

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 16, 2020
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 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, Fire Chief Dunphy, Public Works Director Ducu, Human Services Director Gelsomino, and members of the public.

Reading and disposal of the minutes of the Regular Meeting of Council held March 2, 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. Housing, Planning, & Development report regarding meetings held March 9, 2020. (to be provided)

Councilmember Shachner read the following oral report was read into the record:

On Monday March 9th, the first Housing, Planning, & Development Committee was held. We had two items on the agenda. The first one was Ordinance 05-2020. We discussed this ordinance with city staff from the Planning & Development Department. We learned a lot about the city program that involves rehabbing property and selling it to people that fit a certain criteria of income. The committee unanimously recommended Ordinance 05-2020 for passage tonight.

Our second item on the agenda involved discussing the Lakewood beekeeping ordinance. We had a decent discussion with a lot of good input. We had the president of the Ohio State Beekeepers Association present who provided very good guidance along with other

beekeepers. I presented a draft ordinance. We're going to work from there and hopefully we'll have something done by the end of the year.

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

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

2. 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, 2nd reading 3/2/20) (pg. 1)

President O'Malley made a motion, seconded by Vice President Litten to adopt Ordinance 05-2020.

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

3. Finance Committee report regarding meetings held March 9, 2020. (to be provided)

Councilmember Bullock read the following oral report into the record:

The Finance Committee met a week ago on March 9th. All members of the committee were present, as was Councilman Shachner and Councilwoman Kepple. The one item of business was to consider the proposed Ordinance 02-2020, a proposal for campaign finance regulation. We had a preliminary discussion. It was an in-depth discussion about both the concept of achieving this policy outcome and the specifics about how we might do so. The committee did not come to a conclusion in this hearing, but rather agreed that we will meet again in the future when the sponsor of the legislation, Councilman Rader, prepares a new draft for discussion purposes based on the feedback of the councilmembers. It is to be based more upon the Cleveland ordinance rather than the Columbus ordinance. It is a good start and there is more to come. Councilman Litten was actually not able to attend due to work travel.

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

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

4. Health & Human Services Committee report regarding meeting held March 16, 2020. (to be provided)

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

All members voted in favor. Motion passed. The report was deferred.

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

5. Communication from President O'Malley regarding National League of Cities conference. (pg. 3)

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.

6. Communication from Councilmember Kepple and President O'Malley regarding emergency meeting cancellations and changes. (pg. 4)

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

Discussion: Councilmember Bullock sought clarification that the intent of the ordinance was not to make changes to meeting laws routine rather than the exception, for instance only when there are declared emergencies. Councilmember Kepple stated that limiting public interaction via virtual means would only be under an emergency. She also added that it gives Council the ability to follow a regular procedural vote to cancel meetings in the future. Councilmember Bullock expressed hesitancy to limit public involvement in meetings and to conduct them online. President O'Malley shared similar feelings but also expressed his view that Council has an overriding duty to protect the public health by limiting gatherings at meetings during the ongoing crisis. President O'Malley and Director Corrigan clarified that Council has the authority to make the change to the city code based on Ohio's Sunshine Laws. Director Corrigan noted that the Law Department had several conversations with the Ohio Attorney General who loosened public meetings law requirements during this time of crisis. Councilmember Neff noted that the Office of the Attorney General has offered to join as an amicus on behalf of the municipality if a city were to be sued for a violation of the Open Meetings Act at this time. It was clarified that a meeting has to be live streamed and available at the time it is occurring in order to comply with public records law. Mayor George further clarified that this ordinance is only necessary when a state of emergency has been called. Councilmember Bullock sought to further define the term "streaming" in the legislation to include two-way communication that enables the public to ask questions.

Director Corrigan noted that the word streaming would connote a live-feed. Councilmembers pledged to look into solutions for two-way communication via a streamed Council meeting. Councilmember Shachner proposed amending the legislation to say “limit public attendance to online streaming and allow participation by the public when practicable.”

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

7. ORDINANCE 06-2020 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Section 121.03, Council Officers, and Section 109.02 Notice to Public and Media of the Codified Ordinances of the City of Lakewood to articulate Council’s authority to cancel or postpone a General Meeting for emergency and non-emergency reasons. (pg. 5)

President O’Malley made a motion, seconded by Vice President Litten to substitute Ordinance 06-2020.

A roll call vote was taken as follows:

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

Nays: none

On the motion: Motion passed. Ordinance 06-2020 was substituted.

Councilmember Shachner made a motion, seconded by President O’Malley to amend and add to the end of the second line of subsection E of 121.03 of Ordinance 06-2020 to read “may postpone or cancel Council meetings, limit public attendance to online streaming, and allow direction by the public when practicable,”

Discussion: Councilmember Bullock proposed adding a radio-call in type format to the amendment and thanked the leadership for the accommodation.

A roll call vote was taken as follows:

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

Nays: none

On the motion: Motion passed. Ordinance 06-2020 was amended.

President O’Malley made a motion, seconded by Vice President Litten to suspend the rules to allow for the adoption of Ordinance 06-2020 without the necessity of 3 readings.

A roll call vote was taken as follows:

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

Nays: none

On the motion: Motion passed. The rules were suspended.

President O'Malley made a motion, seconded by Vice President Litten to adopt Ordinance 06-2020.

A roll call vote was taken as follows:

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

Nays: none

On the motion: Motion passed. Ordinance 06-2020 was adopted as substituted.

8. Communication from President O'Malley regarding recognizing Planning Director Bryce Sylvester. (to be provided)

President O'Malley delivered the following oral statement:

Director Sylvester, you have been a real rock here at City Hall. I think no matter what was happening here, whether it was a change in administrations or a big development project going on, I was always very assured knowing that you were running that shop. It is a real loss to the community that you are not going to be in that position anymore. I can't tell you how well respected you are. In my day job, I work with a lot of other officials throughout the county and you are so well regarded by your contemporaries. We are lucky to have you as long as we did and I wish you nothing but the best.

Discussion: Vice President Litten spoke well of his time serving with Director Sylvester on countywide Next Generation Council. He noted his responsiveness and thanked him for his service. Councilmember Rader complimented the Director's ability to select and find talent to build up the Planning Department. Councilmember Shachner noted the Director's work on the Resiliency Taskforce. Councilmember Bullock highlighted the Director's combination of competency, professionalism, and emotional intelligence. Mayor George thanked the Director for his service and expressed her enjoyment of working with him. Director Sylvester thanked Council and the Mayor for the opportunity to work for the City over the last 9 years.

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.

9. RESOLUTION 2020-23 - A RESOLUTION to recognize and thank Bryce Sylvester for his eight years of public service and achievements as Director of Planning & Development for the City of Lakewood. (pg. 8)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-23.

All members voted in favor. Motion passed. Resolution 2020-23 was adopted.

10. Communication from Councilmember Bullock & Vice President Litten regarding recognizing former HR Director Jean Yousefi. (to be provided)

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

All members voted in favor. Motion passed. The item was deferred.

11. RESOLUTION 2020-20 - A RESOLUTION to recognize and thank Jean Yousefi for her twelve years of public service and achievements as Director of Human Resources for the City of Lakewood. (pg. 9)

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

All members voted in favor. Motion passed. The item was deferred.

12. Communication from Councilmember Neff regarding recognition of Ward 1 Eagle Scout. (pg. 10)

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

All members voted in favor. Motion passed. The item was deferred.

13. RESOLUTION 2020-21 - A RESOLUTION to recognize Ward 1 resident John Uchaker on achieving the rank of Eagle Scout as a member of Troop 293, St. Mark Catholic Church in Cleveland. (pg. 11)

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

All members voted in favor. Motion passed. The item was deferred.

14. Communication from Vice President Litten regarding appointment to Citizens Advisory Committee. (pg. 12)

Vice President Litten 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.

15. Communication from Councilmember Bullock regarding appointment to Citizens Advisory Committee. (pg. 13)

Councilmember Bullock 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.

16. Communication from Councilmember Rader regarding appointment to Citizens Advisory Committee. (pg. 14)

Councilmember Rader 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.

17. Communication from Councilmember Shachner regarding appointment to Citizens Advisory Committee. (pg. 15)

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.

18. Communication from Mayor George regarding Integrated Wet Weather Improvement Plan Update (IWWIP). (pg. 16)

Lou McMahon, the city's contracted attorney helping to oversee the IWWIP, gave a brief update on the plan. He noted that the city would soon be in discussion with the US EPA regarding a potential consent decree. He added that the city would be examining a new sewer rate structure this year, due to the shrinkage of households and the more efficient use of water. He noted that the Planning Department successfully updated multiple levels of the

city's code and that has put them in a more advantageous position in discussions than other communities. Mr. McMahon noted the US EPA's potential willingness to structure a consent decree that works for Lakewood, due to the time and expertise the city has invested in addressing its sewer systems.

Discussion: Vice President Litten shared positive remarks regarding the US EPA's consent decree flexibility. Councilmember Bullock inquired as to where the city is at in its permit process with the state, as the city has been operating without one for the last year. Mr. McMahon noted that the city applied for a permit renewal in a timely fashion, and thus has not needed one as a result of protections under the law. Permits routinely are administratively continued for years. The rate structure would likely not be included in a consent decree with the US EPA.

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

Discussion: Mayor George reiterated that as the city moves through the COVID-19 crisis, her administration will come back with another update on the IWWIP at the appropriate time.

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

19. Communication from Mayor George & Planning Director Sylvester regarding Lakewood Hospital Site & One Lakewood Place. (pg. 18)

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

Discussion: Councilmember Bullock asked that the Mayor seek to reach an agreement regarding Carnegie's gap in financing by summer. Mayor George indicated that prior to the pandemic, she anticipated knowing whether the city could bridge that gap in the coming weeks. However circumstances have changed as a result of the pandemic. The two parties are far apart at this point.

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

20. Communication from Mayor George regarding appointment to Citizens Advisory Committee. (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.

21. Communication from Acting Finance Director Schuster regarding amended 2020 purchasing and contracting authority. (pg. 20)

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.

22. ORDINANCE 33-19A - 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, amending Ordinance 33-19 adopted December 16, 2019, 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 2020 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (pg. 21)

President O'Malley made a motion, seconded by Vice President Litten to suspend the rules to allow for the adoption of Ordinance 33-19A on first reading.

A roll call vote was taken as follows:

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

Nays: none

On the motion: Motion passed. The rules were suspended.

President O'Malley made a motion, seconded by Vice President Litten to adopt Ordinance 33-19A.

A roll call vote was taken as follows:

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

Nays: none

On the motion: Motion passed. Ordinance 33-19A was adopted.

23. Communication from City Engineer Papke regarding Detroit-Sloane Improvements. (pg. 28)

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

Public Comment: Michael Gill – 1372 Edwards Ave. – Mr. Gill stated his support for the project, especially the project's effort to increase bicycle safety, as he is a cyclist. He offered to leave notes he took during a public meeting on the project several years ago.

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

24. RESOLUTION 2020-22 - 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, appropriating \$1,100,214.00 and authorizing the Mayor to enter into an agreement which will allow the City of Lakewood to participate in the improvement of Detroit Avenue (US-6) and its intersection with Sloane Ave/Valley Parkway to Graber Drive in the City of Lakewood with the Ohio Department of Transportation. (pg. 30)

President O'Malley made a motion, seconded by Vice President Litten to refer the item to the Public Works & Sustainability Committee.

All members voted in favor. Motion passed. Resolution 2020-22 was referred to the Public Works & Sustainability Committee.

****LIQUOR PERMITS****

25. D3 Liquor permit notice regarding Waterbury Bistro LLC at 13333 Madison Ave. (pg. 51)

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

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

26. Liquor permit notice regarding Waterbury Bistro LLC. at 13333 Madison Ave. (pg. 52)

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

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

****PUBLIC COMMENT****

Ian Andrews of Lakewood Alive and Patty Ryan of the Lakewood Chamber of Commerce gave an overview of the plight of local small business owners, noting dried up supply chains from China and reduced foot traffic around their businesses. The uncertainty of the COVID-19 crisis has created a great amount of anxiety in the business community. The governor's ban on in house dining has caused decreases in business, as employers are also worried about their staffs' health. They expressed that the things business owners want most from local government during this time of crisis are: transparency, the timely sharing of accurate information, planning & direction, financial support & resources, and confidence & hope. They shared small actions the public can take to help support small businesses. They are working with First Federal Lakewood to create an emergency micro-loan program for small businesses. Councilmembers asked various questions regarding resources available for small businesses that could help them weather the crisis.

****ANNOUNCEMENTS****

Mayor George noted that there are challenging times ahead, but that Lakewood is well positioned to get through this crisis.

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

All members voted in favor. Motion passed. The meeting was adjourned.

The meeting was adjourned at 9:21 p.m.

Approved: 4/6/2020


CLERK


PRESIDENT