

MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
DECEMBER 20, 2010
7:30 P.M.

Regular Meeting of the Lakewood City Council called to order at 7:35 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 November 15, 2010 without the necessity of a reading.

Motion adopted. All members present voting yea.

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

1. Committee of the Whole Report regarding Municipal Budget, Boards & Commission Obligations, and Council Vacancies. (Pg.12)

#1 COW report regarding Municipal Budget, Board & Commission Obligations, and Council Vacancies. – Butler & Summers

Butler: Dear Members of Council, at its meeting December 13, 2010 the Committee of the Whole discussed three items.

#1 - The proposed ordinances that follow this communication numbered 82-10 through 102-10 and 104-10 which constitutes the full 2011 municipal budget package over which the committee has been meeting of late.

#2 – Our obligation to appoint and reappoint citizens to boards and commissions; and

#3 – Our continued deliberations over appointments to city council vacancies to be created after January 1 with the departure of Councilwoman Antonio to Columbus, Mayor FitzGerald to the County Executive post and Councilman Summers to the Mayors post.

All councilmembers participated in the committee meeting except that councilmember s Antonio and Summers excused themselves from deliberations over appointments to the council vacancies. I will report later in this meeting on the results of that appointment process. Council deferred action on boards and commissions appointments until early January and at this point I will yield the floor to Councilman Summers, our Finance Committee chair who will report on the outcome of our budget process. Following Councilman Summers' words I will ask simply that Council

receive and file this committee report. Very truly yours. I'll turn the floor at this point to Councilman Summers.

Summers: Thank you, Mr. President. Dear Members of Council, members of the audience, at the Council's strategic planning retreat held in February of this year, we agreed to meet at the committee level prior to these budget hearings with each director in the correlating departments/divisions that are assigned to the council committee. At these meetings, each departments strategic objectives, plans of action, staffing and expense plans would be reviewed. These meeting were in fact held. The City Council then met to consider the 2011 appropriations budget on November 22nd, November 29th and December 13th. In these three lengthy sessions we discussed, analyzed and gained a comprehension of and ultimately supported the following: #1) Revenue forecasts for all categories. (#2) expense forecast for all divisions (#3) water department revenue and expense forecast (#4) wastewater department revenue and expense forecast (#5) court revenue and expense forecast. It's important to note that some of these court fund appropriations are based on historical trends and experiences generated by the finance department not from the court staff. (#6) capital expenditure plans and funding strategy. Some of the more serious points emanating from these sessions are #1) These appropriations are expected to deliver our fourth structurally balanced budget in as many years. By this we mean that operating revenues will be greater than operating expenses in the general fund. This fund is by far our largest. It has the most discretionary expenditures and delivers all our services except court, water and sewer service. The Council acknowledges that adjustments to these appropriations, particularly the Economic Development Fund may be warded for strategic initiatives in housing, bicycle strategies and other specific initiatives. #2) Water rates must increase to support the maintenance of this system and its debt service. Included in this action tonight is a one-year rate increase of 6% in 2011. The Council committed to visit these rates each year and expects to have to increase these rates in each of the next several years. #3) Sewer rates are under the same pressure as water rates. The pressure is compounded by the expectation from the Environmental Protection Agency to comply with the Clean Water Act of 1996. This act expects Lakewood to dramatically reduce its overflow of effluent to almost zero percent. It is important that we show good faith to the EPA by making greater improvements in our sewer channeling capability. The consequence of not doing so is a legal challenge that would force these expenditures and many more. The waste water rates being approved tonight are an 11% increase in 2011. The Council commits to visit these rates each year and expects to have to increase them in subsequent years as well. #4) The capital investment plan for 2011 total \$8,953,260. This plan will fund street reconstruction, vehicle and equipment replacement, building and facility improvements, traffic signals, park improvements and water and sewer system improvements and safety force communication equipment and information technology upgrades. These investments will be funded with \$2 million of general obligation notes, \$2.7 million of capital leases and the remaining portion from CDBG grants, water and sewer fees and other grants. The Council agreed to revisit some of these expenditures with the goal of increasing the amount of street reconstruction. Further analysis is necessary to make an appropriate decision as to the tradeoffs of which of the investments would have to be decreased. Unlike the federal government, municipal governments are bound by the resources made available to us. Spending money we do not have is not our option. All of the above information, taken as a whole, allowed this City Council to support and recommend passage on third reading, the 22 appropriation ordinances that encompass the 2011 budget. Very truly yours, Mike Summers.

Butler: Thank you councilman. We have approved the ordinances in our prior Committee of the Whole meeting but we approved some substitute versions and we'll note those tonight. We also received today a substitute version for ordinance...item number seventeen, ordinance 97-10

which is the appropriations ordinance so when we get to those we will make a motion to substitute. At this point I'll make a motion to receive and file the communication.

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

Motion adopted. All members voting yea.

*Motion by Mr. Butler, seconded by Ms. Madigan, to read the following itemized ordinances for a blanket motion at the end of item .

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

Nays: None

Motion adopted. Items are read consecutively.

{ORDINANCE NOS 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, AND 104 – 10 WERE PLACED ON 1st READING AND REFERRED TO THE COMMITTEE OF THE WHOLE 11/15/10, 2nd READING 12/6/10 }

2. **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.15)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

3. **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. 16)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

4. **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.17)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

5. **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.18)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

6. **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. 19)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

7. **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.20)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

8. **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.21)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

9. **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. 22)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

10. **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. 23)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

11. **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. 24)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

12. **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. 25)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

13. **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. 26)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

14. **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. 27)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

15. **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.28)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

16. **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.29)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

17. **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. (**PLEASE SUBSTITUTE FOR ORDINANCE NO. 97-10 PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/15/10, 2ND READING 12/6/10**) (Pg. 30)

Motion by Mr. Butler, seconded by Ms. Madigan to substituted Ordinance No. 97-10.

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

Nays: None

Motion adopted. Ordinance No. 101-10 is substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 97-10 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 97-10 adopted as substituted.

18. **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. 37)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

19. **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. 39)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

20. **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. 40)

*Motion to adopt was made and approved after item 23 with the exception of items 17, 21 and 22 which were addressed separately

21. **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. **(PLEASE SUBSTITUTE FOR ORDINANCE NO. 101-10 PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/15/10, 2ND READING 12/6/10)** (Pg. 42)

Motion by Mr. Butler, seconded by Ms. Madigan to substituted Ordinance No. 101-10.

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

Nays: None

Motion adopted. Ordinance No. 101-10 is substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 101-10 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 101-10 adopted as substituted.

22. **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. **(PLEASE SUBSTITUTE FOR ORDINANCE NO. 101-10 PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/15/10, 2ND READING 12/6/10)** (Pg. 43)

Motion by Mr. Butler, seconded by Ms. Madigan to substituted Ordinance No. 102-10.

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

Nays: None

Motion adopted. Ordinance No. 102-10 is substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 101-10 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 102-10 adopted as substituted.

23. **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. 45)

*Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinances Nos. 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 98, 99, 100, , AND 104 –Motion adopted. All members voting yea.

24. Finance Committee Report regarding Ordinance Nos. 82-09C, 80-10, and 81-10. (Pg. 48)

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

Motion adopted. All members voting yea.

25. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/15/10, 2ND READING 12/6/10) (Pg. 49)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 82-09C.

Motion adopted. All members voting yea.

26. **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. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 80-10 PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/15/10) (Pg.52)

Motion by Mr. Butler, seconded by Ms. Madigan to substituted Ordinance No. 80-10.

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

Nays: None

Motion adopted. Ordinance No. 80-10 is substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 80-10 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 80-10 adopted as substituted.

27. **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. **(PLEASE SUBSTITUTE FOR ORDINANCE NO. 81-10 PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/15/10) (Pg. 53)**

Motion by Mr. Butler, seconded by Ms. Madigan to substituted Ordinance No. 81-10.

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

Nays: None

Motion adopted. Ordinance No. 81-10 is substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 81-10 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 81-10 adopted as substituted.

28. Public Safety Committee Report regarding Ordinances Nos. 76-10 & 103-10. (To Be Provided)

#28 Public Safety Committee Report regarding Ordinance Nos 76-10 & 103-10 – Powers

Dear Members of Council, the Public Safety Committee met in its entirety earlier this evening. We considered two issues that appear on your docket, items 29 and 30. With respect to the first item, number 29, this is the lease for the neighborhood police station in Ward 1. We considered this in an earlier committee meeting and the rent increase proposed by the landlord was \$75/month which is only a \$900/year issue however percentage wise it was a large increase. We asked the administration to go back to the landlord and see if they could do anything. The Police Chief himself made a phone call and got that reduced from a \$75 a month increase to a \$25 a month increase. Again, it's not a huge dollar amount but we appreciate the willingness of the administration to take items like this that any tax payer in the city would consider that a worthwhile reduction from \$75 reduced down to \$25. We appreciate the Chief making that call and bringing to us a revised addendum to the ordinance and we recommended as a committee that we substitute the Exhibit A to replace the original Exhibit A with a new one dated December 7th replacing the one dated October 5. The second item, this is the lease for the neighborhood police station in Ward 3. This has moved to a month to month because we may look at a different location but that's moved to a month to month lease, a \$21/month increase and we recommended in committee tonight passage, recommended that the council vote to pass. That was the end of our business so I move to receive and file this report.

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

Motion adopted. All members voting yea.

29. **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 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 11/1/10, 2ND READING 11/15/10, DEFERRED 12/6/10) (Pg.60)

Motion by Mr. Butler, seconded by Ms. Antonio, to amend Ordinance No. 76-10 by referencing the lease reduction from \$75 to \$25.

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

Nays: None

Motion adopted. Ordinance NO. 76-10 amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 76-10.

Motion adopted. All members voting yea.

30. **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). (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 11/15/10, 2ND READING 12/6/10) (Pg.65)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 103-10.

Motion adopted. All members voting yea.

31. Rules & Ordinances Committee Report regarding Ordinances Nos. 77, 78 and 79-10. (To Be Provided)

#31 Rules & Ordinances Committee report regarding ordinances 77, 78 and 79-10 - Smith

The Rules and Ordinances committee met on November 29th and December 13th to discuss the ordinances on the docket, numbers 77, 78 and 79 which add definitions of gender identity and gender expression to our general offense code and two ordinances governing intimidation in fair housing. It updates language, substituting the word gender for sex as an example which modernized the code and reflects the city's commitment to diversity. As such the committee recommends adoption of the changes of the ordinances. I would move to receive and file the report.

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

Motion adopted. All members voting yea.

32. **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.". (1ST READING &

REFERRED TO RULES & ORDINANCES COMMITTEE 11/15/10, 2nd READING
12/6/10) (Pg.67)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 77-10.

Motion adopted. All members voting yea.

33. **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. (PLACED ON 1S READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 11/15/10, 2ND READING 12/6/10) (Pg.70)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 78-10.

Motion adopted. All members voting yea.

34. **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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 11/15/10m 2ND READING 12/6/10) (Pg.71)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 79-10.

Motion adopted. All members voting yea.

35. Health & Human Services Committee Report regarding Agreement for Public Health Services. (To Be Provided)

#35 Health & Human Services Committee Report regarding Agreement for Public Health Services – Antonio

So, the Health and Human Services committee met tonight to review numerous reports that we have received regarding services provided by the Cuyahoga County Health Department. Subsequently the committee recommends signing the agreement again this year that’s been presented to us. However, the committee did want to amend section 1 in the ordinance adding some language “at a per capita rate of \$3.70” prior to the not to exceed amount. That was based on the discussion that we pay the county according to a per capita amount of our population for their services rendered and we wanted to make sure as we go into this next year with new census status that the payment would be reflective of our numbers at the point where the original census data is official. I want to move to receive and file that communication.

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

Motion adopted. All members voting yea.

36. **ORDINANCE NO. 105-10** - 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 enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed Two Hundred Nine Thousand Five Hundred Ninety Dollars (\$209,590.00) for a one year period commencing January 1, 2011. (PLACED ON 1ST READING & REFERED TO THE HEALTH & HUMAN SERVICES COMMITTEE 12/6/10) (Pg. 74)

Motion by Ms. Antonio, seconded by Mr. Butler, to amend.
Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers
Nays: None
Motion adopted. Ordinance Amended.

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. 105-10 on final reading.
Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers
Nays: None
Motion adopted. Ordinance No. 105-10 is substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 105-10 as amended.
Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers
Nays: None
Motion adopted. Ordinance No. 105-10 adopted as amended.

37. ORDINANCE NO. 106-10 – AN ORDINANCE to move Section 351.20, Bus Stops; Taxicab Stands of the Codified Ordinances of the City of Lakewood out of the Parking Chapter to Chapter 331, Operation Generally as this section is often cited for a moving violation and should not be a civil parking violation. PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 12/6/10) (Pg.75)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 106-10 on 2nd Reading.
Motion adopted. All members voting yea.

38. ORDINANCE NO. 107-10 - 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 Section 351.01, Limitations on Parking, of the Codified Ordinances of the City of Lakewood to enact certain subsections of this provision that were deleted as the result of a typographical error. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 12/6/10) (Pg.76)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 107-10 on 2nd Reading.
Motion adopted. All members voting yea.

39. ORDINANCE NO. 108-10 - AN ORDINANCE to enact a new Section 1306.75, Emergency Authority for Order to Vacate; Imminent Danger, of the Codified Ordinances of the City of Lakewood, to grant the Building Commissioner authority to require a building found to create a risk to the life or safety of its occupants be vacated and not occupied until necessary repairs have been made or the provision of basic utility services have been restored in instances where the lack of maintenance or utilities places the tenants of the building in imminent danger. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 12/6/10) (Pg.78)

Motion by MR. Butler, seconded by Ms. Madigan, to place Ordinance No. 108-10 on 2nd Reading.

Motion adopted. All members voting yea.

40. Liquor Permit Application for a new D4 class to Pride of Cleveland Scooter Club, 18636 Detroit. (DEFERRED 12/6/10) (Pg.80)

Motion by Mr. Butler, seconded by Ms. Madigan, to defer action on this license application.

Motion adopted. All members voting yea.

******NEW BUSINESS******

41. Committee of the Whole Report regarding resolutions to identify prospective appointees to the offices of at-large and Ward 3 councilpersons. (To Be Provided)

#41 Committee of the Whole Report regarding resolutions to identify prospective appointees to the office of at-large and Ward 3 councilpersons.

The process of attempting to find and name appointees to council vacancies began back in September of this year when we were aware that Councilwoman Antonio was unopposed in her bid for the Sate House on the November ballad. We also knew that Mayor FitzGerald was approaching at that point his primary election in the County Executive race. So, in the first meeting in September when we came back from our August break we issued a request that folks that were interested in the at-large vacancy in council and the potential mayoral vacancy in the city, submit application materials, namely resume and cover letter for our consideration in the event vacancies were to occur, in the event Mayor FitzGerald for example were to succeed in January and Councilwoman Antonio were to win her seat beginning in January as well. At that point we began taking applications. When Councilwoman Antonio and Mayor FitzGerald had the happy, we hope happy, circumstances of having won their races on election day, we extended the application process to permit more applications to come in for both the mayor's seat and the at-large seat to be vacant in January. Then council determined that it's appointee to the mayor's post was going to be awarded to Ward 3 councilman Mike Summers meaning in January his seat would become vacant. So we made a third call to the public for application materials for the Ward 3 seat. Those came in later in November and then council began the earnest task of considering the applications and deliberating over our appointments to the Ward 3 council seat and the at-large council seat. We met several times in Committee of the Whole. There were times we went into executive session to discuss individual applicants. When we discussed our process, that was out in the open and ultimately as of December 13, one week prior to tonight, Council adjourned from executive session and took a vote. The vote actually took two votes. The votes were unanimous each time. The first vote taken was to put a resolution on this evenings docket recommending to ourselves, the full council, passage of the resolution that would name Ryan Nowlin, a Chase Ave. resident who's here tonight with us, as the at-large appointee beginning January 1, 2011 to fulfill the remaining year of Councilwoman Antonio's...excuse me, she has three years remaining. By virtue of the appointment Ryan Nowlin will only be able to serve in an appointed role in only one of those three years. Our vote that night was to appoint Ryan to the at-large seat. Our second vote was to name Shawn Juris who's also here tonight as our appointee to Councilman Summers Ward 3 post which has one year remaining on his term. We made both of those votes unanimously and so tonight following this communication, our two resolutions which acknowledge to the rest of the world that Ryan Nowlin and Shawn Juris will be our appointees beginning in January. Now, in January, once the office has actually become vacant by virtue of the fact that Mayor FitzGerald and Councilwoman Antonio and Councilman Summers will move to different positions, then we'll have to take more formal votes at that point but at this point we want to let the world

know who our appointees are and we congratulate them on their achievement. We had a fantastic pool of applicants for the council seats. We had 40 applicants that we considered and we were thrilled to have had that number. We also had some really excellent applicants among them. I would say that far and away the vast majority of the applicants were great which makes this accomplishment, in my opinion, even more impressive. You really have done a fine job and so we are going to welcome you aboard in January. Having made the report, the chair is going to make a motion to receive and file the communication.

Bullock: First off I want to thank you for the fair and open process that you led us through. I think there are other processes that have not been as open and the down sides of that have been reported. I appreciate that we have been painstakingly, consistently, scrupulously open. In fact we conducted interviews with members of the press present and actually, during some of the interviews we had some of the candidates listening in the audience to their counterparts that were also applying. So first off I do want to express confidence in the process and thank you for all the hard work you put in and my colleagues for putting in the same. I do want to say one thing to further clarify though, I don't think we started the conversation with unanimity. I agree with you that we ended unanimously supporting the results of our deliberations and the two gentlemen here but I do want the public to know that there was discussion and there were a number of candidates... I felt myself wishing that we had more than 2 vacancies to appoint because there were some excellent folks among the 40. The analogy I made was if you're a grad school review board, you have 5 positions in your graduate program and you have 50 people applying all with perfect ACT scores, how do you choose? We have a happy problem of that kind of a dilemma. Any rate, my congratulations to both candidates that are here tonight. I look forward to working with you, Shawn and Ryan and thank you for your service.

Butler: I should also clarify my report. By adding that Councilman Summers and Councilwoman Antonio who will not be around in January to make the official votes, did not participate in our selection process by design, by their choice.

Smith: I just wanted to also reiterate what an amazing pool of candidates we had and I just wanted people in Lakewood to know that they should be so proud that there's so much talent and so much interest in serving the public here. I was really inspired by the number of qualified applicants that we had. To put out another analogy I sort of felt like the choice of who would be appointed was almost like an Olympic competition were, you know, you have like a hundredth of a second or something crazy differentiating the different top contenders. It was just really great to see so many great people to choose from. I wanted folks to know we have that talent here and we had so many people willing to serve and welcome to Ryan and Shawn, we're looking forward to having you as part of the council. I think that the City will be very well served by having you both participate.

FitzGerald: I just wanted to say briefly...I wanted to congratulate council on the process that you followed. We've done this for a few years now where we have an open process in an interview process for council. That has not been the norm in most cities. It isn't the norm in the state legislature. A lot of governmental bodies that does not happen. I appreciate and I think the public appreciates that we've continued that process. I also wanted to congratulate the "winners" of the Olympic competition. It's kind of like a synchronized swimming competition. I want to congratulate them. They're both... I know them both. They are respected in the community and Ryan Nowlin is somebody who is, along with his wife, is raising a young family, is an attorney and committed to the community and a life long resident and has roots in the community and those are all things that we need on council, a perspective we need on council. He also lives on Chase Avenue in close proximity to Mrs. Graham so she can go

directly to him without coming all the way down to a meeting. Shawn Juris is...again, a lot of the same qualities and also has the additional benefit of being somebody that's been an entrepreneur operating a business and been active in the private sector in a number of respects so they are excellent choices. One more thing I just wanted to say too and that is that these choices are also unusual in the sense that they are representation of leadership development. If you look at other cities, I pay closer attention than I used to to the way other cities work and the way their city councils work, no offense to these two individuals, they would usually pick someone that's been around for 30, 25, 30 years. It's the same cast of characters over and over again. These are both fairly young individuals that still have very long careers ahead of them and they're going to be helping to run this community for the next 10, 20, 30 years and that's important, I think, to kind of refresh the personnel that are in office. Hopefully they will age well in office. That's nice to see and it's unique I think. Congratulations to council on their decision making.

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

42. **RESOLUTION NO. 8471-10** – A RESOLUTION to identify Ryan P. Nowlin as its prospective appointee to the office of at-large councilperson of the City of Lakewood in the event that office becomes vacant on or about January 1, 2011. (Pg81)

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. 8471-10 on final reading.

Yeas: Bullock, Butler, Madigan, Powers, Smith
Nays: None
Abstention: Antonio, Summers
Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan to adopt.
Yeas: Bullock, Butler, Madigan, Powers, Smith
Nays: None
Abstention: Antonio, Summers
Motion adopted. Resolution No. 8471-10 adopted.

43. **RESOLUTION NO. 8472-10** – A RESOLUTION to identify Shawn P. Juris as its prospective appointee to the office of Ward 3 councilperson of the City of Lakewood in the event that office becomes vacant on or about January 1, 2011. (Pg.83)

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. 8472-10 on final reading.

Yeas: Bullock, Butler, Madigan, Powers, Smith
Nays: None
Abstention: Antonio, Summers
Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan to adopt.
Yeas: Bullock, Butler, Madigan, Powers, Smith
Nays: None
Abstention: Antonio, Summers

Motion adopted. Resolution No. 8472-10 adopted.

44. Communication from Council President Butler regarding Civil Service Commission Recommendations for Council Member and Mayor Salaries. (Pg.85)

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

Motion adopted. Item referred to the Committee of the Whole

Six members voting yea

Abstention. Antonio

45. **ORDINANCE NO. 109-10** - AN ORDINANCE to establish the base salary of the mayor at One Hundred Thousand Dollars (\$100,000.00) per year pursuant to Article II, Section 5 of the Second Amended Charter of the City of Lakewood, and to establish the base salary of councilmember at Eleven Thousand Dollars (\$11,000.00) per year, plus an optional health-care benefits package not to exceed Three Thousand, Three Hundred Dollars (\$3,300.00) per year, pursuant to Article III, Section 3 of the Charter, for the purpose of adopting the recommendations of the Civil Service Commission dated December 20, 2010. (Pg.107)

Motion by Mr. Butler, seconded by Ms. Madigan, to place on 1st Reading and refer Ordinance No. 109-10 to the Committee of the Whole.

Motion adopted. Six members voting yea

Abstention. Antonio

Ordinance place don 1st Reading and referred to the Committee of the Whole.

46. Communication from Mayor FitzGerald and Councilmember Antonio regarding Wilbert F. Knittel; Lakewood Poet Laureate. (Pg. 109)

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

Motion adopted. All members voting yea.

47. **RESOLUTION NO. 8473-10** – A RESOLUTION naming Wilbert F. Knittel Poet Laureate of the City of Lakewood for 2010-2011. (Pg.110)

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. 8473-10 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan to adopt.

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

Motion adopted. Resolution No. 8473-10 adopted.

48. Communication from Police Chief Malley regarding Safety Belt Education Program. (Pg.111)

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

Motion adopted. All members voting yea.

49. **RESOLUTION NO. 8474-10** - 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, as Director of Public Safety, or his designee to enter into an agreement with and to accept compensation in the amount of \$1,980.00 from the Ohio Department of Public Safety for the provision of safety belt education programs for the third grade in the Lakewood Schools for a period ending June 1, 2011. (Pg. 112)

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. 8474-10 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.

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

Motion adopted. Resolution No. 8474-10 adopted.

50. Liquor Permit Application for a D3 transfer to Italian Cravings; 16104 Hilliard Blvd, from Cybar Onezero d/b/a Capsule Bar, 13376-80 Madison Avenue. (Pg.114)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

Nadhal Eadah spoke regarding youth basketball

Art Gold

Eugene Byrne regarding item 44

Nikki Farley spoke regarding Ordinance 109-10

Motion by Mr. Butler, seconded by Ms. Madigan, to adjourn the meeting.

Motion adopted. All members voting yea.

Meeting adjourned 9:44 PM.

Approved: _____

CLERK

PRESIDENT