

MINUTES  
OF THE  
SPECIAL MEETING OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
JULY 25, 2011  
6:30 P.M.

Meeting called to order at 6:45 P.M. by President Madigan.

Pledge of Allegiance

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Present: Councilmembers, David Anderson, Thomas Bullock, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Brian Powers, Monique Smith,.

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae. Charter Reviewer Steve Davis

Motion adopted. All members present voting yea.

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In Accordance with Article III, Section 4, of the Second Amended Charter of the City of Lakewood, you are hereby notified and I am calling and there will be a Special meeting of Council Monday, July 25, 2011 at 6:30 PM in the Auditorium of Lakewood City Hall; 12650 Detroit Avenue, Lakewood, Ohio. The agenda is as follows:

Law Director Butler indicated he had a substitute for the meeting identifying the following changes to the original proposal:

1. All on page 1 in preamble – First Whereas clause is new. It identifies the authority under the Ohio Constitution by which the City may make changes to its own Charter.
2. Second Whereas Clause – Identifies the authority under City’s Charter by which to make proposed changes to the Charter for the electors to decide on.
3. IN FIFTH WHEREAS CLAUSE – “...it is the intention of City Council to place before the electors certain Charter amendments which if adopted would strengthen the City’s home rule authority under the Ohio Constitution...”

An explanation as to the necessity to address antiquated language and procedure; some to provide flexibility in how to fund capital projects and others are shoring up the City's desire to govern itself under home rule authority.

Referencing Article 1, Section 2, Article 1, Section 3, and Article VII, section 2 it was stated that this directly relates to the City's ability to govern itself according to its own ideals and principles.

Non substantive changes were made in Section 14 of the ordinance – to move the Title of the Section – a formatting change was made. To be consistent with past Charter questions to the ballot.

Public Comment was announced. Hearing none, the President OF Council recognized for the record the volunteer efforts made by Steve Davis and Dr. Larry Keller in helping with the Charter amendments.

**PROPOSED ORDINANCE NO. 36-11** CHARTER AMENDMENTS TO BALLOT AT THE General Election Tuesday, November 8, 2011 (1st Read 7/5/11, 2<sup>ND</sup> READ & RECOMMENDED FOR ADOPTION 7/18/11) (outlined below per ordinance language)

**Article I, Sections 2 and 3** stand to be amended in order to reflect that the City may perform any actions permitted under the Charter and the Constitution of the State of Ohio

**Article II, Section 7** is antiquated and stands to be amended to eliminate the quasi-judicial authority granted to the Mayor to compel witnesses, compel production of evidence and make findings of contempt in the Mayor's investigation of city activities, all of which are functions reserved for the judiciary

**Article II, Section 8** stands to be modernized in order to grant City Council the authority to designate the acting mayor if the Mayor is temporarily absent, and to appoint the interim mayor if the Mayor's office becomes vacant by death, resignation or removal, ensuring that at all times the Mayor of Lakewood will be a qualified elector;

**Article III, Section 2** contains confusing wording and thus should be amended to clarify that an election must be held to fill a vacant City Council position if the vacancy occurs more than two years and 105 days prior to the next election for that position;

**Article III, Section 5, Article III, Section 8, Article XVI, Section 9, and Article XVII, Section 3, Notice**, should be amended to give the votes of appointed Councilmembers the same effect as those of elected Councilmembers, as the fiduciary responsibilities of the office do not change merely by virtue of how the officeholder earned the Council position;

**Article III, Section 12** should be modernized to give the City more flexibility in determining how and where to post notices of official municipal actions, particularly as the practice of physically posting thousands of pages of paper at places like the police headquarters and fire stations is one that is outmoded, inefficient and wasteful in the digital era;

**Article VII, Section 2** should be amended only to clarify that the City may use its home rule authority to limit, as necessary, the duties imposed upon its law director by those outside our municipal government;

**Article XVI, Section 31** should be amended to include the city sewer system among those municipal improvements that may be supported by the millage identified in that section, particularly as that type of flexibility is needed by the City while it responds to the sewage- and stormwater-related environmental improvements sought by federal and state authorities

Motion by Ms. Madigan, seconded by Mr. Powers, to substitute.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Ordinance substituted.

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

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Ordinance adopted as substituted.

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

Motion adopted. All members voting yea.

Meeting adjourned. 6:53 PM.

Mary Louise Madigan  
**PRESIDENT OF COUNCIL**