

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 2, 2020
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:40 PM by President O'Malley.

Present: Thomas R. Bullock III, John Litten, Tess Neff, Daniel O'Malley, Tristan Rader, Jason Shachner

Also Present: Mayor George, Law Director Corrigan, Planning and Development Director Sylvester, Acting Finance Director Schuster, Police Captain Wilkins, Fire Chief Dunphy, Public Works Director Ducu, Human Services Director Gelsomino, and many members of the public.

Reading and disposal of the minutes of the Regular Meeting of Council held February 18, 2020.

Motion by President O'Malley, seconded by Mr. Litten, to approve without the necessity of a reading. All members voted in favor. Motion passed.

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

1. Committee of the Whole Reports regarding meetings held February 24, 2020 & March 2, 2020 (pg. 1)

President O'Malley read the following report into the record:

Dear Colleagues,

Committee of the Whole met February 24th to continue discussions with the Planning Department regarding the City's resiliency initiatives over the next two years. The Planning team described how the next two phases of the Resiliency planning and implementation effort will incorporate the updated Community Vision, the recommendations of Live Well Lakewood, and Council's sustainability priorities. Resiliency Phase 2 will focus on conducting a community health needs assessment while at the same time implementing pilot projects focused on sustainability. Phase 3 will build upon the vision and outcomes of the previous phases and

leverage a new resident task force to put ideas into action. Councilmembers had the opportunity to ask questions and offer suggestions. This conversation between Council and the administration will be ongoing.

Committee of the Whole then heard from leaders at the Lakewood Public Library regarding Resolution 2020-07 which would grant the Library an encroachment permit. The permit will allow the Library to move forward with its exciting plans to expand and renovate the Madison Branch, which includes the creation of a wrap-around driveway. The plans were unanimously approved by Planning Commission and Architecture Board of Review with no conditions. After discussion, deliberation, and statements of support for the project, Committee of the Whole unanimously recommended adoption of Resolution 2020-07.

Move to receive and file this report.

President O'Malley made a motion, seconded by Vice President Litten to receive and file the report.

All members voted in favor. Motion passed. The report was received and filed.

2. **RESOLUTION 2020-07** - A RESOLUTION approving of a public grounds encroachment permit pursuant to Section 901.18 of the Codified Ordinances in favor of Lakewood Public Library, in furtherance of the proposed site plan for the permittee's Madison Branch Library. (*referred to COW, ABR & PC 1/21/20*) (pg. 2)

President O'Malley made a motion, seconded by Vice President Litten to adopt.

All members voted in favor. Motion passed. Resolution 2020-07 was adopted.

3. Public Works & Sustainability Committee report regarding meeting held March 2, 2020. (to be provided)

Councilmember Rader delivered the following oral report:

The Public Works & Sustainability Committee met tonight for the first time under its new moniker. All members of the committee were present, along with Directors Corrigan & Ducu, and members of the public.

We reviewed four items, with the first being to approve committee meeting minutes from last year, October 28th and November 4th, 2019. We moved into recommending adoption of Ordinance 03-2020, which is the HELP Foundation's continued operation of the concession stands at Lakewood Park. We were joined by Laura Falkenstine of the HELP Foundation, who was able to explain all the wonderful work that the foundation does, including training people

who have disabilities to serve food. It's an amazing organization and were proud to continue that. We referred that one back for adoption in the affirmative and I'm hoping my colleagues will join me in supporting that.

We talked about Resolution 2020-14, which authorizes the Mayor and Public Works Director to enter into an agreement that's necessary to allow ODOT to complete repairs of guardrails on Clifton Road. ODOT is completely responsible for paying for this. We looked at the designs and they seem fine. They are required by ODOT in order to make that section of the road safe. We did recommend that to the full body tonight in the affirmative.

Lastly, we talked about a communication that I referred to the committee at the last meeting to discuss herbicides that are used by the city on city properties, specifically glyphosate. We are pleased to hear that moving forward this year, that glyphosate will no longer be used by any city employees, which is a good thing. Director Ducu is going to look into Best Greens. Director Beno stated in the past the city has used a company called Best Greens who was using glyphosate around I-90. Director Ducu will be getting back to us on whether our contractors are still using glyphosate. Thank you to everyone who attended and that concludes my report.

Councilmember Rader made a motion, seconded by President O'Malley to receive and file the oral report.

All members voted in favor. Motion passed. The oral report was received and filed.

4. **ORDINANCE 03-2020** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Mayor to enter into an amendment to the concession lease agreement with HELP Foundation, Inc. for the operation of food concessions at Lakewood Park, pursuant to Section 155.08 of the Codified Ordinances. (*1st read and referred to Public Works Committee 2/3/20, 2nd reading 2/18/20*) (pg. 07)

President O'Malley made a motion, seconded by Councilmember Rader to adopt.

Discussion: Vice President Litten inquired as to whether the HELP Foundation indicated if any of its clients are employees of the concession stand. Councilmember Rader noted that they did not indicate that during the Public Works Committee meeting earlier that evening. Vice President Litten stated he would follow up with them personally.

On the motion: All members voted in favor. Motion passed. Ordinance 03-2020 was adopted.

5. **RESOLUTION 2020-14** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the 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 Works or Law Director to enter into agreements necessary to allow the Ohio Director of Transportation to complete the upgrade of guardrails on Clifton Blvd. near Lake Road in the City of Lakewood. (*Referred to Public Works & Sustainability 2/18/20*) (pg. 12)

President O'Malley made a motion, seconded by Councilmember Rader to substitute Resolution 2020-14 to include exhibits provided by Public Works.

A roll call vote was taken as follows:

Yeas: Bullock, Kepple, Litten, Neff, O'Malley, Rader, Shachner

Nays: none

On the motion: Motion passed. Resolution 2020-14 was substituted.

President O'Malley made a motion, seconded by Vice President Litten to adopt as substituted.

A roll call vote was taken as follows:

Yeas: Bullock, Kepple, Litten, Neff, O'Malley, Rader, Shachner

Nays: none

On the motion: Motion passed. Resolution 2020-14 was adopted as substituted.

6. Finance Committee report regarding meeting held March 2, 2020. (to be provided)

Councilmember Bullock delivered the following oral report:

The Finance Committee met today and all members were present. We had the Assistant Finance Director Keith Schuster with us, along with the Mayor and other members of the administration. We discussed two things. One was Ordinance 04-2020, our periodic transfers and advances ordinance. The second was a review of expenses, revenues, and healthcare claims to date.

On the first matter, we simply reviewed what is a regular, periodic accounting practice ordinance. We have budgeted for the amounts in tonight's ordinance, which are \$748, 357 for transfers and the reimbursement of advances of \$492,000. As usual the transfers were from the General Fund to the Office of Aging. There was transfers to account for the hospitalization, workman's compensation portions of the court's employees. The Wastewater Treatment Improvement Fund transferred half a million dollars this quarter to the Debt Service Fund. The advances, totaling \$492,000, are all reimbursements to the General Fund of funds advanced December 31 to make sure that those accounts were in the black, as required by state law. The committee unanimously recommended adoption to the full Council tonight, as we are on third reading.

Secondly, we reviewed the 2020 revenues, expenses, and healthcare claims to date as a tracking procedure for the Finance Committee in partnership with the administration. This

was a preliminary conversation. Since we are so early in the year, we do not have written reports available to us, although we resolve to come back in a month and hope to have a full-time Finance Director in place. Keith Schuster, our Assistant Finance Director of some years, is doing an excellent job. We'll have end of first quarter monthly balance reports for the public and Council to review after March 31. The question we were driving at is are we on track with our costs and our incomes. The answer is yes, as we're right at about 17% on the year in wages and benefits. Healthcare claims are little bit high due to some expenses that came in this year. The Mayor discussed a need for potentially additional funds in 3 or 4 departments, which include Fire, Building, Law, and we're keeping an eye on our ability to provide merit bonuses at the end of the year. It's my view that we can do that without adding additional funds. It's our jobs to work within the budget that we have. That's an ongoing item that we will have to keep a weather eye on. That will be the subject of future discussions in future Finance Committee meetings.

Councilmember Bullock made a motion, seconded by President O'Malley to receive and file the oral report.

All members voted in favor. Motion passed. The oral report was received and filed.

7. **ORDINANCE 04-2020** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force at the earliest period allowed by law, authorizing the transfer and advance of certain funds. (*1st read and referred to Finance Committee 2/3/20, 2nd reading 2/18/20*) (pg. 15)

President O'Malley made a motion, seconded by Councilmember Bullock to adopt.

All members voted in favor. Motion passed. Ordinance 04-2020 was adopted.

8. **ORDINANCE 05-2020** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Director of Planning and Development or the Mayor to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1612 Orchard Grove Avenue, Lakewood, Ohio (PPN 313-24-006) for a period of 180 days, pursuant to Section 155.07 of the Codified Ordinances. (*1st read & referred to HPD 2/18/20*) (pg. 17)

President O'Malley made a motion, seconded by Vice President Litten to defer the item.

All members voted in favor. Motion passed. Ordinance 05-2020 was deferred.

****NEW BUSINESS****

9. Communication from President O'Malley regarding Council Committee assignments. (pg. 19)

President O'Malley made a motion, seconded by Vice President Litten to receive and file the communication.

All members voted in favor. Motion passed. The communication was received and filed.

10. Communication from Councilmember Rader regarding 2020 Council Budget Priorities. (pg. 20)

Councilmember Rader made a motion, seconded by President O'Malley to refer the communication to the Public Works & Sustainability Committee.

All members voted in favor. Motion passed. The communication was referred to the Public Works & Sustainability Committee.

11. Communication from Councilmember Shachner regarding beekeeping. (pg. 21)

Councilmember Shachner made a motion, seconded by President O'Malley to refer the communication to the Housing, Planning, & Development Committee.

The following public comment was made on the agenda item:

Larry Theurrer – 1724 Merl Ave. Cleveland, OH 44109 – Mr. Theurer noted that he is a beekeeper and manages the hives at the Cuyahoga County Fairgrounds, along with four hives on his residential property in Cleveland. He is the Vice President of the Lorain County Beekeepers Association and expressed his support for legislation on beekeeping in Lakewood. He also offered his expertise to Council in helping craft or review legislation on the topic.

Phil Bartosh – 5717 Ira Ave. Cleveland, OH 44144 – Mr. Bartosh stated that he is the Cuyahoga County Apiary Inspector and offered assistance to Council addressing any questions members might have about beekeeping. He offered his business card with his contact information.

George Scherma – 26393 Hilliard Blvd. Westlake, OH 44145 – Mr. Scherma suggested that Council seek out the guidance of a beekeeper to assist in crafting beekeeping legislation. He discussed beekeeping processes and best practice methods of inspection.

Jeff Harrison – 1367 Hall Ave. Lakewood, OH 44107 – Mr. Harrison noted that he does have beehives in his backyard and has never received any complaints from neighbors. He added he would be happy to attend committee meetings on the matter.

Discussion: Councilmember Rader expressed his support for beekeeping legislation. Councilmember Shachner noted that the Housing, Planning, & Development Committee would be having a meeting on the subject the following week. Councilmember Bullock described his past efforts on this initiative. Members discussed the bipartisanship of beekeeping.

On the motion: All members voted in favor. Motion passed.

12. Communication from President O'Malley regarding appointment to Lakewood Animal Safety & Welfare Advisory Board. (pg. 22)

President O'Malley made a motion, seconded by Vice President Litten to receive and file the communication.

All members voted in favor. Motion passed. The communication was received and filed.

13. Communication from Councilmember Neff regarding appointment to Citizens Advisory Committee. (pg. 23)

Councilmember Neff made a motion, seconded by President O'Malley to receive and file the communication.

All members voted in favor. Motion passed. The communication was received and filed.

14. Communication from Mayor George regarding appointment to the Planning Commission. (pg. 24)

President O'Malley made a motion, seconded by Vice President Litten to receive and file the communication.

All members voted in favor. Motion passed. The communication was received and filed.

15. Communication from Mayor George, Director Gelsomino, & Director Sylvester regarding a project update for the City of Lakewood's Intergenerational Community Center. (pg. 25)

President O'Malley made a motion, seconded by Councilmember Rader to receive and file the communication.

All members voted in favor. Motion passed. The communication was received and filed.

16. Communication from Director Corrigan regarding One Ohio Resolution Opioid Multidistrict Litigation MOU. (pg. 26)

President O'Malley made a motion, seconded by Vice President Litten to receive and file the communication.

All members voted in favor. Motion passed. The communication was received and filed.

17. **RESOLUTION 2020-17** - A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor on behalf of the City of Lakewood to accept the One Ohio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds. (pg. 27)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-17.

Discussion: Councilmember Rader complemented Director Corrigan and the Law Department on the significant amount of work that it took to get the city to this point in the settlement. Director Corrigan credited former Law Director Butler on his past and continued efforts to assist with the Multidistrict Litigation MOU. He also noted some of the logistics of the MOU and has been in meetings with other municipalities and counties regarding how the case will move forward.

On the motion: All members voted in favor. Motion passed. The communication was received and filed.

18. Communication from Director Sylvester regarding Fiscal Year 2020 through Fiscal Year 2024 HUD Five-Year Consolidated Plan Resolution. (pg. 41)

President O'Malley made a motion, seconded by Vice President Litten to receive and file the communication.

All members voted in favor. Motion passed. The communication was received and filed.

19. **RESOLUTION 2020-18** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and

directing the Mayor to submit Lakewood's FY20-FY24 Five Year Consolidated Plan, as approved by the Citizens Advisory Committee (CAC), to the U.S. Department of Housing and Urban Development (HUD) which includes dollar allocations and activities to be funded with federal Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnership Program (HOME) resources during the abovementioned five-year period and incorporates the City's FY20 Annual Action Plan which serves as the City's application to HUD for FY 2020 CDBG, ESG, and HOME funds. (pg. 42)

President O'Malley made a motion, seconded by Councilmember Bullock to refer Resolution 2020-18 to the Finance Committee.

Discussion: Councilmember Bullock highlighted the importance of the five-year plan. He requested that the Planning & Development department assist him and the committee on where the discretionary decision making lies within the plan and better understand the plan's overall analysis.

On the motion: All members voted in favor. Motion passed. Resolution 2020-18 was referred to Finance Committee.

20. Communication from Director Corrigan regarding 2020-2022 collective bargaining agreement for city dispatchers. (pg. 44)

President O'Malley made a motion, seconded by Vice President Litten to receive and file the communication.

All members voted in favor. Motion passed. The communication was received and filed.

21. **RESOLUTION 2020-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Fraternal Order of Police/Ohio Labor Council (FOP/OLC) Inc., Dispatcher Unit. of for a three-year period commencing January 1, 2020 and ending December 31, 2022. (pg. 45)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-19.

Discussion: President O'Malley and Councilmember Bullock noted that the agreement is consistent with the amount the city budgeted for the department and is also consistent with the agreements of other bargaining units in regard to pay increases, however the increases are structures differently. The agreement was ratified by the union membership. There were changes in hospitalization benefits compared to the unit's last contract.

On the motion: All members voted in favor. Motion passed. Resolution 2020-19 was adopted.

22. Communication from Fire Chief Dunphy regarding Severe Weather Awareness Week. (pg. 94)

President O'Malley made a motion, seconded by Vice President Litten to receive and file the communication.

All members voted in favor. Motion passed. The communication was received and filed.

23. **RESOLUTION 2020-16** - A RESOLUTION proclaiming March 22nd through March 28th, 2020 "Severe Weather Awareness Week." (pg. 95)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-16.

Discussion: President O'Malley expressed his support for the resolution.

On the motion: All members voted in favor. Motion passed. Resolution 2020-16 was adopted.

******LIQUOR PERMITS******

24. Liquor Permit Notice regarding Yramn LLC at 16511 Detroit Ave. (pg. 96)

Captain Wilkins indicated that an investigation was completed by the Ward 1 Officer at the address and that the department found no reason to object to the liquor permit. Councilmember Neff stated that she had no objection.

President O'Malley made a motion, seconded by Vice President Litten to receive and file the communication.

All members voted in favor. Motion passed. The communication was received and filed.

******PUBLIC COMMENT******

Jordan Tadic – 1436 Riverside Dr. - Mr. Tadic spoke representing the Lakewood Outdoor Basketball Committee and expressed his group's support to bring outdoor basketball back to Lakewood after the hoops were removed about 10 years ago. The group expressed a desire to have a full basketball court installed during the renovation of Wagar Park. He indicated that the group sent councilmembers 25 letters from Lakewood High School students expressing their support for outdoor full court basketball.

Jaxen Davis – 14804 Leonard Ave. – Ms. Davis of the Lakewood Outdoor Basketball Committee noted her efforts to organize her classmates to write letters in support of implementing full court outdoor basketball at Wagar Park.

Isabella Murphy – 1261 Cove Ave. – Ms. Murphy of the Lakewood Outdoor Basketball Committee read a written statement from the Lakewood High School freshmen basketball coach in support of implementing full court outdoor basketball at Wagar Park.

Walter Johnson – 1571 Bunts Rd. – Mr. Johnson read his own written statement in support of implementing full court outdoor basketball at Wagar Park.

Emmanuel Coach - 15325 Lake Ave. – Coach read a written statement from a child that spoke in support of implementing full court outdoor basketball at Wagar Park.

Steve Eisenberg – 12900 Lake Ave. Apt. 402 – Mr. Eisenberg expressed concerns about the frequency of lots pets being posted on neighborhood Facebook pages. He suggested that a neighborhood watch be established.

McKenzie Levi – 14811 Hilliard Rd. – Mr. Levi expressed concerns about the level of supplies being stocked at local grocery stores and encouraged the city to partner with them in some capacity. He asked that Council loosen the question and answer policy during the public comment section of the meeting.

******ANNOUNCEMENTS******

Mayor George notified Council that the administration hosted regulators from the US & Ohio EPA last week for an all day technical session on the city's IWWIP plan. Lou McMahon, the city's attorney for the IWWIP, should be in attendance for Council's regular meeting on the 16th to give a full update on the meeting.

Mayor George stated that her administration hosted a meeting with community leaders last week regarding the 2020 Census. March 28th will be declared Census Saturday, where volunteers will pass out census information to hard to reach members of the community. She asked that councilmembers pass the information through their networks.

Mayor George indicated that her administration has reached out to the Cleveland Clinic and Cuyahoga County government to get information on how they are addressing coronavirus.

Councilmember Rader credited Fire Chief Dunphy and the Fire Department to a prompt response to a house fire on Hilliard Ave. last week. He expressed some community concerns regarding newer developments in Lakewood and making sure that they are fire safe. Chief Dunphy explained the logistics of the large fire on Hilliard Ave. in Rocky River and noted that none of their vehicles sustained any damage. He noted how the Fire Department works with the Planning Department and the Building Department to discuss plans, inspections, and employee with construction companies tasked with buildings structures in the city. Testing is done on fire protection systems in phases and as they are completed.

President O'Malley noted that he is looking to schedule a joint meeting between Council and the Board of Education in the near future. Councilmember Bullock looked to include full court basketball as part of that discussion.

Councilmember Bullock and Fire Chief Dunphy discussed the logistics of a house fire that occurred recently across the street from Wagar Park. It was likely started due to carelessly discarded smoking materials. No injuries to residents or firefighters were sustained.

Councilmember Shachner thanked Chief Dunphy for a quick response to a constituent question that he referred to him.

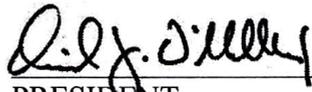
President O'Malley made a motion, seconded by Vice President Litten to adjourn.

All members voted in favor. Motion passed.

The meeting was adjourned at 9:04 p.m.

Approved: 3/16/2020


CLERK


PRESIDENT