

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD ONLINE
MAY 4, 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, Acting Planning and Development Director Milius, Finance Director Rancatore, 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 April 20, 2020 and the Emergency Meeting of Council held April 23, 2020.

President O'Malley made a motion, seconded by Vice President Litten to approve the minutes of the April 20, 2020 meeting without the necessity of a reading.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The minutes were approved.

President O'Malley made a motion, seconded by Vice President Litten to approve the minutes of the April 23, 2020 meeting without the necessity of a reading.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The minutes were approved.

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

1. Committee of the Whole report regarding meeting held April 27, 2020. (pg. 1)

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The report was received and filed.

2. Finance Committee report regarding meeting held April 27, 2020. (to be provided)

Councilmember Bullock read the following report into the record:

Dear Members of Council,

The Finance Committee met the last two weeks and received briefings from the administration on its financial approach, as the city provides relief to the COVID-19 impacts on community businesses and anticipate what those impacts are going to be on the city's budget. We are dealing with a lot of unknowns and complexity. We appreciate working with new Finance Director Pete Rancatore and the support of the Mayor in working together with Council. We anticipate that the financial strategy will come into focus with further deliberation.

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The oral report was received and filed.

3. Public Works & Sustainability Committee report regarding meeting held April 27, 2020. (to be provided)

Councilmember Rader read the following oral report into the record:

The Public Works & Sustainability Committee met on April 27th to consider Resolution 2020-22. We also approved the minutes unanimously. Resolution 2020-22 involved appropriating

\$1.1 million for the improvements that will be taking place on Detroit Ave. at the West End. We ended up unanimously recommending the project for adoption tonight. Part of the reason that I support this initial piece is that we can then apply for the HUD Partner Transportation Fund, which stands to provide a \$1.4 million to the project. The design process is still to come and we were assured that there would be plenty of opportunity for public input. The Planning Department and Public Works are already in contact with business owners around that corner and with residents in the area.

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The oral report was received and filed.

4. **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. (*Referred to PWS 3/16/20*). (pg. 2)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-22.

Discussion: Councilmember Bullock indicated that the discussion to date has been centered around the roadway plan. He flagged further discussion on streetscape and public art improvements to the area.

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

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

Nays – None

Motion passed. The oral report was received and filed.

5. Housing, Planning, & Development Committee report regarding meeting held May 4, 2020. (to be provided)

Councilmember Shachner read the following report into the record:

I don't believe I have made a report on the April 21st Housing Committee meeting, so I will just combine the two. The purpose of the April 21st, 2020 meeting was to discuss residential rent relief options that the city could provide. The committee is looking to figure out how the city can help those that may have lost their jobs or are having trouble keeping up on rent. We learned from Mary Leigh of the Planning Department that we are looking at a variety of options, which include the Emergency Shelter Program, HOME funds, etc. Currently, the city is in somewhat of a holding pattern because it is awaiting guidance from HUD on how to use those funds specifically.

Rent relief was still on the agenda for the May 4th Housing Committee meeting, but there wasn't much time for that because we were busy discussing Resolution 2020-26, which would give the city authority to enter into agreement with Infinity Construction Corporation for the repurposing of Cove Church into an intergenerational community center for an amount not to exceed \$4.15 million. We did prior to that meeting receive a communication from Mayor George that that project might be put on hold. This meeting was held to determine the reasoning behind a hold and whether that was a good way to go, the funding sources involved and whether the current pandemic could impact them. What we did learn was that we were ready to spend \$600,000 on this project this year. \$500,000 of this money would come from the economic development fund and \$100,000 would be from CDBG monies. They would be spent largely on asbestos removal. Mayor George and Director Rancatore explained the reasoning for potentially putting a pause on the project is that funding for it is liquid and could potentially be used for emergency purposes if Council approved any transfer of the funds. We are ahead of schedule on this project. All members of Council and members of the administration communicated how critical this project is in regard to facility updates for Human Services and that it shows Lakewood's commitment to promoting Human Services. That department, from The Family Room to the senior services, is the glue that holds this community together. That item I ask to be deferred, as I would like to continue discussion on the matter and ensure that the pause is not permanent.

Outdoor dining options were discussed, as other cities are preparing guidance. Under social distancing, many folks may not be comfortable going to the many restaurants we have in Lakewood, so I would like to see us provide some emergency provisions for restaurants that do not currently have permits for outdoor or seasonal dining to receive them. Those provisions are currently housed in Section 1161.03T of our Lakewood ordinances and typically involves a review of the ABR committee, etc., so I would like to see us wave those processes during the pandemic. I anticipate having a proposal in the next few weeks. I would ask that to be referred to Committee of the Whole in the future.

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The oral report was received and filed.

6. **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. (*Referred to HPD 4/20/20*) (pg. 23)

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-26 was deferred.

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

7. Communication from President O'Malley regarding re-codification of ordinances. (pg. 26)

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, Neff, O'Malley, Rader, Shachner

Nays – None

Motion passed. The communication was received and filed.

8. **ORDINANCE 07-2020** - 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, to approve the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (pg. 27)

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 07-2020 was deferred.

9. Communication from Councilmember Kepple regarding face masks. (pg. 29)

President O'Malley made a motion, seconded by Councilmember Bullock to receive and file the communication and to refer it to the Rules & Ordinances Committee.

Discussion: Vice President Litten raised a question as to whether the communication should be referred to Health & Human Services Committee or Committee of the Whole. Councilmember Kepple gave her reasoning behind why she proposed the referral and Vice President Litten stated his support for it. It was noted that the Council Office received two emails on the matter providing public comment. Without objection, President O'Malley asked that both of the emails be included in the record. They have been included below in the public comment section.

Public Comment:

- *Tabitha noted her support for the communication in the chat feature of the meeting.*
- *Cindy Strebig noted her support for the communication in the chat feature of the meeting.*
- *Patty Ryan of the Lakewood Chamber of Commerce stated that Councilmember Kepple asked her to survey local businesses regarding requiring face masks. She indicated that the Chamber received a split response from members of the business community who were in support of or opposed the measure.*
- ***Denise Abboud of 1522 Waterbury Rd. provided the following emailed comment on item #9 prior to the meeting:***

Dear Members of Lakewood City Council,

Thank you for seeking input on how our city residents can handle the issue of facial coverings in our businesses in a manner that is reasonable and fair to all. As a resident who has rarely ventured into indoor environments during the pandemic due to greater risk of complications from contracting the virus, and who is somewhat claustrophobic and has difficulty tolerating a mask, I have a sense of both sides of this issue.

I did enter a local chain store in Lakewood this week to pick up a few items even though I largely have relied upon delivery services. To my dismay, even though there were fewer than 10 customers in a space with much more square footage than our typical Lakewood independent establishments, I encountered difficulty maintaining physical distancing and my concern was compounded by the fact that about half of the customers were not wearing

facial coverings. As a result, I will not be patronizing that store for the foreseeable future and emailed the company politely to let them know why. But this should not be my only recourse.

I am an avid fan and supporter of Lakewood's small local businesses. I do not want to have to avoid patronizing them to feel safer. Despite the Governor's optimism, I do not believe that most people will follow the strong recommendation to wear a facial covering. Certainly those who do not have their reasons. I can accept that some people have conditions that will make it very difficult for them to tolerate having their noses and mouths covered, even for a short time. Others may believe that being required to wear a covering infringes on their personal freedom. Although I believe that individual rights have to be tempered with respect for the common good and the welfare of others, I do not want to debate this issue. What we need are common sense solutions that meet the needs of individuals and preserve our unique Lakewood character and our precious local businesses, without potentially sacrificing the health of employees as well as residents of our densely-populated city,

I would like to propose the following idea for your consideration, as a springboard for your further discussion as you collaborate to problem-solve:

Could Lakewood can enact its own ordinance requiring facial coverings in locally-owned and operated retail businesses within its boundaries, with caveats such as the ones I am listing below?

- The final business hour or two could be devoted to customers who cannot or will not wear facial coverings. This would mirror having the earliest business hour(s) devoted to higher-risk shoppers. Naturally the cap on the number of customers allowed inside at one time would have to be maintained, in addition to the physical distancing requirement.*
- Appointments could be scheduled for shoppers without facial coverings on certain days or at certain times.*
- Employees could opt-in to work during the time periods where customers don't wear facial coverings if they were lower-risk, or, perhaps businesses would be willing to pay a moderately increased hourly rate for the last hour, in addition to providing Plexiglas shields, facial coverings and sanitizer for their staff.*
- A business might continue to offer online ordering with scheduled curbside pick-up for customers who do not wear facial coverings. Scheduling the pick up would be a necessity if the business location was unable to accommodate cars waiting on Detroit or Madison, for example.*
- Businesses could post their options on their websites, social media and hard copy in their storefronts.*

I do hope that some version of an ordinance requiring facial coverings can be passed to protect our residents and businesses alike. I, for one, will not enter a business unless facial coverings are required for targeted hours, at the very least. I do not want to place our businesses at risk, but I do not want my health or that of my family at risk either. There should not have to be a trade-off.

In closing, I will paraphrase the grim reminder I saw posted recently: "Just because we are reopening it doesn't mean that the virus went away. It just means that the hospitals now

have room for you in the ICU," (uncredited; emphasis mine). Thank you for your attention to and consideration of my comments.

*Sincerely,
Denise Abboud
1522 Waterbury Rd.*

- Jennifer Mix provided the following emailed comment on item #9 prior to the meeting:

To Whom It May Concern,

I am writing in response to the agenda item Communication from Councilmember Kepple regarding face masks on the agenda for Lakewood City Council's meeting scheduled for Monday, May 4, 2020 at 7:30 pm.

Regrettably, I am unable to participate remotely due to children's bed times.

Councilmember Kepple cites a report published on April 13, 2020 by The Fund for Our Economic Future. I agree reclosing would be devastating for Lakewood's small businesses, restaurants, bars and their employees (as I imagine closing in the first place must have been). I am seeking clarification on her statement citing the report. The report indicates Lakewood has 7,864 residents working in the industries at highest risk for layoffs. I take this to mean Lakewood residents who may work in these industries in Lakewood or outside of Lakewood. However, Councilmember Kepple used "workers" when referencing this number, which leads me to believe she is taking this number to reflect the number of workers working in these industries in Lakewood, not necessarily Lakewood residents. Also, where did Councilmember Kepple get the 12,286 workers number? I cannot find it in the referenced report. Thank you for clarifying this point and reference.

While The Centers for Disease Control and Prevention (CDC) recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain, it should be noted the recommendation is especially for areas of significant community-based transmission. Councilmember Kepple does not give any current COVID-19 data in her communication specific to Lakewood. The most recent [presentation](#) by the Cuyahoga County Board of Health (CCBH) indicates Lakewood has 39-62 lab-confirmed and probable COVID-19 cases as of May 1, 2020. Using the population of Lakewood in 2018 found in the source used by Councilmember Kepple in her communication regarding population density, 50,533, anywhere from 0.077%-0.122% of Lakewood's population has a lab-confirmed or probable COVID-19 diagnosis. This does not seem like significant community-based transmission, despite our dense population. As Councilmember Kepple points out, a significant number of our residents live in housing with shared communal spaces such as laundry facilities, courtyards and mailrooms. I am assuming these spaces have continued to be used throughout the stay at home order, so one might assume we should be seeing higher transmission of the virus, but the current data suggests otherwise.

Councilmember Kepple cited the comment made by Ohio Department of Health (ODH) Director Dr. Amy Acton on April 4, 2020 that wearing masks, even homemade, can help wearers reduce the spread of their own germs to others by up to 80 percent. Can Councilmember Kepple please provide the source Dr. Acton referenced? I cannot find it on ODH's coronavirus website. I attempted multiple Internet searches for a study but could only find that 80% number in reference to surgical masks.

Councilmember Kepple refers to data released by Willow Brook Christian Home to highlight the asymptomatic nature of the virus. The data shows asymptomatic residents tested positive for the virus. What it does not show is whether those asymptomatic residents of Willow Brook Christian Home were spreading the virus. Their swab tests were positive for the virus, but was any virus detected in their breath or coughs?

*The [World Health Organization](#) (WHO) indicates the wide use of masks by healthy people in the community setting is not supported by evidence. A recommendation for the public to wear cloth face coverings is essentially assuming everyone is infected. The [CDC](#) advises the use of cloth face coverings to “help people who may have the virus and do not know it from transmitting it to others” and can be used as a “**voluntary** public health measure” (emphasis added).*

I feel strongly that whether or not to wear a cloth mask is an individual choice given the conflicting recommendations and inconclusive evidence about their effectiveness. If wearing a mask in public helps one feel safe or because they are in a high-risk category, I respect their decision and whole-heartedly support them. While I am not a business owner in Lakewood, I think each business is the best-equipped entity to determine whether or not their business will require their customers to wear masks. I think for a local government to take any legislative action regarding masks beyond what the state already recommends only serves to make it a more polarizing issue.

I choose not to wear a mask because I do not fall into a high-risk category; it may [increase my risk of infection](#); it seems counterintuitive to impede my flow of oxygen at a time when a disease that can result in silent hypoxia is circulating; and it seems pointless to do so this far into a pandemic, especially when recent studies in California, New York and elsewhere indicate far more people have been exposed than are reported.

The first cases of COVID-19 were reported in Ohio in early March, and data published daily by ODH shows dates of onset as early as February 12, 2020. Data published by both ODH and CCBH for influenza surveillance I think suggests COVID-19 was circulating in Ohio prior to that.

In looking at the [ODH Seasonal Influenza Activity Summary for MMWR Week 17](#), the number and percent of positive influenza tests began to increase during MMWR Week 4, or the week ending January 25, 2020, reaching a peak of around 40% during MMWR Week 6 (see graph on page 4). People were clearly sick during this time with something – what were the 60% of people with a negative influenza test sick with at the time? Ohio constitutional ED visits and Ohio fever and influenza-like illness (ILI) ED visits were also increased at this

time and above Ohio's five-year baseline average (see graph on page 7). Ohio Outpatient Influenza-like Illness Network (ILINet) also reported a percentage of total outpatient visits were for ILI at a rate significantly higher than the five-year baseline average for the same time period (see graph on page 8). ILI is defined as a fever AND cough and/or sore throat without another known cause. According to this [infographic](#) on COVID-19 symptoms from ODH, some of these symptoms overlap. Is it possible this increase in ILI visits was due to COVID-19? I hope public health officials are exploring the possibility.

[Cuyahoga County](#) also saw increases in hospital ED visits for ILI and fever symptoms beginning in MMWR Week 4, with numbers well above the five-year median (see graph on page 5 of the County's weekly flu surveillance report for MMWR Week 15, the most recent available). School absenteeism in Cuyahoga County due to any illness also was well above the five-year median for MMWR Weeks 4-8 (week ending January 25, 200 through week ending February 22, 2020). Several [schools in Northeast Ohio closed](#) around the same time due to illness. While I realize this year's flu season has been especially hard on children, particularly Influenza B, is it possible COVID-19 was also circulating at that time? Anecdotally speaking, I know several people, both children and adults, who were sick in December and January.

In its [weekly influenza surveillance reports](#), CCBH includes maps displaying the rate of fever and ILI complaints per 100,000 by ZIP code and the rate of congestion and cough complaints per 100,000 by ZIP code. The data reflect emergency department chief complaints. I compiled the data below for Lakewood from the maps published in their weekly reports, highlighting timeframes with the highest rates.

Rate of Fever and ILI Complaints per 100,000 for ZIP Code 44107		
MMWR Week	Date Range	Rate per 100,000
MMWR Week 4	January 19-25, 2020	11.66-26.04
MMWR Week 5	January 26 - February 1, 2020	34.62-54.58
MMWR Week 6	February 2-8, 2020	18.54-35.33
MMWR Week 7	February 9-15, 2020	26.45-46.61
MMWR Week 8	February 16-22, 2020	16.00-28.23
MMWR Week 9	February 23-29, 2020	30.64-40.82
MMWR Week 10	March 1-7, 2020	42.47-84.43
MMWR Week 11	March 8-14, 2020	58.43-99.39
MMWR Week 12	March 15-21, 2020	29.29-45.06
MMWR Week 13	March 22-28, 2020	24.27-31.98
MMWR Week 14	March 29 - April 4, 2020	24.27-31.98
MMWR Week 15	April 5-11, 2020	7.23-14.12

Rate of Congestion and Cough Complaints per 100,000 for ZIP Code 44107

<i>MMWR Week</i>	<i>Date Range</i>	<i>Rate per 100,000</i>
<i>MMWR Week 4</i>	<i>January 19-25, 2020</i>	<i>70.17-144.47</i>
<i>MMWR Week 5</i>	<i>January 26 - February 1, 2020</i>	<i>91.50-162.56</i>
<i>MMWR Week 6</i>	<i>February 2-8, 2020</i>	<i>103.70-180.59</i>
<i>MMWR Week 7</i>	<i>February 9-15, 2020</i>	<i>108.08-163.84</i>
<i>MMWR Week 8</i>	<i>February 16-22, 2020</i>	<i>93.56-148.94</i>
<i>MMWR Week 9</i>	<i>February 23-29, 2020</i>	<i>129.63-222.24</i>
<i>MMWR Week 10</i>	<i>March 1-7, 2020</i>	<i>136.76-224.33</i>
<i>MMWR Week 11</i>	<i>March 8-14, 2020</i>	<i>109.80-194.13</i>
<i>MMWR Week 12</i>	<i>March 15-21, 2020</i>	<i>98.45-198.14</i>
<i>MMWR Week 13</i>	<i>March 22-28, 2020</i>	<i>70.92-107.66</i>
<i>MMWR Week 14</i>	<i>March 29 - April 4, 2020</i>	<i>70.92-107.66</i>
<i>MMWR Week 15</i>	<i>April 5-11, 2020</i>	<i>31.64-45.15.</i>

I present this data and information not to make light of COVID-19, but to demonstrate illness has been circulating in Ohio, Cuyahoga County and Lakewood prior to the stay at home order issued by the state. No exceptional measures were taken during these times by state, county or city officials regarding face coverings. The City of Lakewood followed the state's lead, so I am not sure why there would even be consideration or a discussion suggesting we suddenly do something different now.

Mayor George has emphasized priorities of safety and public health for residents of Lakewood. Perhaps a more prudent discussion would be how we move forward as a community when it comes to improving our overall health and innate immune systems and how to address the conditions, many of which can be heavily influenced by lifestyle, which put one at a high risk of developing COVID-19 or numerous other illnesses.

Thank you for your time and consideration,

Jennifer Mix, MHSA

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

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

Nays – None

Motion passed. The communication was received and filed and referred to Rules & Ordinances Committee.

10. Communication from Councilmember Rader regarding recycling. (pg. 31)

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

Discussion: Councilmember Bullock applauded the Public Works team for being proactive with the city's recycling program.

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

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

Nays – None

Motion passed. The communication was received and filed and referred to the Public Works & Sustainability Committee.

11. Communication from Mayor George regarding FY 2020 HUD Annual Action Plan. (pg. 33)

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, Neff, O'Malley, Rader, Shachner

Nays – None

Motion passed. The communication was received and filed.

12. **RESOLUTION 2020-30** - 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 the Fiscal Year (FY) 2020 One-Year Action Plan of the FY 2020-2024 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 any other entitlement funds from the U.S. Department of Housing and Urban Development (HUD), and all amendments thereto and all understandings and assurances contained therein, and incorporates the City's application to HUD for FY 2020 CDBG, ESG, and HOME funds and superseding Resolution No. 2019-13, adopted December 16, 2019. (pg. 34)

Discussion: President O'Malley posed questions about the Ward 4 projects not receiving funding for this year. He stated his hope to save these projects and have them continue forward this year.

Mayor George stated that the projects were able to receive funding due to the use of Parks staff, which would keep down costs. However, many staff are off of work due to COVID related reasons. She expressed hope to get the projects done next year.

President O'Malley questioned how many staff were out. Director Ducu indicated 10 employees are out of work, largely due to child care or caring for loved ones, and that Streets staff was planned to be used as well on the projects.

President O'Malley questioned how the city received the bid figure received for the Madison Park lighting. Director Ducu stated that a bid came from Musco Lighting through the state pricing consortium at \$96,000.

President O'Malley asked when the decisions were to nix the projects. Mayor George indicated that the Clifton-Prado Park was considered while reviewing the capital projects review for the year and that the Madison Park baseball field lighting was recently reviewed. President O'Malley stated his disappointment about the projects failure to move forward.

Councilmember Bullock stated his support of the projects to move forward and asked if there is a way to find budget capacity to make them happen. He proposed moving forward with an amendment to amend the resolution to include the projects prior to HUD's May 8th deadline.

President O'Malley noted that he has never seen any renderings of the Clifton-Prado park redesign, despite his putting the item into the budget.

Councilmember Kepple gave consideration to seeking bids on the projects, as the outdoor spaces are in need of attention. Director Ducu stated that his department just does not have the manpower to complete the work due to COVID related reasons at the time. Mayor George stated her support for the projects, but noted the need to make difficult budgetary decisions due to the effects of COVID pandemic. She expressed hope that projects deferred during 2020 would be completed in 2021.

Vice President Litten noted that there might be savings associated with new lighting in Madison Park.

Dan Wyman briefly reviewed the distribution of CDBG funding for the city's parks projects.

Councilmember Neff stated her view that addressing the lighting at Madison Park is a safety issue. She inquired as to when the 10 Public Works staff are expected to return. Director Ducu indicated that there were various timelines due to surgery, COVID related reasons, and child care. The manpower issue that the department has run into only affects the Clifton-Prado Park and that the lighting project quote was \$40,000 more than what was budgeted for. The lighting project was to improve the conditions of the baseball field.

Councilmember Rader brought up the possibility of a special meeting later in the week to discuss Council priorities for the resolution.

President O'Malley sought details on HUD's May 8th deadline for this resolution. Dan Wyman noted that the plan would have been due a month ago, however the COVID pandemic has loosened up timelines. He noted that the plan must be submitted with 4 other government entities participating in the County Housing Consortium with Lakewood. Any delay would cause the other 4 entities to be delayed as well.

President O'Malley requested a brief postponement and asked members make themselves available for a special meeting later in the week to be held on Resolution 2020-30.

Councilmember Bullock proposed seeking more bids for the projects. Director Ducu indicated that they received a bid from one of the best field lighting companies that the city knows, based off of their work at Kauffman Park.

Mayor George supported a special council meeting, but noted the ever-changing budgetary environment during the COVID pandemic. She expressed concern that over budgeting projects for the CDBG funds to be received could cause Lakewood to risk receiving future CDBG dollars.

President O'Malley made a motion, seconded by Councilmember Bullock to defer Resolution 2020-30.

Discussion: Vice President Litten questioned whether the city would actually be at risk of losing future funds, as he has observed funds being carried over in past years. Dan Wyman confirmed that funds can be carried forward year to year, but it is not regular practice. He noted extra pressure on the CDBG budget, as dollars from it are being used to address COVID related expenses as well.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-30 was deferred.

13. Communication from Finance Director Rancatore regarding second quarter transfers and advances. (pg. 37)

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, Neff, O’Malley, Rader, Shachner
Nays – None

Motion passed. The communication was received and filed.

14. **ORDINANCE 09-2020** - 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. (pg. 38)

President O’Malley made a motion, seconded by Vice President Litten to refer Ordinance 09-2020 to the Finance Committee.

A roll call vote was taken as follows:

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

Motion passed. Ordinance 09-2020 was referred to the Finance Committee.

15. Communication from City Engineer Papke regarding submerged lands lease at 17428 Edgewater Drive. (pg. 40)

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

Discussion: Councilmember Rader asked whether Director Ducu wanted this approved tonight. Director Ducu indicated that the item could be referred to committee.

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

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

Motion passed. The communication was received and filed.

16. **RESOLUTION 2020-28** - 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 use of submerged lands for property located at and abutting 17428 Edgewater Drove, Lakewood, Ohio (a legal description of which is attached hereto as “Exhibit A” and Exhibit “B”), in order to permit the owners the opportunity to undertake lakeshore protection measures. (pg. 41)

President O’Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-28 to Public Works & Sustainability Committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-28 was referred to Public Works & Sustainability Committee.

17. Communication from Building Commissioner Meyers regarding Building Safety Month. (pg. 47)

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, Neff, O’Malley, Rader, Shachner

Nays – None

Motion passed. The communication was received and filed.

18. **RESOLUTION 2020-29** - 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, declaring that the month of May 2020 “Building Safety Month” in the City of Lakewood. (pg. 48)

President O’Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-29.

Discussion: Councilmembers expressed their compliments to the Building Department.

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

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

Nays – None

Motion passed. Resolution 2020-29 was adopted.

****PUBLIC COMMENT****

No public comment was made.

****ANNOUNCEMENTS****

Councilmember Rader acknowledged the 50th year anniversary of Kent State University students being killed by the Ohio National Guard during a Vietnam War protest.

President O’Malley noted that he has received a COVID antibody test. He added that the test is available and free in Lakewood Ward 4 at the Urgent Care.

Councilmember Bullock noted that the land acquisition fund should be used strategically and not cautiously. He cited various examples where funds were able to be used by the city to take a long term view of project sites in the community.

President O’Malley adjourned the meeting without objection.

The meeting was adjourned at 9:05 p.m.

Approved: 5/18/2020

Marian M. Bach
CLERK

Daniel J. O'Malley
PRESIDENT