October 18, 2010.

Motion adopted. Five members voting yea.  
Ms. Antonio absent.  
Ms. Smith abstains.

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Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

Motion by Mr. Butler, seconded by Ms. Madigan, to approve the Minutes of November 1, 2010 without the necessity of a reading.

Motion adopted. All members present voting yea.

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

1. Finance Committee Report regarding Ordinances Nos. 73 & 74-10 (Pg.11)

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

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2. Fiscal Officer's Certificate; \$7,771,000 Bonds Note. (Pg.12)

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

Motion adopted. All members voting yea.

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3. **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, 2<sup>ND</sup> READING 11/1/10) (Pg. 13)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 73-10.  
Motion adopted. All members voting yea.

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4. Fiscal Officer's Certificate; \$4,550,000 (Pg.18)

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

Motion adopted. All members voting yea.

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5. **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, 2<sup>ND</sup> READING 11/1/10) (Pg. 19)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 74-10.

Motion adopted. All members voting yea.

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6. **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). (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 11/1/10) (Pg. 24)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 76-10 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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

7. Committee of the Whole Report regarding Resolution to identify Perspective Appointee to the Office of Mayor. (Executive Session May Be Called) (To Be Provided)

Council President Butler stated the following:

The Committee of the Whole which comprises all members of seven members of Council met on November 8 to discuss the vacancy created in the office of the mayor by Mayor FitzGerald's election to the Office of Cuyahoga County Executive. That vacancy will occur on or about January 1, 2011 as I'm sure many of you are aware. The Charter provides that in the event a vacancy occurs in the Office of Mayor the line of succession is as follows; Law Director, Finance Director, Public Works Director, Council President and then an elector of the City of Council's choosing. The Committee of the Whole received news and in fact documentation that all three identified members of the

Administration and the Council President, that being me, declined to accept the role of Mayor on January 1, 2011 when that office becomes vacant. Therefore, it falls upon Council's shoulders to make an appointment for that position. The Council voted unanimously to go into Executive Session, let me explain that. The Members of Council present were myself, Councilman Powers, Councilman Bullock, Councilwoman Madigan and I believe that's it. Councilwoman Antonio has recused herself from these discussions in light of the fact that she will not be actually making the vote in January for the replacement since she'll be down in the State Legislature and because Councilman Summers indicated that he would like to be considered for the vacancy he has also recused himself from these discussions. Councilwoman Smith fortuitously was celebrating the birth of her baby Gabriel and so she was not able to meet that night either.

In Executive Session The Committee of the Whole discussed broadly, generally, whether or not Council would adopt a formal procedure for this appointment. This is a novel appointment in Lakewood's history we don't believe that Council has ever had to choose the mayor in the past from the electorate. Ultimately we did not arrive at a formal process, instead leaving it to individual councilmembers to do their due diligence and determine for themselves what their vote would be and who the person selected would be. The only thing that the Committee of the Whole voted on after we left Executive Session is to refer the manner of the mayoral appointment to the full Council docket this evening and to place a resolution in blank form on the docket tonight in order that we potentially fill in the blank and appoint our prospective mayor this evening. So following this communication is a resolution and you'll hear what the resolution says and you'll hear that there's a blank and the blank will have to be filled in in order for us to make known to the public who our appointee would be. Now bear in mind that if we were to take a vote tonight that vote is not cast in stone because on January 1 that's when we have to take the formal vote appointing someone because that's when the office becomes vacant. Things may change it's highly unlikely that they would.

All of that having been said, the Chair will make a motion to receive and file the communication from the Committee of the Whole. Second, by Ms. Madigan.

Mr. Butler added:

We received 12 applications total for the office of Mayor. One of those was from someone who did not live in the City so that application had to be discarded. Also bear in mind that the appointed position is only for actually less than one year. The appointment would begin on January 1 or whenever the appointee would be sworn in in early January and would end on the date of the November, 2011 Municipal Election for Mayor is certified, that's when the appointed term would take place. After which, the elected mayor, the person who is elected November, 2011 would assume the office.

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

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8. **RESOLUTION NO. 8454-10** – A RESOLUTION to identify a prospective appointee to the office of Mayor of the City of Lakewood I the even that office becomes vacant on or about January 1, 2011. (Executive Session May be Called) (Pg.30)

Motion by Mr. Butler, seconded by Ms. Madigan, to go into Executive Session to discuss the matter of an appointment to a City position, a matter involving employment or appointment and invite into Executive Session the Council Clerk.

Mr. Summers indicated he would continue to recuse himself from the issue and would vote to abstain on the issue.

Yeas: Bullock, Butler, Madigan, Powers, Smith

Nays: None

Mr. Summers Abstain.

Motion adopted. Entered Executive Session 7:51 PM.

(Council leaves to meet in the Law Conference Room)

Motion by Mr. Butler, seconded by Ms. Madigan, to adjourn from Executive Session.

Yeas: Bullock, Butler, Madigan, Powers, Smith

Nays: None

Exited Executive Session 8:07 PM

Without objection, the Council President asked that the Resolution be read in full. Council President Butler entertained a motion.

Mr. Powers indicated the following:

Mr. President, I am pleased to move that we amend the resolution by submitting the name Michael P. Summers into the blank. Councilmember Madigan the following:

Mr. Chair, I am happy to second that motion.

Council President Butler indicates the following:

The motion's been made and seconded to amend by inserting the name Michael P. Summers in the blank. Is there any discussion on the motion.

Councilmembers provided the following comments:

Councilmember Bullock: Mr. Chair, I've put careful thought into this vote. It's quite an important one. It's not a vote I've taken lightly, or decided casually, or thought about only in passing. It's a vote that has big public impact, and has an impact that will last at least a year, and perhaps longer.

I also know that for such a matter, the people of Lakewood will want an explanation. And they certainly deserve one. Lakewood voters are thoughtful and committed, and Lakewood citizens are attentive and engaged.

In this vote, Council votes on behalf of the community. Normally when the Mayor is chosen, Lakewood's more than 39,000 registered voters have the opportunity to choose. But if the vacancy proceeds as anticipated, the remaining year of Mayor FitzGerald's term will be filled by we on Council in our capacity as representatives of the people.

So it's important to explain the rationale for my vote, and to share the reasoning that many voters the community might also make, if facing the decision we face tonight.

Some Times call for change, some call for continuity.

Continuity is what these times call for. Lakewood has just weathered a difficult economic storm, and we are now on a solid and improving course. We are not entirely out of difficult waters. We face uncertainty. So it is important that we retain our discipline and stay on our careful course.

What we need is an experienced hand on the tiller. Mike Summers is the right choice. His experience makes him perhaps uniquely qualified to continue the good stewardship we are practicing today.

Council received a dozen applications for Mayor from many Lakewood citizens (and even one non-resident) who all offered sincerity, good intentions, and a diversity of skills from many professional backgrounds. A number of these applicants even have significant community experience in Lakewood, and have demonstrated public service for which I am grateful, and for which the City is a better place.

For me, this is not a close decision, however. The clear choice is Councilman Mike Summers, because of the compelling strength of his experience and because of his demonstrated excellent service.

Mike Summers bring experience not just in the kinds of work required to perform ably as Mayor, but direct experience with the very subject matter of city administration, for he has, of course, uniquely among our applicants been serving as a Lakewood elected official.

In addition, Mike Summers has direct experience with the City's most important issue: the budget crisis. As Finance Committee Chair, Mike led Council through budget deliberations of recent years, and led last month a Lakewood delegation to Moody's in Chicago to present the City's financial credentials. That work was rewarded just last week with the news that Lakewood succeeded in retaining our Aa2 credit rating, which means more affordable financing for city projects and less pressure on taxes.

Mr. Summers experience dates back years ever prior to his service on Council, when he served on the Grow Lakewood Committee that conducted strategic planning for our City.

Mr. Summers' experience even has experience in Lakewood's other major government institution, having served as a School Board member.

Mike Summers is also experienced in business, management, and administration, which are all skills important to a mayor: to partner with business, to directly manage employees, and to administer policies.

Mike Summers has a work style known to be effective and successful. He is analytic, deliberative, and open. He has a good demeanor, and is approachable. When he puts forward an idea, he does his homework and presents a thoughtful case. In Mike, we have a known partner.

Mike Summers knows Lakewood, from years of residency and family life.

And finally Mike Summers share our values and vision. We agree in working to keep Lakewood safe, clean, and family friendly and to ensure the strength of our City in a difficult and changing economy by analyzing our challenges, anticipating and planning for needs, and putting the City on a strategic course to not only survive, but prosper -- to not only continue as a strong community, but to get even better.

The case made be these numerous and compelling reasons, to me is quite clear. And so for these reasons, I will cast my vote in support of Mike Summers as Acting Mayor of Lakewood.

Powers: I have the utmost and deepest respect for our current Mayor, Mr. FitzGerald. He has created many wonderful things in our City. As Councilman Bullock said, continuity is important. I can't imagine anyone who could possibly do as good of a job in the role as mayor, as our current mayor. But I can imagine one person who certainly has a chance to do that. And Mike, I'm pleased to vote for you tonight.

Madigan: Based on my experience working with you, Councilman Summers over the last couple of years I'm happy you put your hat into the ring so to speak and I'm happy to vote for you. I think Tom and Brian summed it up. There's great confidence, most of us who have worked with you or near you have and also I think you bring...to steal a phrase from the County, world optimism. I'm looking forward to the next year of your service.

Council President called the motion; on inserting the name Michael P. Summers:

Yeas: Bullock, Butler, Madigan, Powers, Smith

Nays: None

Mr. Summers abstains.

Motion adopted Resolution No. 8454-10 is amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring a full three readings on the Resolution.

Mr. Butler commented; “..in keeping with intention of providing a smooth transition and giving the next mayor an opportunity to acquaint himself with the Executive section of City HALL, we’d like to pass this resolution as quickly as we can”.

Yeas: Bullock, Butler, Madigan, Powers, Smith

Nays: None

Mr. Summers abstains.

Motion adopted Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt the amended Resolution.

Yeas: Bullock, Butler, Madigan, Powers, Smith

Nays: None

Mr. Summers abstains.

Motion adopted Resolution no. 8454-10 adopted as amended.

Mr. Butler made the following comments regarding Resolution No. 8454-10:

I wanted to say a few words about my colleague Councilman Summers -words that serve more to introduce Mike to those outside Ward 3 than ennoble what is his already distinguished reputation. A 1972 graduate of Lakewood High School and the holder of an MBA in management, Councilman Summers is the president and owner of Summers Rubber Company, an eight-facility manufacturing company headquartered on Berea Road. It is a testament to his willingness to serve Lakewood's citizens, and I believe a coup for all of us, that he has agreed to leave the day-to-day running of his company to others while he takes the mayor's chair.

He is widely considered a sage on matters involving job training and development, having served in such prestigious roles as chair of the statewide workforce policy board and president of a group of manufacturing companies dedicated to preserving industrial jobs on Cleveland's westside.

He is also known as an effective manager. Those with whom I've spoken, past employees of his, recall his tough-love approach to running an operation. He has likened the relationship of employee and employer to that of priest and penitent: "Turn your collar backward," he once told the author of a powerful treatise on the blue-collar American workforce, and "deal with [the employees'] issues because they're blocking performance." To be sure, he will bring that overachiever's mindset to bear on Lakewood's 550-employee public company next year, and I am confident our citizens will be the beneficiaries of his abilities.

His civic accomplishments outside the workplace cannot be overlooked and, in fact, make him especially appealing for this vacancy. Councilman Summers was elected to eight years on the Lakewood Board of Education in the 1990s and 2000s. In 2007 he was



swept into his current ward council seat by an eager electorate already taken by his broad appeal. Both before and after his service in elective office, he lent some of Lakewood's most important civic boards and commissions his earnestness and thoughtful approach to problem-solving and planning. On Council, he has been the steadfast and wise chair of our finance committee, playing a critical role -with Mayor FitzGerald and his directors - in our successful shepherding of the annual city budget from the red consistently to the black, and in our crucial efforts to preserve our homes within our city of homes.

Among the applicants for this position were some excellent candidates, each with a unique strength that would serve him well as appointed mayor: local multiple business owner, cheerleader for Lakewood, former health-care executive, political advisor, housing guru -- to a person, all well-meaning, thoughtful and selfless. How fortunate were we, then, to have found an appointee with all of those qualities serving right next to us, willing to accept Council's mandate in 2011, and willing to carry forward the mandate of Lakewood's fortunate citizens into the near future. Congratulations to the next mayor of the City of Lakewood, Councilman Mike Summers.

Summers: First of all to my colleagues on council, I'm very gratified to have this opportunity to serve our citizens in this new capacity. I take this very seriously and will give it everything I've got to make sure our city advances. Happily this vacancy is created in the best and happiest of circumstances where our current mayor has been elevated to a very critical post to our region and I think we all look forward to supporting him in that capacity and certainly as mayor I would look forward to that and doing everything I can to both ease his transition out here so he can get started on his new role which I don't envy in terms of the magnitude and complexity of that assignment. But, I look forward to benefiting mightily from his wisdom and his advice as he departs in this role. And, I am grateful for the transition time. It allows me to get my affairs in order and prepare for the most serious duty that lies ahead. I think we all share a sense of what the potential of Lakewood and ...we look at Lakewood in the next ten years and believe it's going to be a pretty fantastic period for us. Many, many trends favor the Lakewood story and our opportunity is to catch these trends and grab them and leverage them as maximum capacity as we can and draw fully on the resources of the magnificent employees we have. I'm very challenged by this assignment. I can't tell you how much I look forward to it. I thank you for the opportunity.

FitzGerald: First of all I want to compliment City Council first of all on the process that you went through because you did go through a deliberative process and although I'm sure people can find fault with any process, the fact is that in most cities you don't have that. You don't ask for applicants at all. You don't have an interview process. You don't ...it just isn't done that way in most places and you're doing that not just for the mayors position but also for the council position. That is not the norm, I can tell you. I mean, in most cities it is predetermined far in advance and there's no transparency to the process what so ever. First of all my compliments to you on the way you're conducting not just this process but also for the council positions.

I've known Mike for I don't know, 17 years probably when we met in a school board campaign many, many years ago, that both of us lost actually, he really is, probably more than any person in this city, a pillar of the community. He really is. It was reflected in the election in 2007 when he was elected to council where he just won overwhelmingly even though he was running against people running very, very active campaigns. It's because people just know him and they trust him and believe in him and that goes beyond politics. He's not a political person; he's truly a civic servant. I have sought his advice in my three years as mayor, have repeatedly gone to Mike for advice on management decisions and management processes. He really is a manager's manager. He really knows how to do that and he's someone whose advice I've relied on for a long time. The City has a lot to be proud of in terms of what we've done financially and to go from the biggest deficit in the City's history to at the end of this year we'll have our biggest cash reserve that we've had in seven years and we did that at a time when the economy was on its back and our revenues were flat. Mike deserves as much credit for that as any other person in this City. Before he got on Council and his stewardship of the Chairman of the Finance Committee, to follow up on something Councilman Bullock said, it does make sense to have some continuity because even though Lakewood is doing better than it was a couple of years ago by almost any objective measure, it's very fragile. It's been in a fragile balance for a long time. It really can't afford a lot of mistakes. We don't have a lot of room for error because we have significant economic and socioeconomic pressures on the City. So, it's very important we make wise decisions and I think you did this evening. There's some things that I'm going to do that I want to inform you and also Mike about the way that we're going to try to conduct the transition. Some of them parallel what I'm trying to do at the County. One of the things that I asked current County elected officials to do is to refrain from making major personnel decisions, major hirings, major firings, until I got there. We made that same request when I came into office here as Mayor of Lakewood but we're also doing it, I've been doing it really for about the last, really about the last 30 days, I've been holding off on major personnel decisions. Not because anybody asked me to but because I knew if I was successful in the election, I wanted the next mayor to be able to...I wanted to defer as many major decisions as I could especially in personnel. For instance Chief Mroz, this is actually going to be I believe his last council meeting. He's retiring after a very distinguished career and I've intentionally...I could have already appointed his successor and I don't have the intention of doing that. I want Mike to be able to do that since Mike's the person that's going to serve with that person as their Fire Chief and I've done that with a number of other positions as well. Also, in order to ease any kind of transition or make it as seamless as possible, Mike's going to be invited to participate in any of our cabinet meetings, our directors meetings that we have, our regular Monday staff meetings or any other special meetings that we have. As you know we have Citistat meetings fairly regularly. We have about two a week and we're going to continue to have those and Mike is going to be a participant in those when his schedule allows. So, all of that I hope, in addition to the knowledge he already has about how the job works...all that I hope will lead to a very disciplined and seamless transition. That's what I can do to help and will be available for anything that he needs and my congratulations to City Council for making the right choice and my thanks to Mike for accepting it.

Butler: Thank you, Mayor. Any further discussion at this point?

Bullock: I'll say one thing. Mayor FitzGerald I think that's a very prudent and excellent process you just outlined so thanks for being so thoughtful in your exit as in your service.

FitzGerald: One thing I left out too, same thing with any labor union negotiations. We're not going to....One thing that has been an unfortunate thing that has happened, sometimes when an administration is on the way out the door, all of the sudden there's a bunch of, a flurry of last minute legal agreements, union negotiations, and we're going to be briefing him on everything the law department is working on now. So, any of those decisions also we'll make sure he's in agreement with him before we pull the trigger on anything.

Mr. Butler added that it was appropriate at the public meeting to mention that two Council vacancies will now need to be filled. He indicated one was already known, and that now that Councilman Summers is vacating his Ward 3 seat. He indicated that a number of the applicants who sought appointments to the at large are also Ward 3 residents. He indicated that he would treat the applications as valid for both positions. He asked if an extension ten days could be provided. He made close of business, Monday, the 29<sup>th</sup> as Ward 3 seat applications.

9. Communication from Council President Butler and Councilmember Antonio regarding Ordinances Updating the Code to Include Language reflecting Commitment to Diversity. (Pg. 32)

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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10. **ORDINANCE NO. 77-10** – AN ORDINANCE to amend sections within Section 501.01, Definitions, of the Lakewood Codified Ordinances to include definitions for the terms “gender identity or expression” and “sexual orientation.”. (Pg.33)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 77-10 on 1<sup>st</sup> Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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11. **ORDINANCE NO. 78-10** – AN ORDINANCE to amend Section 537.18, Intimidation, of the Lakewood Codified Ordinances to include the prohibition of intimidation based on a person's gender identity or expression. (Pg.37)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 78-10 on 1<sup>st</sup> Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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12. **ORDINANCE NO. 79-10** – AN ORDINANCE to amend sections with Chapter 516, Fair Housing, of the Lakewood Codified Ordinances to include the prohibition of intimidation based on a person’s gender, gender identity or expression. (Pg.39)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 79-10 on 1<sup>st</sup> Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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13. Communication from Councilmember Bullock regarding devising options for design-based traffic calming measures. (Pg.45)

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

Motion adopted. All members voting yea.

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14. **RESOLUTION NO. 8455-10** – A RESOLUTION to better address chronic speeding in Lakewood by identifying options for traffic calming design features for potential deployment in Lakewood neighborhoods. (Pg.52)

Motion by Mr. Butler, seconded by ms. Madigan, to place Resolution No. 8455-10 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 Antonio regarding Community Relations Commission Lead in Excessive Idling Law Education. (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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16. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2010. (Pg. 54)

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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17. **ORDINANCE NO. 82-09C** - 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 82-09B, adopted September 20, 2010 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. 55)

Motion y Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 82-09C on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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18. Communication from Finance Director Pae regarding 2010 4<sup>th</sup> Quarter Transfers. (Pg.62)

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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19. **ORDINANCE NO. 80-10** - 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.63)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 80-10 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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20. Communication from Finance Director Pae regarding 2010 Year-end Appropriations. (Pg.65)

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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21. **ORDINANCE NO. 81-10** - 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. 66)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 81-10 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 Finance Director Pae regarding 2011 Contracting Ordinances. (Pg.80)

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

Motion adopted. All members voting yea.

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{Without objection Ordinance No. 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95 and 96-10 were placed on 1<sup>st</sup> Reading (Motion by Mr. Butler, seconded by Ms. Madigan) and referred to the Committee of the Whole in a blanket motion)

23. **ORDINANCE NO. 82-10** - 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 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. 81)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

24. **ORDINANCE NO. 83-10** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder 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. 83)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

25. **ORDINANCE NO. 84-10** - 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 for the purpose of 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 engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **C.D.B.G. Fund Infrastructure 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.85)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

26. **ORDINANCE NO. 85-10** - 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 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 the purchase of **Computers & Systems**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg.87)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

27. **ORDINANCE NO. 86-10** - 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 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 **Parks & Pools 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. 89)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

28. **ORDINANCE NO. 87-10** - 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 Mayor (Director of Public Safety),

the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Parks & Pools 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.91)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

29. **ORDINANCE NO. 88-10** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Sidewalk 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.93)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

30. **ORDINANCE NO. 89-10** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Street Infrastructure 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. 95)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

31. **ORDINANCE NO. 90-10** - 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 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 the purchase of **Street Signs and Traffic Signals**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 97)

\* blanket motion made after Item 37 (Ordinance No. 96-10)



32. **ORDINANCE NO. 91-10** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Signs & Traffic Signals** 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. 99)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

33. **ORDINANCE NO. 92-10** - 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 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 bids and enter into contracts with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Vehicles, Machinery and Motorized Equipment**, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 101)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

34. **ORDINANCE NO. 93-10** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Water System Replacement Program** 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. 103)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

35. **ORDINANCE NO. 94-10** 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and

contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Wastewater System Replacement Program** 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. 105)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

36. **ORDINANCE NO. 95-10** - 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 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 **Wastewater Treatment Plant 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.107)

\* blanket motion made after Item 37 (Ordinance No. 96-10)

37. **ORDINANCE NO. 96-10** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Wastewater Treatment Plant 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.109)

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\*{Without objection Ordinance No. 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95 and 96-10 were placed on 1<sup>st</sup> Reading (Motion by Mr. Butler, seconded by Ms. Madigan) and referred to the Committee of the Whole in a blanket motion)

Motion adopted. All members voting yea.

38. Communication from Finance Director Pae regarding 2011 Budget Ordinances. (Pg.111)

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

Motion adopted. All members voting yea.

\*\*\*\*\*

{ Without objection from Council a blanket motion was made to place Ordinance Nos. 97, 98, 99, 100, 101, and 102-10 on 1<sup>st</sup> Reading and refer them to the Committee of the Whole. After item 44 on the docket (after Ordinance 102-10 was read) }

39. **ORDINANCE NO. 97-10** - 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, 2011.(Pg. 112)

\* blanket motion made after Item 44 (Ordinance No. 102-10)

40. **ORDINANCE NO. 98-10** - 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 (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 2011 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. 126)

\* blanket motion made after Item 44 (Ordinance No. 102-10)

41. **ORDINANCE NO. 99-10** - 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 (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. (Pg. 130)

\* blanket motion made after Item 44 (Ordinance No. 102-10)

42. **ORDINANCE NO. 100-10** - 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 (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 **Memberships** as authorized by the 2011 Appropriation Ordinance and the Administrative Code of the City of Lakewood,

contracts not to exceed \$60,000 without separate Resolution of Council. (Pg. 132)

\* blanket motion made after Item 44 (Ordinance No. 102-10)

43. **ORDINANCE NO. 101-10** - 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 amend Ordinance 84-09 adopted December 21, 2009 to amend Chapter 915, Water Rates, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting water rates charged against each lot, parcel of land or premises which may have an active water connection with the Municipal water system. (Pg. 136)

\* blanket motion made after Item 44 (Ordinance No. 102-10)

44. **ORDINANCE NO. 102-10** - 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 Ordinance 85-09, adopted December 21, 2009 to amend section 902.04, Rates and Charges, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting sewer rates charged against each lot, parcel of land or premises which may have an active sewer connection with the Municipal wastewater disposal system or which may otherwise discharge wastewater either directly or indirectly into such system or any part thereof. (Pg. 139)

blanket motion was made by Mr. Butler, seconded by Ms. Madigan, 97, 98, 99, 100, 101, and 102-10 on 1<sup>st</sup> Reading and refer them to the Committee of the Whole.

45. Communication from Police Chief Malley regarding Lease Agreement with Westerly for Ward 3 Neighborhood Police Officer Station. (Pg. 143)

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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46. **ORDINANCE NO. 103-10** – 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 renew a lease for property located at 14300 Detroit Avenue, Unit 116, Lakewood, Ohio for use by the Division of Police (“Division”) as the Ward III Neighborhood Police Station, in accordance with Lakewood Codified Ordinance § 111.04(a)(4). (Pg.144)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 103-10 on 1s Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

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47. Communication from Fire Chief Mroz regarding Resolution to accept Radio Equipment. (Pg. 149)

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

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48. **RESOLUTION NO. 8456-10** – A RESOLUTION authorizing the Mayor to enter into an agreement with the City of Westlake, Ohio to accept radios and related equipment, as purchased by the City of Westlake, Ohio through the Ohio’s Cooperative Purchase Act. (Pg.150)

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. 8456-10 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8456-10

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

Nays: None

Motion adopted. Resolution No. 8456-10 adopted.

\*\*\*\*

49. Communication from Human Resources Director Yousefi regarding Revisions to the Salary Ordinance. (Pg. 151)

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

Motion adopted. All members voting yea.

\*\*\*\*

50. **ORDINANCE NO. 104-10** - 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 provide for creating positions and rates of pay for full-time and

certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners. (Pg. 152)

Motion by Mr. Butler, seconded by ms. Madigan, to place Ordinance No. 104-10 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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51. Liquor Permit Application for new C2 class for Sweet Designs Chocolatier Inc. (16100 Detroit Avenue) (Pg.158)

Motion by Mr. Bullock, seconded by Mr. Butler, to file no objection.

Motion adopted. All members voting yea.

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52. Liquor Permit Application for new C1 and C2 classes to D Madison Avenue Lakewood Gas LLC, 14235 Madison Avenue. (Pg. 159)

Motion by Mr. Butler, seconded by Ms. Madigan, to file no objection.

Motion adopted. All members voting yea.

\*\*\*\*\***PUBLIC COMMENT PORTION OF MEETING**\*\*\*

Chase Avenue Resident spoke about lights and trees on Clifton.

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

Motion adopted. Meeting adjourned 9:29 PM.

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

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
President