

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
OCTOBER 6, 2008
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:36 PM by President Dever.

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Present: Councilmembers Nickie J. Antonio, Thomas Bullock, Kevin Butler, Michael W. Dever, Mary Louise Madigan, Michael P. Summers, Brian Powers.

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Also Present: Mayor FitzGerald, Law Director Hurley, Finance Director Pae, Police Chief Malley, Fire Chief Mroz, Human Services Director Buckon, Public Works Director Beno, Planning & Development Director Kelly, Project Administrator for New Lakewood Fitzgerald, Human Resources Director Yousefi.

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{Without objection from Council, items 17, 18, 13 and 14 were read respectively at the beginning of the agenda)

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

1. Committee of the Whole report regarding Animal Safety and Welfare Advisory Board. (To Be Provided)

Mr. Dever submitted the following report.

The Committee of the Whole met prior to today's meeting to discuss the appointments to the Animal Safety and Advisory Board. We had a list of names presented before us this evening. Council deliberated on those names and we came up with two individuals and a councilmember to serve on these committees. One for a one year, a resident by the name of Jen Barnes for a one year term, on Resolution 8283. On Resolution 8284 – we made a recommendation for a Ms. Juleen Russell and also in our discussion prior to this meeting we made a recommendation that Councilman Butler would serve as Council's representative on that Committee also.

We have one position that is still open – a two year appointment. Council, in our discussions decided we'd like to try and get a veterinarian on this committee also. We will be deliberating on this possibly before our next Council Meeting to make that appointment.

Motion by Mr. Dever, seconded by Ms. Madigan, to receive and file this report.

Motion adopted. All members voting yea.

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2. **RESOLUTION NO. 8283-08 - A RESOLUTION** to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, to appoint _____ as a member of the Animal Safety and Advisory Board for a one-year term, ending December 31, 2009. (REFERRED TO COMMITTEE OF THE WHOLE 9/15/08) (Pg.7)

Motion by Mr. Dever, seconded by Ms. Madigan, to amend Resolution No. 8283-08 by inserting the name Jennifer Barnes.

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

Nays: None

Motion adopted. Resolution amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8283-08 as amended.

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

Nays: None

Motion adopted. Resolution No. 8283-08 adopted as amended.

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3. **RESOLUTION NO. 8284-08 - A RESOLUTION** to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, to appoint _____ as a member of the Animal Safety and Advisory Board for a two-year term, ending December 31, 2010. (REFERRED TO COMMITTEE OF THE WHOLE 9/15/08) (Pg.9)

Motion by Mr. Dever, seconded by Ms. Madigan, to amend Resolution No. 8284-08 by inserting the name Juleen Russell.

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

Nays: None

Motion adopted. Resolution amended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8284-08 as amended.

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

Nays: None

Motion adopted. Resolution No. 8284-08 adopted as amended.

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4. **RESOLUTION NO. 8290-08** - A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, to appoint _____ as a member of the Animal Safety and Welfare Advisory Board for a two-year term, ending December 31, 2010. (Pg.11)

Motion by Mr. Dever, seconded by Ms. Madigan, to amend Resolution No. 8290-08 by inserting the name Kevin Butler.

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

Nays: None

Motion adopted. Resolution amended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8290-08 as amended.

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

Nays: None

Motion adopted. Resolution No. 8290-08 adopted as amended.

5. **RESOLUTION NO. 8291-08** - A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, to appoint _____ as a member of the Animal Safety and Welfare Advisory Board for a two-year term, ending December 31, 2010. (Pg. 12)

Motion by Mr. Dever, seconded by Ms. Madigan, to defer act on this resolution.

Motion adopted. All members voting yea.

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6. Finance Committee Report regarding Ordinance No. 98-07D & (To Be Provided)

Mr. Summers provided the following report:

The Finance Committee met this evening to consider changes in the contract authority for a variety of dimensions of our 2008 Budget. Of particular importance and urgency was consideration to expand the contract authority for the purchase of road salt. The previous amount was \$260,000, the recommended change is to the amount of \$375,000. This will allow the City to take advantage of some better pricing opportunities as well as looming shortages that appear to be out there in the rock salt marketplace and would put the City in good shape to have a full salt dome in anticipation of the potential foul weather between now and the end of December 31, 2008.

Other items that were also considered as part of this were a change in the financial audit cost - actually a reduction there, Risk Management Consulting Services (a reduction) – Professional Musician services (Winterhurst) was a change – an increase, Family Childcare Nutrition was actually a reduction; School’s Out Program – reduction to zero. Financial Institution Service Charges – is a reflection of our costs from changing from National City Bank to Key Bank, Receiving and Processing Yard Waste Cost, Roll Off Box Construction Costs, Crack Sealing Program, Temporary Services in Refuse Collection, Water Meter Programming, Advertising, Purchase Uniforms and Gear for our Safety Forces; Pool Supplies and Chemicals, landscape materials, The Immunization Program and lastly, West Nile Virus Prevention.

A lot of these contract authorities reflect a reduction to actual amounts or an increase to actual amounts as the programs were instituted and finally purchased. The Finance Committee moves that we substitute this ordinance; 98-07E for 98-07D as in David and that we suspend the ruled and pass this change this evening, particularly to allow for the rock salt purchase to proceed.

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

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7. **ORDINANCE NO. 98-07D (Amended to substitute for E) - 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 98-07D, adopted September 15, 2008 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 2008 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 9/15/08)(Pg. 13)

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this ordinance be read on three separate days and placing Ordinance No. 98-07E on final reading.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Rules Suspended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 98-07E.
Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers
Nays: None

Motion adopted. Ordinance No. 98-07E adopted. .

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8. Finance Committee Report regarding 2008 Budget Resolution. (Pg.20)

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

Motion adopted. All members voting yea.

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9. **RESOLUTION NO. 8292-08** – A RESOLUTION providing structural guidelines for the City’s 2008 Budget Process. (Pg.21)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8292-08.

Motion adopted. All members voting yea.

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10. **ORDINANCE NO. 81-08** - 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, authorizing the Director of Planning and Development to enter into an Amendment to an Agreement with the Board of Cuyahoga County Commissioners for the reimbursement of the City of Lakewood’s cost in administering the HOME Program in an amount not to exceed \$15,962.22. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 9/15/08) (Pg. 23)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No 81-08 on 2nd Reading.

Motion adopted. All members voting yea.

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11. **ORDINANCE NO. 82-08** - AN ORDINANCE authorize and direct the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property, Permanent Parcel Number 314-02-038 located approximately 1581 Elmwood Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 9/15/08) (Pg.25)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 82-08 on 2nd Reading.

Motion adopted. All members voting yea.

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12. Liquor Permit Application for new C1 and C2 permit classes to Lakewood Supermarket 14235 Madison Avenue. (DEFERRED 9/15/08) (Pg. 27)

Motion by Mr. Dever, seconded by Ms. Antonio, to defer action on this item.
Motion adopted. All members voting yea.

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

13. Communication from Council President Dever regarding Commendation Resolution for former Councilmember Ryan Demro. (Pg.28)

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

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14. **RESOLUTION NO. 8293-08** - A RESOLUTION commending Ryan Patrick Demro for his public service as Councilmember in Ward 2 of the City of Lakewood. (Pg. 29)

Motion by Mr. Dever, seconded by Mr. Butler, to adopt Resolution No. 8293-08.
Motion adopted. All members voting yea.

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15. Communication from Councilmember Madigan regarding American Center for Conflict Resolution Institute 10th Anniversary. (Pg.30)

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

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16. **RESOLUTION NO. 8294-08** – A RESOLUTION to acknowledge the 10th anniversary of the American Center for Conflict Resolution Institute. (Pg. 31)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8294-08.
Motion adopted. All members voting yea.

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17. Communication from Councilmember Madigan regarding Commendation Resolution for Billy Butler. (Pg.32)

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

Motion adopted. All members voting yea.

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18. **RESOLUTION NO. 8295-08** – A RESOLUTION commending Mr. Billy Butler for fostering, organizing and promoting exemplary citizenship in the City of Lakewood. (Pg. 33)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8295-08.
Motion adopted. All members voting yea.

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19. Communication from Councilmember Bullock regarding Resolution To Support Renewal of the Clean Ohio Fund. (Pg.34)

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

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20. **RESOLUTION NO. 8295-08A** – A RESOLUTION in support of a fully-funded renewal of the Clean Ohio Fund bond package which will be placed on the November 4, 2008 ballot, in order to meet the growing demand for water and green space conservation projects, brownfield revitalization, recreational trail development, farmland preservation and other important projects related to the Clean Ohio Fund. (Pg. 37)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8295-08.
Motion adopted. All members voting yea.

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21. Communication from Finance Director Pae regarding Property Tax Rate Resolution for 2009. (Pg.38)

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

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22. **RESOLUTION NO. 8296-08** – A RESOLUTION accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. (Pg. 39)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8296-08.
Motion adopted. All members voting yea.

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23. Communication from Finance Director Pae regarding 2009 Tax Advance Resolution. (Pg.43)

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

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24. **RESOLUTION NO. 8297-08** - 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 requesting the Cuyahoga County Auditor to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real; personal property; estate taxes and special assessments collected in the year 2009 in such amounts as may be requested and available. (Pg.44)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8297-08.
Motion adopted. All members voting yea.

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25. Communication from Finance Director Pae regarding Amendment to the 2008 Traffic Signs & Signals Architectural, Engineering and Design Contracting Ordinance. (Pg.46)

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

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26. **ORDINANCE NO. 12-08A** - 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 12-08, adopted February 27, 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.47)

Motion by Mr. Dever, seconded by Ms. Antonio, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 12-08A on final reading.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, and Summers

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 12-08A.

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

Nays: None

Motion adopted. Ordinance No. 12-08A adopted.

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27. Communication from Finance Director Pae regarding 2008 3rd Quarter Transfers and Advances. (Pg.49)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive, file and refer the communication to the Finance Committee.

Motion adopted. All members voting yea.

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28. **ORDINANCE NO. 83-08** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law to authorize the transfer and advance of certain funds. (Pg.50)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 83-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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29. Communication from Finance Director Pae regarding Establishment of Reserve Balance Accounts. (Pg.52)

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

Motion adopted. All members voting yea.

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30. Communication from Finance Director Pae regarding October 2008 Appropriations Ordinance. (Pg.53)

Motion by Mr. Dever, seconded by Ms. Madigan, receive, file and refer the communication to the Finance Committee.

Motion adopted. All members voting yea.

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31. **ORDINANCE NO. 84-08** (WAS PROVIDED THAT EVENING) – 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, 2008.

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 84-08 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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32. Communication from Fire Chief Mroz regarding Resolution To Accept and Use Velocitor Gateway Modems. (Pg.54)

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

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33. RESOLUTION NO. 8298-08 - 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 at the earliest period allowed by law authorizing the Mayor to accept, on behalf of the City of Lakewood, the donation of three modems, valued at \$500.00 each, for use by the Lakewood Fire Department to transmit pre-hospital 12 Lead ECG's from St. John West Shore Hospital. (Pg.55)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8298-08.
Motion adopted. All members voting yea.

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34. Communication from Human Services Director Buckon regarding Neighbor to Neighbor "Neighborhood Coaches". (Pg.56)

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

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35. RESOLUTION NO. 8299-08 - 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 Director of the Department of Human Services, on behalf of the City, to accept and expend funds received from the West Side Community House in the amount of \$1800.00 for the Neighbor-to-Neighbor "Neighborhood Coaches". (Pg.57)

Motion by Ms. Antonio, seconded by Mr. Dever, to adopt Resolution No. 8299-08.
Motion adopted. All members voting yea.

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36. Communication from Planning & Development Director Kelly regarding Fiscal Year 2008 CDBG, ESG, HOME, and ADDI Allocations. (Pg.59)

Motion by Mr. Dever, seconded by Ms. Antonio, to receive, file and refer the communication to the Finance Committee.

Motion adopted. All members voting yea.

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37. **RESOLUTION NO. 8300-08** – A RESOLUTION to take effect immediately provided it received the affirmative vote at least five (5)members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor to submit the Fiscal year (FY) 2009 One-year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Shelter Grant (ESG) funds, and incorporates the City’s application for CDBG funds, ESG Funds, HOME Investment Partnership funds, American Dream Downpayment Initiative (ADDI) funds, and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD). (Pg.62)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive, file and refer the Resolution to the Finance Committee.

Motion adopted. All members voting yea.

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38. Liquor Permit Application for a D5 transfer to ROBA d/b/a Peppers Café; 12401 Detroit Avenue, from Louise A Lavallo d/b/a Peppers Café same address. (Pg.66)

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

Motion adopted. All members voting yea.

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39. Liquor Permit Application for C1 and C2 transfers to ARD Enterprises d/b/a Hot Spot Food Part, 16403 Detroit Road, from YLLI & Alma Recka d/b/a Europe Mart, same address. (Pg.67)

Motion by Mr. Dever, seconded by Ms. Madigan, to defer action on this item.

Motion adopted. All members voting yea.

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Motion by Mr. Dever, seconded by Ms. Madigan to adjourn. Motion adopted. All members voting yea.
Meeting adjourned at 8:57 PM.

Approved: _____

CLERK

PRESIDENT