

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
DECEMBER 17, 2012
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:34 PM by President Powers.

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

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Director of Planning and Development/Assistant Director of Public Safety for Housing and Building Siley.

Motion by Mr. Powers, seconded by Ms. Madigan to approve the minutes of the Regular Meeting of Council held December 3, 2012 without the necessity of a reading.

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

1. Committee of the Whole Report regarding Council Board/Commission/Task Force Appointments. Mr. Powers, Chair (To Be Provided)

President Powers: The Committee of the Whole met this evening to, in addition to agenda review, discuss open resolutions with respect to appointments to boards and commissions. The Committee of the Whole made the following unanimous recommendations to the full Council.

On item #2 Resolution No. 8624-12 recommended inserting the name **Brian Evans** for the Board of Building Standards and Building Appeals and Architectural Board of Review. Mr. Nowlin abstained from voting on this resolution. Otherwise, the vote was unanimous.

On Resolution No. 8621-12 recommended inserting the name **Mike Dever** in to the blank space

Resolution 8623-12 to insert the name **Sam O'Leary**

Resolution 8625-12 to insert the name **Ray Cushing**

Resolution 8627-12 to insert the name **Kristen Karkutt**

Any other resolutions for appointments before us will be deferred until early 2013.

President Powers moved to receive and file the oral report.

Councilwoman Mary Louise Madigan seconded the motion.

All members voted yay.

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

2. **RESOLUTION NO. 8624-12** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the vacancy on the Board of Building Standards and Building Appeals and Architectural Board of Review for the full term beginning January 1, 2013 and ending December 31, 2017. (REFERRED TO COMMITTEE OF THE WHOLE 12/3/12) (Pg. 9)

Motion by Mr. Powers, seconded by Ms. Madigan, & second to place the name of Brian Evans into the blank.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith
Nays: None
Abstention; Nowlin

Motion adopted Resolution amended.

Motion by Mr. Powers, seconded by Ms. Madigan, TO ADOPT Resolution No. 8624-12 as amended.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith
Nays: None
Abstention; Nowlin

Motion adopted Resolution No. 8624-12 adopted as amended.

3. **RESOLUTION NO. 8621-12** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the vacancy on the Civil Service Commission for the full term beginning January 1, 2013 and ending December 31, 2015. (REFERRED TO COMMITTEE OF THE WHOLE 12/3/12) (Pg. 10)

Motion by Mr. Powers, seconded by Ms. Madigan, to insert the name Mike Dever into the blank.

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

Nays: None

Motion adopted. Resolution No. 8621-12 amended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8621-12 as amended. .

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

Nays: None

Motion adopted. Resolution No. 8621-12 adopted as amended.

4. **RESOLUTION NO. 8622-12** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the vacancy on the Planning Commission for the full term beginning January 1, 2013 and ending December 31, 2018. (REFERRED TO COMMITTEE OF THE WHOLE 12/3/12) (Pg. 11)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer action on this Resolution.

Motion adopted. All members voting yea.

5. **RESOLUTION NO. 8623-12** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the vacancy on the Board of Zoning Appeals for the full term beginning January 1, 2013 and ending December 31, 2017. (REFERRED TO COMMITTEE OF THE WHOLE 12/3/12) (Pg. 12)

Motion by Mr. Powers, seconded by Ms. Smith, to amend Resolution No. 8623-12 by inserting the name Sam O'Leary into the blank.

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

Nays: None

Motion adopted. Resolution No. 8623-12 amended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8623-12 as amended. .

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

Nays: None

Motion adopted. Resolution No. 8623-12 adopted as amended.

6. **RESOLUTION NO. 8625-12** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ and _____ to the vacancies on the Audit Committee for a one-year term beginning January 1, 2013 and ending December 31, 2013. (REFERRED TO COMMITTEE OF THE WHOLE 12/3/12) (Pg. 13)

Motion by Mr. Powers, seconded by Ms. Madigan, to amend Resolution No. 8625-12 by inserting the name Ray Cushing and deleting the second blank.

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

Nays: None

Motion adopted. Resolution No. 8625-12 amended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8625-12 as amended. .

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

Nays: None

Motion adopted. Resolution No. 8625-12 adopted as amended.

7. **RESOLUTION NO. 8626-12** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____, _____, and _____ to the Lakewood Tree Task Force. (REFERRED TO COMMITTEE OF THE WHOLE 12/3/12) (Pg. 14)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer action on this Resolution.

Motion adopted. All members voting yea.

8. **RESOLUTION NO. 8627-12** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the vacancy on the Board of Nuisance Abatement Appeals for the full term beginning January 1, 2013 and ending December 31, 2015. (REFERRED TO COMMITTEE OF THE WHOLE 12/3/12) (Pg. 15)

Motion by Mr. Powers, seconded by Ms. Madigan, to amend Resolution 8627-12 by inserting the name, Kristen Karkutt.

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

Nays: None

Motion adopted. Resolution No. 8627-12 amended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8625-12 as amended. .

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

Nays: None

Motion adopted. Resolution No. 8627-12 adopted as amended.

9. Finance Committee Report regarding 2012 Year-End and 2013 Budget
Ordinances Ms. Madigan; Chair (To Be Provided)

The citizens of Lakewood have reason to feel confident in the proposed 2013 budget. This Council was actively engaged in monitoring the forces that shaped the early iterations of this important document and, as always, contributed to the final form – one that we believe is responsive to the financial climate yet proactive enough to keep Lakewood on the right path. All three branches of government respect the public's expectation that we present a balanced budget in anticipation of a new year, and we worked hard to meet that expectation.

In 2012, the city ended the year structurally balanced and with about \$4.3 million in the General Fund. Many of our General Fund sources are projected to be even with or higher than 2011, especially the income revenues. Lakewood Municipal Court fines and court revenues have also increased in 2011. These pieces of good news were welcome considering the reality we face of the continued loss of the Local Government Fund, and the elimination of the Estate and Commercial Activities taxes in 2013. In addition we're going to have to work through a reduction in property valuations.

The projected revenues for 2013 are about 33.3 million and are structurally balanced, once again. However, that number is about \$2.75 million less than this year – these are estimates for next year only and may change as year progresses and just like at home, we have to plan for less and adjust our savings and our spending. How do we do that? First, we don't fill nine full time positions that became vacant over the course of this year. We expect departments to cap spending at this year's or even 2011 levels. We do not budget cost-of-living increases. We remain disciplined and we adhere to the City's financial policies and guidelines so that we're prepared for claims to the Hospitalization and Workers Compensation funds and therefore reduce costs to those departments. Lakewood public servants are working smarter and harder with less.

Lakewood citizens have a great stake in the 2013 budget; it affects all of us in obvious and obscure ways. We'll be able to count on core services but we'll have to examine the additional services to which we've become accustomed. In the coming months, this Council will be asked to approve the new City Vision – led by the Administration and constructed by the community during 17 individual "visioning events" over the past year. To execute that vision over the next decade will take innovation, leadership, community

engagement and a financial plan grounded in insight and discipline. Tonight's budget is part of that foundation. The Finance Committee voted unanimously to recommend to the full Council adoption of the following end of year ordinances with the noted exceptions of four that we're going to substitute and the Committee voted unanimously for substitution 66-12, 67-12, 68-12 and 71-12.

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

Motion adopted. All members voting yea.

10. ORDINANCE NO. 66-12 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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, 2012. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12. SUBSTITUTE ORDINANCE EXPECTED) (Pg.16)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute with the version recommended by the Finance Committee. .

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

Nays: None

Motion adopted. Ordinance No. 66-12 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 66-12 as substituted. .

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

Nays: None

Motion adopted. Ordinance No. 66-12 adopted as substituted. .

11. ORDINANCE NO. 67-12 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, law authorizing the transfer and advance of certain funds. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12. SUBSTITUTE ORDINANCE EXPECTED) (Pg. 29)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute with the version recommended by the Finance Committee. .

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

Nays: None

Motion adopted. Ordinance No. 67-12 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 66-12 as substituted. .

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

Nays: None

Motion adopted. Ordinance No. 67-12 adopted as substituted. .

12. **ORDINANCE NO. 58-11C** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 58-11B, adopted September 7, 2012 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 2012 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 FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg.31)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 58-11C

Motion adopted. All members voting yea.

13. **ORDINANCE NO. 68-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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, 2013. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12. SUBSTITUTE ORDINANCE EXPECTED) (Pg.38)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute with the version recommended by the Finance Committee. .

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

Nays: None

Motion adopted. Ordinance No. 68-12 substituted.

Motion by Mr. Bullock to approve Substitute Ordinance No. 68-12 with the directive that the Administration allocate \$50,000 from the Economic Development Fund for the installation of sharrows on Detroit Avenue; \$10,000 from the Economic Development Fund for the installation of park benches on Detroit Avenue in the downtown district; and

\$150,000 from the Capital Improvement Fund, Fund 401, for improvements to not only Fox Field, but also Kauffman Park.

Mr. Powers asks for a second on the motion, hearing none he indicates he would second the motion as a courtesy to allow Mr. Bullock to be heard that evening further indicating that he would be speaking against the amendment.

Mr. Bullock referenced a letter provided to Councilmembers before the meeting. He indicated that in all of the amendments expenditures would not be increased but would instead specify areas for purposes previously agreed to; bicycle infrastructure, park benches in the downtown; Mr. Bullock itemized areas - such as not Foxx Field alone in Kauffman Park but Kaffmann Park generally. Mr. Bullock explains that the action would help in future grant applications; he indicated that a bench survey done by Lakewood Alive in May of this year identified a number of places on Detroit residents (du on some part to the Circulator bus elimination) had requested park benches; He stated that most of the benches have been on private property and that public investment on the public right-of-way would encourage private investment. Mr. Bullock indicated that \$21,000 had been allocated for sharrows previously and would like Council to add up to \$50,000 to complete effort with sharrows on Detroit Avenue. He indicated that he was asking up to \$10,000 for bicycle parking and signs in conformity with the Bicycle Master Plan..

Mr. Bullock indicated that the reason for this – was that if there was a plan now, and an opportunity in 2013 there wouldn't be “scrambling” trying to find resources from another source.

Council President Powers indicated that he wanted to second the motion to allow Mr. Bullock the opportunity to express his thoughts; indicating he had respect for them and indicated that presently he was unable to agree or disagree with the three points because he, nor did he think his colleagues had time to “consider the numbers, to compare them to other priorities, and haven't had a chance to appropriate vet the ideas...”. Mr. Powers indicated he received an email that evening at 6:26 PM before the 6:30 PM Finance Committee meeting and did not allow for Council to give the “full consideration that they deserve”.

Mr. Powers indicated that he intended and asked his colleagues to vote no on the amendment and invited Mr. Bullock to re-submit the ideas via a communication to the docket in early January or whenever he chooses; or a resolution – per his own preference. He said he would work with his colleagues to give a full hearing to the ideas when there was time to consider them.

Mr. Powers indicated that the timing was his number one issue.

Councilmember Madigan indicated that she too would vote no; that the date of December 17, 2012 to bring the issues forward was late, that the Finance Committee had been active on the Budget for a long time. She further indicated that throughout the year, Council had the opportunity to bring ideas, innovations, suggestions forward to any number of

Council Committees; indicating further that Mr. Bullock is always welcome to bring forth the ideas to the Finance Committee - indicating the Committee was open to all ideas throughout the year and especially at Budget Hearings.

Ms. Smith expressed interest in further discussions on the issues and stated that presently she would not be prepared to vote on the specific expenditures – providing as an example that she would like to hear more from the Administration in respect to Mr. Bullocks proposal for allocations for the whole of Kauffman Park should it impact Kauffman field .She indicted she would probably vote no that night but was open to further discussion on the issues.

Mr. Anderson indicated that the proposals were more than likely to receive positive response during the year should they pass Council’s scrutiny at that time whether or not they received a yes vote that night.

Mr. Bullock indicated he would bring the issues back after the new year.

Motion and second for the amendment were withdrawn.

A discussion was had regarding the timing of specific line items on the budget.

Mr.Bullock indicated he planned to make the proposals in resolution form and would refer it to the Committee of the Whole.

Finance Director Pae added a clarification on what was appropriated and what was already contracted within the budget suggesting that discussion on allocations of certain funds are anticipated and required; directing specific areas would be accommodated throughout the year in that some allocations allowed the flexibility.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance 68-12 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 68-12 adopted as substituted. .

14. **ORDINANCE NO. 69-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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 2013 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 FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12)
(Pg.51)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 69-12.
Motion adopted. All members voting yea.

15. **ORDINANCE NO. 70-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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 **Department 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. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg. 55)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 70-12.
Motion adopted. All members voting yea.

16. **ORDINANCE NO. 71-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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 2013 Appropriation Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$50,000 without separate Ordinance of Council. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12. **SUBSTITUTE** ORDINANCE EXPECTED) (Pg. 57)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute with the version recommended by the Finance Committee. .

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

Nays: None

Motion adopted. Ordinance No. 71-12 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 71-12 as substituted. .

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

Nays: None

Motion adopted. Ordinance No. 71-12 adopted as substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to suspend the rules to allow the clerk to read items 17-26 consecutively for a blanket motion.

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

Nays: None

Motion adopted; the Clerk reads items 17-26.

17. **RDINANCE NO. 72-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to amend section 915.01, Establishment of 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. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg. 61)

***Blanket motion made after item 26**

18. **ORDINANCE NO. 73-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending 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. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg. 63)

***Blanket motion made after item 26**

19. **ORDINANCE NO. 74-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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 **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. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg.65)

***Blanket motion made after item 26**

20. **ORDINANCE NO. 75-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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 **Wastewater System and Treatment Improvement 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. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg. 67)

***Blanket motion made after item 26**

21. **ORDINANCE NO. 76-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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 **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. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg.69)

***Blanket motion made after item 26**

22. **ORDINANCE NO. 77-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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 **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. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg. 71)

***Blanket motion made after item 26**

23. **ORDINANCE NO. 78-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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 **Vehicles, Machinery and Equipment** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg.73)

***Blanket motion made after item 26**

24. **ORDINANCE NO. 79-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Buildings & Facilities Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg. 75)

***Blanket motion made after item 26**

25. **ORDINANCE NO. 80-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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 **Traffic Signs & 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. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg.77)

***Blanket motion made after item 26**

26. **ORDINANCE NO. 81-12** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to 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. (PLACED ON 1ST READING & REFERRED TO FINANCE COMMITTEE 11/19/12, 2ND READING 12/3/12) (Pg. 79)

*Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinances No. 72-12, 73-1, 74-12, 75-12, 76-12, 77-19, 78-12, 79-12, 80-12, and 81-12.

Motion adopted. All members voting yea.

27. Public Safety Committee Report regarding Ordinance 55(~~55~~44)-12. (To Be Provided). Mr. Nowlin, Chair.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to defer action on items 27-30.

Motion adopted. All members voting yea.

28. **ORDINANCE NO. 44-12** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, enacting Section 331.345, Using Communications Device While Driving, of the Codified Ordinances of the City of Lakewood to establish a new offense within the Traffic Code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/17/12, 2nd READING 10/1/12, DEFERRED 11/19/12) (Pg. 81)

*deferred in previous motion

29. Communication from Human Services Director Buckon regarding Resolution commending Cox Cleveland and Cox Charities Cleveland for support of H20 (Help to Others) youth volunteer program. (deferred 12/3/12)(Pg. 85)

*deferred in previous motion

30. **RESOLUTION NO. 8628-12** – A RESOLUTION expressing appreciation to Cox Cleveland and Cox Charities Cleveland for their monetary, volunteer and technological contributions in support of the H20 (Help to Others), a youth volunteer program of the Department of Human Services, Division of Youth. (DEFERRED 12/3/12)(Pg. 86)

*deferred in previous motion

NEW BUSINESS

31. Communication from Mayor Summers regarding Re-Appointments to Audit Committee. (Pg. 87)

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

Motion adopted. All members voting yea.

32. Communication from Planning & Development Director Siley regarding Neighborhood Stabilization Program 3 Grant –Deadline Extension. (Pg.88)

Motion by Mr. Powers, seconded by ms. Madigan, to receive and file the communication.

Motion adopted. All members voting yea.

33. **RESOLUTION NO. 8629-12** – A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members of Council or otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee, on behalf of the City, to enter into amended agreements with Cuyahoga County to extend the time in which the City of Lakewood has to spend funds under the Neighborhood Stabilization III(NSPIII) area grant. (Pg. 89)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8629-12 to the Housing Committee.

Motion adopted. All members voting yea.

34. Communication from Human Services Director Buckon regarding Juvenile Accountability Incentive Block Grant. (Pg. 91)

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

Motion adopted. All members voting yea.

35. **RESOLUTION NO. 8630-12** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council or otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee, to enter into an agreement with Cuyahoga County to accept and expend funds in an amount estimated at \$20,000.00 to maintain expanded services provided under the City's Juvenile Diversion Program. (Pg. 92)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 863-12.

Motion adopted. All members voting yea.

Public Comment Non-Agenda Items

Lorna McLain – 14201 Madison Ave

Owner of Pit Stop

Ms. McLain addressed Council regarding Lakewood's ban on food trucks. She spoke about the success of her food truck business in Cleveland through working with the downtown Cleveland alliance and Tremont Development group, among others. She noted that these organizations have data they are willing to share. Ms. McLain's food truck has

been operating since 2010. She has hired 9 employees. Their business has grown, as it began with just Ms. McLain and her husband. The foodtruck participates in charity events in Cleveland. She noted that her business buys locally. She remarked on the idea that foodtrucks are infringing upon restaurant business. She countered that her business has worked very well with local restaurants. She noted that her business has followers on Facebook that seek them out. Also, she observes that customers who want a sit-down restaurant experience will seek that out.

Councilman Juris thanked Ms. McLain and mentioned that there are opportunities to operate a food truck in Lakewood without changing the ordinance. Councilman Juris will meet with Ms. McLain to discuss.

Ms. McLain added that her food truck business model is to stay stationary once the truck arrives at its location. She proposed the possibility of a foodtruck zone at a park.

President Powers spoke about the history of the ordinance which was to restrict ice cream trucks in the City. He added that Council has taken action to allow foodtrucks at certain events.

Elvis Serrano – 14201 Madison Ave
Owner of Pit Stop

Mr. Serrano introduced himself as the co-owner of Pit Stop. He is pleased to be in Lakewood and looks forward to working with Council in 2013.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:28 PM.

Approved: _____

CLERK

PRESIDENT