

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD ONLINE
JUNE 1, 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, 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, and members of the public.

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

President O'Malley made a motion, seconded by Vice President Litten to approve the minutes of the May 18, 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 Special Meeting of Council held May 21, 2020.

President O'Malley made a motion, seconded by Vice President Litten to approve the minutes of the May 21, 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 June 1, 2020. (to be provided)

Councilmember Bullock read the following oral report into the record:

The Finance Committee met tonight immediately prior to this Council meeting and all members of the committee along with many other councilmembers and directors from the administration were present. We had a good discussion and I want to start by thanking the administration for a lot of analytic work that went into preparing for it and keeping Council informed. We're meeting with high frequency due to the COVID crisis in an attempt to understand what impact it has had on the city and to identify what steps should be taken to respond to the crisis. On the agenda were 3 items: 1) Ordinance 09-2020, our quarterly transfers ordinance for the second quarter of the year 2) update on the use of CDBG COVID emergency relief dollars 3) update on the shared work Ohio voluntary furlough program.

Director Dillinger and Director Rancatore gave the update on the furlough program. This is an innovative program to take advantage of the state unemployment and the federal emergency COVID relief funds. It is a voluntary furlough that the city has offered to employees. The city has done a good job communicating with representatives of the city's bargaining units. 180 employees have participated and the time period will go from June 1st to July 31st, with a projected savings of \$350,000 to the city. The goal of the program is to mitigate some of the losses that we're experiencing during the COVID downturn. The furloughs will occur evenly over the period of time, which should cause minimal disruption to work and service delivery. The lion's share of employees are taking 8 hours or 20% of their work week and some are doing more. The administration is giving attention to ensure that it does not impact public safety or increase overtime. The other impact is to stagger shifts to still provide coverage.

Dan Wyman presented proposed uses of CDBG funds. The major uses would be for relief to businesses (emergency rent and utility assistance) and for food assistance. There is complexity in administering this and we partner with the county and HUD to make sure we are compliant. More to describe there and we are in the early stages to determine use of those funds. That is an important source of relief to our residents and businesses during this COVID downturn.

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 report was received and filed.

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; 2nd reading 5/18/20*) (pg. 1) (pg. 001)

Councilmember Bullock made a motion, seconded by President O'Malley to adopt Ordinance 09-2020.

Discussion: Councilmember Bullock reported that the Finance Committee recommended approval on third reading. He noted that transfers are budgeted 4 times a year for financial administration. The general fund transfers \$172,000 to the office on aging, \$76,000 for hospitalization/worker's compensation for court employees, and amounts into the debt service fund.

On the motion: 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 adopted.

3. Housing, Planning, & Development Committee report regarding meeting held May 27, 2020. (to be provided)

Councilmember Shachner read the following oral report into the record:

Last week on May 27th we had a Housing, Planning & Development committee meeting on the topic of parklets. We had a good discussion in which many members of Council and the administration participated. Our goal was to decide really what direction we want to go with parklets during at least this summer. We came to the conclusion that we should focus on creating guidelines and rules for temporary parklets. We determined that we should use the city of Dallas' temporary parklet guidelines as a model. We would like to have applicable rules in Lakewood by July.

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.

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

Vice President Litten expressed an intent to draft a communication addressing racism as a public health crisis and discuss it in future committee meetings.

Vice President Litten read the following oral report into the record:

The committee met on May 18th with all members present, along with Councilmembers Bullock, Shachner, and Neff. Mayor George, members of the administration, and Terry Allan of the Cuyahoga County Board of Health were also present. The meeting essentially involved an update on the COVID-19 situation from the County Board side and from the administration. Mr. Allan reported 40-60 new cases a day at that time and that there would be an increase in testing. He anticipated an increase in the number of new cases due to the increase in testing. There are models showing it dropping through late June and the summer with an increase in the fall. We could be dealing with this for the next 12-14 months. The Board of Health has received 8,000 calls within the last several weeks with 1,000 calls being complaints. Commissioner Allan referred any questions that our residents might to the County Board of Health phone line, which is being staffed by 10 people. The drop in the summer is explained by people not being as in close contact with each other. The virus will continue to spread until 60%-70% of the population is exposed and we are currently at 5% exposure. Councilmember Kepple asked questions about PPE supply and Commissioner Allan noted that levels are good, however gowns are in short supply.

Mayor George and others provided an update from the administration including enforcement of all the new occupancy requirements as we reopen society. Chief Malley not the police department is ready to investigate and observe, seeking voluntary compliance and citing as necessary.

Director Gelsomino stated the importance of keeping the safety net in place. At that point, the administration had delivered 8,700 meals to 250 seniors and 600 bags of fresh groceries. Fresh food from the food bank was delivered to 120 seniors and the department had also given out \$15,000 in gift cards from the Healthy Lakewood Foundation to residents in need.

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

Discussion: President O'Malley inquired as to the extent that the police department has observed or cited businesses and restaurants regarding social distancing rules. Chief Malley noted that the department has received some complaints, very few, and has not issued any citations. He added that it has been a non-issue in Lakewood.

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. **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; 2nd reading 5/18/20*) (pg. 003)

President O'Malley made a motion, seconded by Vice President Litten to adopt Ordinance 07-2020.

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 adopted.

6. **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. (*Referred to PS 5/18/20*) (pg. 005)

President O'Malley made a motion, seconded by Vice President Litten to defer Ordinance 10-2020.

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 deferred.

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

7. Communication from Councilmember Neff regarding Gun Violence Awareness. (to be provided)

Councilmember Neff read the following communication into the record:

Today I am wearing a t-shirt, which I would normally not wear at a Council meeting, however the powerful life saving message this orange t-shirt represents deemed it necessary. Together we can prevent gun violence amongst our young children and keep our community safer. Moms Demand Action are gun-sense advocates for safe storage of guns and for education of adult gun owners. The terribly grim statistic is that the second leading cause of death for children is gun violence, which includes preventable and unintended shootings/suicide. That statistic should be unacceptable to all of us. Gun violence destroys lives and communities.

I want to give special recognition to Maryanne Crampton, a Lakewood resident, who has been persistent with communicating the importance of ending gun violence. She has reached out to the Lakewood Public Schools to advocate that the Be Smart Program be incorporated into the curriculum. The Be Smart Program helps adults normalize conversations with children on gun safety and to avoid child gun safety deaths. Please join me in supporting Resolution 2020-32 in a united effort to end gun violence and to declare June 5, 2020 as gun violence awareness day in Lakewood, Ohio.

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

Public Comment: Maryanne Crampton – Ms, Crampton thanks Councilmember Neff for putting together the resolution and commented that gun violence is evidence of structural racism in society. She noted that Black Americans represent 57% of gun homicide victims and are 10 times more likely than white Americans to die by gun homicide. She shared updates on state legislation that aim to expand gun rights and decrease training. She described the purpose and elements of the Be Smart Program.

President O'Malley commented on the need for strong gun laws and spoke about his personal experience dealing with lax gun regulations.

Vice President Litten applauded Ms. Crampton's efforts and noted how race and guns are public health issues.

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 communication was received and filed.

8. **RESOLUTION 2020-32** – A RESOLUTION to join together with concerned citizens, advocates, and survivors of gun violence to declare June 5, 2020 as Gun Violence Awareness Day in Lakewood, Ohio. (pg. 007)

President O'Malley made a motion, seconded by Councilmember Neff to adopt Resolution 2020-32 and refer it to the Safety Committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-32 was adopted and referred to the Safety Committee.

9. Communication from Acting Director Milius regarding the rezoning of the Marlowe Park Townhomes to a Planned Development. (pg. 009)

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.

10. **ORDINANCE 28-19** - AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 2022 Lincoln Avenue (PPNs 314-19-094, 314-19-008, 314-19-009, 314-19-010, 314-19-45, 314-19-46, 314-19-47, 314-19-48, 314-19-049) from C2 (Commercial, Retail) to PD (Planned Development). (*Referred to COW, PC, ABR 10/21/2019; 2nd reading 11/4/2019*) (pg. 011)

President O'Malley made a motion, seconded by Vice President Litten to refer Ordinance 28-19 to Committee of the Whole.

Discussion: Council discussed approval timelines with the administration. It was determined that a vote on the item by the June 15th meeting would be suitable for all parties. The development consists of 16 townhouse units.

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

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

Nays – None

Motion passed. Ordinance 28-19 was referred to Committee of the Whole.

11. Communication from Director Rancatore regarding the 2021 Tax Budget, 2021 Tax Advance Resolution, and 2021 Tax Rate Resolution. (pg. 013)

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 2020-33** – A RESOLUTION to take effect immediately provided it received 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 Tax Budget of the City of Lakewood, State of Ohio for the year 2021, and authorizing the filing of same with the Cuyahoga County Fiscal Officer. (pg. 014)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-33 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. Resolution 2020-33 was referred to the Finance Committee.

13. **RESOLUTION 2020-34** – 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 requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real, personal property and special assessments collected in the year 2021 in such amounts as may be requested and available. (pg. 015)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-34 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. Resolution 2020-34 was referred to the Finance Committee.

14. **RESOLUTION 2020-35** – 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, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. (pg. 017)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-35 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. Resolution 2020-35 was referred to the Finance Committee.

15. Communication from Director Rancatore regarding the 2020 Amended Purchasing and Contracting Authority. (pg. 019)

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.

16. **ORDINANCE 33-19B** - 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 33-19A adopted March 16, 2020, 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. 020)

President O'Malley made a motion, seconded by Vice President Litten to refer Ordinance 33-19B to the Finance Committee.

Discussion: Director Rancatore had requested that the ordinance be passed by emergency on first reading due to the time sensitivity of the projects involved. Councilmember Bullock expressed reservations about approving the ordinance on first reading and proposed passing it on second reading after being briefed. Director Ducu provided some details regarding the Public Works projects. It was noted that there were no budget increases, just an expansion in contracting authority. Councilmember Rader shared his openness to passing the legislation and having further conversation on it in committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 33-19B was referred to the Finance Committee.

17. Communication from Director Ducu regarding the 2020 County Road Preventative Maintenance Reimbursement Program. (pg. 027)

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

Discussion: It was noted that the streets were selected last year by the previous Public Works Director.

Motion passed. The communication was received and filed.

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

Mr. Richard Reed – Gryffin Cider House & Gin Bar on Madison Ave. – Mr. Reed shared his input on parklets and expressed concern about closing Lark Ave. to cater to LBM. He sought to gauge the seriousness of the proposal and noted how it could expose youth on the street to drinking in the open. President O'Malley explained the permitting process and the case by case analysis that the Planning Commission makes.

Colin Brown – 15231 Madison Ave. – Mr. Brown requested that the city help retail businesses and stated his belief that it shows preferential treatment to restaurants. He argued against eliminating parking, which would have an adverse affect on his business. He referred Councilmembers to a PDF he sent to each of them, which proposes to place bookshelves and the stock of his book store out in parking spaces in front of his shop.

****ANNOUNCEMENTS****

Director Gelsomino noted that the Western Reserve Agency on Aging awarded Lakewood 6,000 extra meals at no cost.

Councilmembers and members of the administration discussed aspects of Mr. Brown's proposal and the general topic of outdoor retail.

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The meeting was adjourned.

The meeting was adjourned at 9:01 p.m.

Approved: 6/15/2020

Marianne M. Bach
CLERK

D. J. O'Malley
PRESIDENT