

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD ONLINE  
APRIL 20, 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 16, 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 report regarding meeting held April 13, 2020. (pg. 1)

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

A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner,  
Nays – None

The motion passed. The report was received and filed.

\*\*\*\*

2. RESOLUTION 2020-24 – 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, approving the

appointment of Claudia Dillinger to the position of Director of Human Resources upon her taking the oath of office. (Referred to COW 4/6/20) (pg. 2)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-24.

*Discussion: President O'Malley noted that the Council appreciated speaking with her in depth the prior week and was thankful she could make the move over from Elyria. He congratulated her on her appointment.*

*On the motion:* A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner  
Nays – None

The motion passed. Resolution 2020-24 was adopted.

\*\*\*\*

### 3. Oath of Office of Claudia Dillinger.

Mayor George administered the oath of office to Ms. Dillinger over the online recording.

\*\*\*\*

4. RESOLUTION 2020-25 – 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, approving the appointment of Peter Rancatore to the position of Director of Finance upon his taking the oath of office. (Referred to COW 4/6/20) (pg. 4)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-25.

*Discussion: President O'Malley thanked Mr. Rancatore for speaking with Council last week and noted that Council was impressed with his background.*

*On the motion:* A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner  
Nays – None

The motion passed. Resolution 2020-25 was adopted.

\*\*\*\*

5. Oath of Office of Peter Rancatore.

Mayor George administered the oath of office to Mr. Rancatore over the online recording.

\*\*\*\*

6. Finance Committee report regarding meetings held April 13, 2020 & April 20, 2020. (to be provided)

Councilmember Bullock read the following report into the record:

*The Finance Committee met last Monday night and this Monday night. The committee discussed Resolution 2020-18 to approve the consolidated plan draft for HUD for fiscal year 2020-2024. We also began a discussion last Monday on the need for COVID crisis mitigation for financial impacts on businesses and residents. We continued discussion tonight of the draft plan that we owe to HUD. We also discussed the beginnings of fiscal austerity measures that the administration has started to undertake as we look to conserve financial strength and anticipate reduced city tax receipts and expenditures this year. The committee heard from Dan Wyman, who is our expert on staff for CDBG funding, and from Marsha Moll and Rick Sicha, our consultants for developing this data analysis. We recommend adoption of Resolution 2020-18 to the full council. I would be happy to move or support a motion passing that.*

*Finance Director Rancatore described how the crisis is injecting timing uncertainty to our income tax receipts this year and may affect July's tax receipts as well. We appreciate the good work of Councilmembers and members of the administration to begin to identify how our city will be affected*

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

A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner  
Nays – None

The motion passed. The oral report was received and filed.

\*\*\*\*

7. 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. (Referred to Finance Committee 3/2/20) (pg. 6)

Councilmember Bullock made a motion, seconded by President O'Malley to adopt Resolution 2020-18.

*Discussion: President O'Malley noted how critical CDBG and ESG funds have been in the past and highlighted their importance during this budget crisis. Councilmember Bullock added that passing this piece of legislation is one of the steps that the city needs to take in order to accept federal COVID relief dollars in the future.*

*On the motion:* A roll call vote was taken as follows:

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

Nays – None

The motion passed. Resolution 2020-18 was adopted.

\*\*\*\*

8. Health & Human Services Committee regarding meeting held April 20, 2020. (to be provided)

Vice President Litten read the following report into the record:

*The Health & Human Services Committee met this evening and all members of the committee, along with other members of Council and the administration were present virtually, including Terry Allan from the Cuyahoga County Board of Health. We started off with an update from Director Allan on COVID related topics. Cuyahoga County is now past its peak of cases. At its peak, 80 cases were being identified a day, and that is now trending downward. Testing has been expanded and their major focus now is on clusters in nursing homes, hospices, etc. We are about a year away from having a vaccine. Chief Dunphy updated the committee on all that the Fire Department is doing during the crisis. Everybody on the department is wearing masks as much as possible while they are on duty. They treat anyone they come in contact with as a potential COVID-19 patient, following universal guidelines.*

*Mayor George gave some updates as well and I asked some questions about upticks in domestic violence calls that the police were receiving. That is something Chief Malley predicted early on in this process. Councilmembers had questions about masks and antibody tests. Director Gelsomino also gave updates on all that Human Services staff has been doing to get seniors fed and connected. We approved the minutes from our March 16<sup>th</sup> meeting.*

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

A roll call vote was taken as follows:

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

Nays – None

The motion passed. The oral report was received and filed.

\*\*\*\*NEW BUSINESS\*\*\*\*

9. Communication from Councilmember Shachner regarding rent assistance. (to be provided).

Councilmember Shachner read the following communication into the record:

*I'm sure many of you are receiving similar emails of concern from residents looking for rent assistance at this time. Doing some research, there are multiple cities throughout the country of varying sizes that are providing different sorts of rent assistance. That is why I called for a Housing, Planning, and Development Committee meeting to be held tomorrow at 6PM, to discuss different options the administration may have in terms of helping people falling through the cracks. I would also like to take this opportunity in the discussion portion after I move to receive and file the communication, to hear from anybody who might have any recommendations that might help guide discussion tomorrow or might provide opportunity for some preliminary research.*

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

*Discussion: Mayor George noted that Mary Leigh in Planning has been researching the issue and added that the city could use some HOME dollars to potentially provide some rental assistance for people. President O'Malley suggested taking some inventory on what landlords and tenants are doing on their own to provide relief. He added that it might be worth reaching out to landlords with sizable amounts of units, such as those that own property on the Gold Coast, to get their input on how they are dealing with the crisis, having hundreds of tenants. Mayor George added that the city's budget will be taking a hit, not allowing the city to help everyone, but that her administration is open to seeing what kind of programs out there can help assist people with rent.*

*On the motion:* A roll call vote was taken as follows:

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

Nays – None

The motion passed. The communication was received and filed and referred to the Housing, Planning, & Development Committee.

\*\*\*\*

10. Communication from Mayor George regarding amended FY2019 approved annual plan. (pg. 8)

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

*Discussion: President O'Malley sought clarification on whether the Council was merely amending the exhibit in the annual plan to say approximately \$1.7 million will be used for the COVID-19 pandemic response. He added that he would like Council to be a part of the conversation on how that money would be spent. Mayor George noted that his statement was correct and that the city has not received guidance from the federal government on how the funds could be spent. Dan Wyman of the Planning Department added that the city will have to amend the Citizen Participation Plan in the future. He noted that there is urgency to pass the amended legislation because it will allow the city to be more immediately reactive when the federal guidelines come out.*

*Mr. Wyman recommended that CDBG funds be allocated to assist Lakewood Community Service Center's Food Pantry, which is in dire straights. They rely heavily on volunteers, which have not been available, and demand for their services has increased three fold. The suggested allocation would be about \$50,000. He also suggested setting aside \$50,000-\$100,000 to plan and administer programs to be enabled through CARES Act money. He envisioned that the remainder of the funds would be divided between the small business assistance program, which would require a \$500,000 - \$550,000 investment. The remainder could potentially be used to provide rent/utility assistance for residents below 80% of the area median income.*

*Councilmember Bullock expressed his understanding that the administration hoped to pass Resolution 9042-18A that evening along with amendments to a procedural ordinance regarding our public comment process regarding our CDBG plan. He added that it sounds like that intention was pushed back a week. Mr. Wyman stated he is fast tracking HUD processes, but there is going to be time needed over the next month to assess needs, develop programs, review applications, and distributing funds. Passing the legislation on May 4<sup>th</sup> would not set the city back.*

*Mr. Wyman and Councilmembers discussed the timeline on various submissions to HUD and when dollars will be released to program recipients. It was noted that the city is acting expediently, however the distribution of dollars relies largely on HUD responding to the city's plans.*

*Councilmember Kepple inquired as to how resident income would be measured by HUD, due to the fact many individual's income and employment situations have changed as a result of the crisis. Mr. Wyman noted that the issue would need to be addressed by HUD.*

*Councilmember Rader asked Director Corrigan for his position on the appropriate timeline of passage of Resolution 9042-18A. Director Corrigan stated the need for passing a second piece of legislation that will eventually be paired with Resolution 9042-18A, but noted that if needed a remote emergency meeting of Council could be called if needed. The administration was unable to put it on tonight's docket due to a lack of 24 hours notice. The lack of notice was due to HUD failing to mention alterations needed to the citizen participation plan.*

*On the motion:* A roll call vote was taken as follows:

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

Nays – None

The motion passed. The communication was received and filed.

\*\*\*\*

11. RESOLUTION 9042-18A - 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, amending Resolution No. 9042-18, adopted December 17, 2018 to include an additional \$1,787,948 allocated through the Coronavirus Aid, Relief, and Economic Security (CARES) Act 2019 One-Year Action Plan of the FY2015 - FY2019 Five-Year Consolidated Plan which includes dollar allocations and activities to be funded with federal Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnerships Program (HOME) resources and incorporates the City's application to the U.S. Department of Housing and Urban Development (HUD) for FY2019 CDBG, ESG, and HOME funds and all amendments thereto and all understandings and assurances contained therein. (pg. 9)

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

*Discussion: Mayor George stated she would work with the Council President to get a special Council meeting scheduled for the passage of this legislation along with the discussed piece that needs to be paired with it.*

*On the motion:* A roll call vote was taken as follows:

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

Nays – None

The motion passed. Resolution 9042-18A was deferred.

\*\*\*\*

12. Communication from Mayor George and Director Gelsomino regarding design-build contract approval with Infinity Construction Co., Inc. (pg. 12)

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

*Discussion: Councilmember Shachner asked whether the administration could be more specific on the reasons for not being able to complete certain work at the site on time. Allison Hennie of the Planning & Development Department noted that there were delays in the selection process last year, which caused design build teams to not be able to walk through the property while asbestos abatement was being completed.*

*Infinity Construction was selected due to their familiarity with the site and the abatement work needed. President O'Malley asked Mr. Izzo of Infinity Construction whether this type of work is something his company would do or sub-contract out. Mr. Izzo indicated that this type of work would be sub-contracted out and coordinated to ensure the project is completed on a timely basis. The pre-construction process should take another 6-8 weeks and the physical renovation should take about 9 months.*

*President O'Malley expressed his confidence in Infinity and Moody Nolan to provide a high quality project.*

*On the motion:* A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner  
Nays – None

The motion passed. The communication was received and filed.

\*\*\*\*

13. RESOLUTION 2020-26 - 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 Director of Public Works to enter into a design-build form of agreement for the design, hazardous substance abatement and construction of improvements to Cove Church for the repurposing of the facility as a intergenerational community center in an amount not to exceed \$4,150,000 with Infinity Construction Co., Inc. (pg. 13)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-26 to the Housing, Planning, & Development Committee.

A roll call vote was taken as follows:

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

Nays – None

The motion passed. Resolution 2020-26 was referred to the Housing, Planning, & Development Committee.

\*\*\*\*

14. Communication from Mayor George regarding One Lakewood Place. (pg. 16)

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

*Discussion: President O'Malley expressed disappointment at the way things have ended with this project. He noted that while Mayor George did not vote for the project while on Council, he believes that her administration put its best foot forward on it and went above and beyond the city's obligations to the project. He expressed hope in working with future developers at the site. He noted that Councilmember Bullock suggested having a fuller discussion with the administration and the city's counsel and consultants. He indicated he would be scheduling that in the near future.*

*Councilmember Rader added that he did not vote for this project to begin with, however he was pleased to see how it evolved with input from residents. He gave Mayor George credit for trying to see the project through.*

*President O'Malley stated that he preferred to have a future conversation on what went wrong with the project in executive session, as it could impact the city's interactions with future developers and on potential pending litigation.*

*Councilmember Neff noted that, as the newest members of Council, she and Councilmembers Shachner and Kepple did not have the benefit of receiving a presentation on the project from Carnegie. She expressed hope that the project might not be completely dead.*

*Vice President Litten shared his disappointment in the recent development in the project. He added that developing this site needs to be a top priority while working through this public health crisis.*

*Councilmember Kepple highlighted the need to be cognizant of how the economic landscape will change as a recovery takes place. President O'Malley added that he received information from an industry expert that pretty much all development projects in the country are on hold right now.*

*Councilmember Bullock stated a need to pursue development on this site in Lakewood's downtown. He highlighted the need to still abide by the 13 selection criteria listed at the start of the project. He complemented Carnegie's work on the project and their responsiveness to neighbor input.*

*Mayor George noted that she has been committed to making the development agreement happen since taking office as mayor. She expressed a need to be careful about what she says due to potential pending litigation. She also stated how COVID-19 has changed how people and companies will work, and that this gives Lakewood the opportunity to recalibrate the project to ensure it is best for the city.*

*Councilmember Rader expressed a desire to have as much of the conversation in public, and avoid executive session. President O'Malley shared that sentiment, however he noted that it may be necessary to protect the interests of the city.*

*On the motion:* A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner  
Nays – None

The motion passed. The communication was received and filed.

President O'Malley made a motion, seconded by Vice President Litten to refer the communication to Committee of the Whole.

A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner  
Nays – None

The motion passed. The communication was referred to Committee of the Whole.

\*\*\*\*

15. Communication from City Engineer Papke regarding Lake Avenue Bicycle Lane Striping. (pg. 17)

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

A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner  
Nays – None

The motion passed. The communication was received and filed.

\*\*\*\*

16. RESOLUTION 2020-27 – 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, requesting the cooperation of Cuyahoga County, Ohio, hereinafter referred to as the COUNTY, with the improvement described herein. (pg. 18)

President O'Malley made a motion, seconded by Councilmember Rader to adopt Resolution 2020-27.

*Discussion: President O'Malley stated that the project makes sense based on traffic flows in the city. Director Corrigan noted a need for a motion to suspend the rules.*

President O'Malley made a motion, seconded by Vice President Litten to suspend the rules to allow for the adoption of Resolution 2020-27 on first reading.

A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner  
Nays – None

The motion passed. The rules were suspended to allow for adoption of Resolution 2020-27 on first reading.

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-27.

A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner  
Nays – None

The motion passed. Resolution 2020-27 was adopted.

\*\*\*\*

17. Communication from Fire Chief Dunphy regarding the acceptance of a donation of funds to purchase exercise equipment. (pg. 25)

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

A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner  
Nays – None

The motion passed. The communication was received and filed.

\*\*\*\*PUBLIC COMMENT\*\*\*\*

No public comment was made.

\*\*\*\*ANNOUNCEMENTS\*\*\*\*

Councilmember Rader shared a positive comment from Allan Singleton who runs the Apple Jacks Toy Store on Madison Ave. He received one month's rent assistance from the Planning Department, which has allowed his family's business to stay open.

President O'Malley gave recognition to the Fire Department for handling a significant fire in the Gold Coast and for providing an extremely fast response.

Councilmember Kepple provided an update on the Small Business Taskforce. The Taskforce's meetings have been mainly comprised of listening sessions with local businesses to gather an understanding of what kind of assistance is needed. The Taskforce was informed that there should be a second round of Paycheck Protection Program funding coming from the federal government. The County Small Business Stabilization Fund is now open as well to small business, with an easy application process. The Taskforce is working on setting up goals, such as shopping local, getting PPE for businesses in need, etc. Lakewood has been identified as a community where a significant amount of its residents work in high risk jobs where they may be exposed to COVID-19.

Council President O'Malley adjourned the meeting.

The meeting was adjourned at 9:10 p.m.

Approved: 5/4/2020

Maura M. Bach  
CLERK

Daniel J. Wilbur  
PRESIDENT