

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD ONLINE  
MAY 18, 2020  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by President O'Malley.

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Present: Thomas R. Bullock III, Sarah Kepple, 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, Police Chief Malley, Fire Chief Dunphy, Public Works Director Ducu, Human Services Director Gelsomino, Human Resources Director Dillinger, Building Commissioner Meyers, Clerk Bach, Deputy Clerk Lascu taking minutes, and members of the public.

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Reading and disposal of the minutes of the Regular Meeting of Council held May 4, 2020.

President O'Malley made a motion, seconded by Vice President Litten to approve the minutes of the May 4, 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.

Reading and disposal of the minutes of the Emergency Meeting of Council held May 4, 2020.

President O'Malley made a motion, seconded by Vice President Litten to approve the minutes of the May 7, 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. Finance Committee report regarding meeting held May 11, 2020. (to be provided)

Councilmember Bullock read the following report into the record:

*The Finance Committee met on May 11<sup>th</sup> with all committee members and many other councilmembers present. We received a briefing from the administration regarding COVID-19's impact on our city finances, including what we know to date and what we project in the future. We reviewed the actual data from month's end, April 30, 2020. In several important areas, especially intergovernmental funds from state government and our local income tax collections funds were significantly down from where we were 12 months ago. That is to be expected chiefly because of a timing difference in the tax filing date. The normal significant amount of filings that would bring revenues into the city has been postponed until July. Councilmembers had a chance to discuss this in some depth. The most important word said on all sides was "uncertainty," given that the administration has reiterated that the mayor has implemented austerity measures. I'm sure we will need to continue this discussion at a future meeting.*

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

*Discussion: President O'Malley commended the administration for its financial diligence. He echoed sentiments of uncertainty regarding how COVID-19 will impact the city's budget. Mayor George noted that the unknown extent of the virus' impact has caused her administration to be as fiscally conservative as possible and has inspired the pause on the Cove Church project.*

*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.

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2. 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. (Referred to Finance 5/4/20) (pg. 1)

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 09-2020 was deferred.

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3. Public Works & Sustainability Committee report regarding meeting held May 11, 2020.  
(to be provided)

Councilmember Rader read the following report into the record:

*Our Public Works & Sustainability Committee met on May 11<sup>th</sup>. All members were present. Two items were considered and the minutes from the previous meeting were approved. The first item was Resolution 28-2020, which is a submerged land lease, which we recommended for adoption tonight. This was to allow a certain resident on Edgewater Dr. to make improvements to his land, to which the city nor the committee had objection. We recommend that item for adoption tonight following this communication.*

*The second item that we spent the majority of the time discussing was recycling. I had brought a communication to the previous meeting. We just wanted to dig into what our current practices are regarding recycling and talk about what the community should be doing broadly to help with recycling. I also wanted to engage in a discussion, which we did not quite get into about how we are working to work better with landlords and tenants to improve options for people who do not have a blue bin. Director Ducu confirmed that recycling does indeed occur in Lakewood, as long as the load is not contaminated. We were going out to bid on finding the best company to work with and I believe that has been completed. I believe the price that was secured was \$50 per ton recycled.*

*Some great ideas were proposed. Councilman Bullock proposed things to include in our recycling bins to improve education and creating a refrigerator magnet in partnership with the solid waste district was raised as well. Councilman Shachner brought up the point that we should be incorporating reduce and reuse into our recycling strategy. Another meeting will be planned within the next week or two. The City of Cleveland and Councilman Slife of Cleveland's Ward 17 is interested in meeting at the Berea Road facility to discuss how Lakewood does things.*

Councilmember Rader made a motion, seconded by Vice President Litten 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.

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4. 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. (Referred to PWS 5/4/20) (pg. 3)

President O’Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-28.

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 adopted.

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5. Rules & Ordinances Committee report regarding meetings held May 5th & May 11th, 2020. (pg. 9)

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.

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6. Health & Human Services Committee report regarding meeting held May 18, 2020 (to be provided)

Due to the great amount of substance discussed in the meeting, Vice President Litten requested more time to compile a report. He complimented the Human Services staff, Fire Department, Police Department for helping feed and protecting the most vulnerable residents in Lakewood during this crisis. He noted that their efforts have exemplified public service at its finest.

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

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7. 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. (1st reading 5/4/20) (pg. 11)

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.

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

8. Communication from Lakewood City Council regarding request to identify streets for closure. (pg. 13)

Councilmember Shachner made a motion, seconded by Councilmember Bullock to refer the communication to the Housing, Planning, & Development Committee.

*Discussion: Mayor George stated that she examined this option several weeks ago with Acting Director Milius. She noted Lakewood's population density makes it difficult, along with the risk to public safety that involves shutting down streets. She also raised potential unintended consequences, such as the negative parking effects for retail businesses located adjacent to bars and restaurants that would benefit.*

*Ian Andrews of Lakewood Alive shared the concerns of restaurateurs who noted that they would benefit from the initiative, however were concerned about the effects on other businesses, the effects on public safety, and the logistics/infrastructure involved in shutting down streets.*

*President O'Malley expressed the need for robust discussion on the matter and shared an example where this effort was undertaken in the Ohio City neighborhood of Cleveland, to mixed results.*

*Councilmember Bullock highlighted the need to help restaurants, but looked forward to future discussion.*

*Councilmember Kepple noted the opportunity that this provides to gather feedback from neighboring communities that come into Lakewood to shop and dine and to create safe spaces for them to do so.*

*Chief Dunphy stated the need to approach the issue with caution, to not affect other businesses negatively and affect safety needs. He suggested looking at other alternatives, such as dining on sidewalks or in private property parking lots, instead of bringing it out onto the roadway.*

*Councilmember Shachner noted the extraordinary circumstances that the city is in and the unlikeliness that municipalities or small businesses will receive aid in another federal stimulus bill. He issued a challenge to the city to think creatively.*

*Acting Director Milius reiterated that the city does want to find ways to expand outdoor dining, however that the residents and businesses drive the best and most successful projects.*

*Commissioner Meyers stated that the building code decides how many occupants are allowed in a restaurant and that he would like to be included in the discussion of this topic in the future.*

*Public Comment: Ms. Jennifer Potter of 2089 Morrison Ave. stated her interest in the topic and noted the opportunities to expand dining into parking places based on what she's seen in other cities.*

*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 referred to the Housing, Planning, & Development Committee.*

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*9. Communication from Councilmembers Bullock, Kepple & Shachner regarding permitting parklets as a tool for economic relief for Lakewood businesses. (pg. 15)*

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

*Discussion: Councilmember Bullock provided background and history on parklets, as well as their implementation in a variety of cities. He noted the need for expanded dining space and how parklets can be tailor made to blocks under these abnormal circumstances.*

*President O'Malley expressed safety concerns regarding the proposal, especially car crashes into parked cars.*

*Councilmember Kepple reiterated the need for urgency on these proposed solutions. In speaking with a merchant group last week, she detailed a conversation that she had with a local fitness business owner who recently closed her business due to space requirements. She stressed the need to balance safety with other community needs.*

*Councilmember Shachner spoke to the potential and opportunity that parklets could afford and anticipated future discussion in committee.*

*Ian Andrews of Lakewood Alive spoke to the history of the city's parklet research in 2015. The notable barrier at the time was a lack of funding. He noted that if it is safe, it could expand the front door of a restaurant. He suggested creating a temporary parklet program through the Planning Commission, which would then oversee applications of business owners.*

*Patty Ryan of the Lakewood Chamber of Commerce shared that the chamber's business reopening survey indicated that social distancing was one of the prime impacts on when and how businesses would reopen. Half of the restaurants in the survey indicated that reduced amounts of tables and not being able to turn them over quickly enough would not make sense for them to reopen their businesses before social distancing ban was lifted, which likely won't happen before the fall of 2020. There were 47 respondents to the survey and 3 of them have closed permanently. She stated support for parklets in the long run. She noted to do the parklet concept well, a business invested in it would be needed.*

*Chief Dunphy, highlighting the time sensitive nature of the topic, inquired as to whether discussion could be had sooner rather than later. Councilmember Shachner stated that he was happy to begin conversation on the item at the following day's Housing, Planning, & Development Committee meeting.*

*Acting Director Milius noted that the Planning Commission deadline is next week and moving the conversation faster could get applicants onto the June agenda. She suggested keeping outdoor dining off the street during Phase 1.*

*Director Corrigan stated that tomorrow's agenda is already noticed and that there is a 24-hour requirement to notice for committee meetings. However the item noticed on tomorrow's has a overlap with the parklet issue. He noted that this specific item was not properly noticed.*

*Ian Andrews of Lakewood Alive asked that the city look at sidewalk dining requirements so restaurants can set out tables and chairs in a safe way.*

*Councilmember Bullock expressed hope that the Planning Commission would meet weekly and to have emergency Council meetings as necessary.*

*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 referred to the Housing, Planning, & Development Committee.

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10. Communication from Councilmember Shachner regarding expanding availability of outdoor dining to Lakewood restaurants. (to be provided)

Councilmember Shachner read the following communication into the record:

*We are in extraordinary times and that we are unlikely to reach any level of normalcy until a vaccine is created, which is a rule unknown right now. Meanwhile, it is on us to do what is possible to come out of this crisis as strong as we came into it. All of our bars, restaurants, and small businesses are essential parts of Lakewood and really make Lakewood walkable and unique. We should challenge ourselves to come up with innovative ways to help them as a community. I really like what Acting Director Milius said about phasing things in and I think this next resolution on the agenda does that. It gives places the option to expand their space to serve customers. It empowers the Planning Commission based on that moment in time and on a case-by-case basis to determine what works for a particular space. There are thousands of things that I or others may not consider that the Planning Commission will. This resolution allows the Planning Commission to waive any typical requirement found as long as there is a two-thirds vote amongst the members as long as it does not substantially affect the public health and safety of residents. It reduces the application fee to \$50 and allows for outdoor seating to go up to 30 people or more. It opens up the use of public parks and public right of ways. It also protects residents, as no entertainment or speakers are allowed and outdoor dining must close by 10 pm, but that could be changed. I want to thank Director Milius, Kyle Baker, the President of the Planning Commission, and Assistant Law Director Swallow for working on this. I will have a motion to substitute the current resolution on the docket that incorporates edits after the docket deadline.*

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

*Discussion: Councilmember Rader indicated that the resolution implements a process driven by the businesses and residents in the community themselves. He pointed out insurance liability requirements in the legislation as well.*

*On the motion: 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.

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11. RESOLUTION 2020-31 - 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 Planning Commission to grant temporary

conditional use permits for outdoor/seasonal dining facilities during this state of emergency to qualifying applicants. (pg. 16)

President O'Malley made a motion, seconded by Vice President Litten to substitute Resolution 2020-31.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-31 was substituted.

President O'Malley made a motion, seconded by Vice President Litten to refer the substitute version of Resolution 2020-31 to the Housing, Planning, & Development Committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The substitute version of Resolution 2020-31 was referred.

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12. Report from Councilmember Kepple regarding the Mayor's Small Business Task Force. (to be provided)

Councilmember Kepple read the following report into the record:

*We had a lot of great discussions recently regarding the parklets issue. Last meeting we received a presentation from a local business that has a potential plan that we could look at as a pilot project that has presented an economic viewpoint on how it could make their business whole. The main work that we've been doing is looking at a public campaign to encourage folks to shop local and shop safe. That includes signage and a social media campaign. I'm going to turn it over to Mayor George for some updates.*

*Mayor George stated – "We're excited to get this campaign rolled out and are continuing to work with Lakewood Alive and the Chamber to address concerns of businesses as they arise during this fluid situation that we're in. We will continue to meet after the campaign is rolled out and continue to address the concerns of the business community. In terms of some of the ideas discussed tonight, if it aims to create an environment for an establishment to survive during this pandemic, then we owe it to the business community to review those situations. I'm looking forward to continued discussion. I think moving the resolution that Councilmember Shachner proposed through the Planning Commission process is a great step forward.*

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.

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13. Communication from Chief Malley regarding an amendment to Lakewood Codified Ordinance 135.05 Traffic Guards. (pg. 19)

*Discussion: President O'Malley inquired as to whether the ordinance is to be applied to this school year or for future emergencies. Chief Malley indicated that this year is taken care of and this is to prepare for future instances.*

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.

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14. ORDINANCE 10-2020 - AN ORDINANCE to take effect June 1, 2020 provided it received the vote of at least two-thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, amending Section 135.05(c), Traffic Guards, Rate of Pay; Exceptions, of the Codified Ordinances of the City of Lakewood to allow to suspend salaries to Traffic Guards during an emergency where students are no longer attending classes in schools. (pg. 20)

President O President O'Malley made a motion, seconded by Vice President Litten to refer Ordinance 10-2020 to Public Safety Committee.

A roll call vote was taken as follows:

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

Motion passed. Ordinance 10-2020 was referred to Public Safety Committee.

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

Jennifer Jacketic – 1614 Ridgewood Ave. – Ms. Jacketic urged Council to meet with the Police Department on high-speed police chases. She referred to a high-speed chase that occurred on Sunday May 17<sup>th</sup>. She stated that Lakewood Police pursued a car into Cleveland, which resulted in a crash into a tree that stands next to Ms. Jacketic’s friend’s home. She asked that Council speak with the Police Chief and see if the policies could be changed.

*Discussion: Chief Malley gave details surrounding the circumstance and noted that Lakewood Police were not within sight of the suspect when he crashed.*

Clerk Bach encouraged members to promote the new eComment feature for future meetings.

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

President O’Malley started discussion about transitioning back into in-person meetings and the necessary protocols.

President O’Malley adjourned the meeting without objection.

The meeting was adjourned at 9:15 p.m.

Approved: 6/1/2020

Manner M Bach  
CLERK

David J O'Malley  
PRESIDENT