

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD ONLINE
JULY 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, 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, Acting Police Chief Wilkins, 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 July 6, 2020.

President O'Malley made a motion, seconded by Vice President Litten to approve the minutes of the July 6, 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. Communication from President O'Malley regarding August recess. (to be provided)

President O'Malley delivered the following statement:

It has been Council custom to recess in the month of August. In my memory within the last 10-15 years, Council has only foregone this recess once and that was in 2015 due to the intense interest and workload around the closure of Lakewood Hospital. I have had the opportunity to speak with every Councilmember, along with the Mayor, and want to propose that we, due to the gravity of the situation and the many issues that are occurring

with the coronavirus crisis, forgo the August recess this year. We can do so with a mutual understanding that will limit unnecessary new business, as we have a great deal of old business to catch up on. It's going to be my suggestion, and I'm happy to open it up for discussion this evening, that we dispense with our typical August recess. I know that some of you may have had vacations planned and I'm sorry for the inconvenience. One of the nice things about meeting remotely is the ability to dial in from anywhere. I think that it's important for us to be responsive to our citizens at this time and keep working. At this time I'll open the matter up for discussion.

Discussion: Councilmember Kepple expressed her agreement to suspending August recess. Mayor George expressed her support for suspending the recess and using the month of August to catch up on old business.

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

2. Committee of the Whole report regarding meeting held July 13, 2020. (pg. 1)

President O'Malley made a motion, seconded by Councilmember Kepple 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.

3. RESOLUTION 2020-40 - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or ii otherwise to take effect and be in force after the earliest period allowed by law, approving the appointment of Shawn Leininger to the position of Director of Planning and Development upon his or her taking the oath of office. (Referred to COW 07/06/20) (pg. 3)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-40.

Discussion: President O'Malley congratulated Director Leininger on his appointment. Director Leininger thanked Council for the opportunity to move Lakewood forward.

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 2020-40 was adopted.

4. Oath of Office of Shawn Leininger.

Mayor George indicated that she would administer the oath of office to Director Leininger the following day.

President O'Malley made a motion, without objection, to move items #19 & #20 up to this point of the agenda.

5. SUBSTITUTE RESOLUTION 2020-36 – 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, appointing ___Tristan Rader___ as the ex-officio non-voting member of the Tree Advisory & Education Board for a three year term beginning January 1, 220 and ending December 31, 2022. (Referred to COW 06/15/20) (pg. 5)

President O'Malley made a motion, seconded by Vice President Litten to adopt Substitute Resolution 2020-36.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Substitute Resolution 2020-36 was adopted.

6. SUBSTITUTE RESOLUTION 2020-41 - 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, establishing the Anti-Racism Task be to advise and work with the administration to ensure the value of antiracism is foundational and unambiguously expressed in all city objectives, such as,

safety, housing, education and culture, and community wellness. (Referred to COW 07/06/20) (pg. 6)

Public Comment: Mr. McKenzie Levi – Mr. Levi questioned the need for the taskforce and the need to pass it as an emergency piece of legislation. He stated his belief that it is related to the Black Lives Matter movement, which he cited as destructive in other cities.

Discussion: President O'Malley stated that the Lakewood Community Relations Advisory Commission will be working with the Anti-Racism Taskforce. He also clarified that the emergency language should not be necessary, as it is a resolution that does not require 3 readings per Council rules, however added that he would like to see this piece of legislation take effect immediately. Councilmember Rader shared that members of the city's Youth Council have expressed interest in participating as well.

President O'Malley made a motion, seconded by Vice President Litten to adopt Substitute Resolution 2020-41.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Substitute Resolution 2020-41 was adopted.

7. ORDINANCE 12-2020 - AN ORDINANCE to take effect immediately 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, extending the authority of the Mayor granted by Ordinance 8-2020, adopted March 16, 2020 to continue to pay benefits and provide paid leave during the COVID-19 crisis. (First read and referred to COW 07/06/20) (pg. 8)

President O'Malley made a motion, seconded by Vice President Litten to adopt Ordinance 12-2020.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 12-2020 was adopted.

8. Public Safety Committee report regarding meeting held July 13, 2020. (to be provided)

Councilmember Neff read the following report into the record:

One of the items we talked about in committee was the difficulty in parking on Edwards and Granger due to the new establishment that has opened up at the end of the street. Director Leininger and David Baas were both present and stated that they would reassess the situation. We also discussed how difficult it is to issue decals to residents for parking, because it involves residents competing against each other for spots. We also addressed the 8 strategies put forward by Campaign Zero described in a communication by Councilmembers Kepple, Rader, and Bullock. I believe we got through the first 6. We discussed chokeholds and the Lakewood Police Department confirmed that they do not train on that. It is not an authorized practice, but they did express that they do not want to ban it in the event there is a life-threatening situation. I look forward to having more conversation on the matter.

President O'Malley made a motion, seconded by Councilmember Neff 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.

9. Public Works & Sustainability Committee report regarding meetings held July 20, 2020. (to be provided)

Councilmember Rader read the following report into the record:

We took up 2 resolutions, the first being Resolution 2020-44, which is looking to designate St. Charles Green as Bernice Pyke Park. I ultimately decided to defer the item, but we got a good sense of how things will progress, as it was referred to the Planning Commission. That will be taken up in August. By then, we should have a legal definition of that land. Resolution 2020-42, which is the resolution to accept the NOPEC grant of \$197,000. We referred that back tonight in the affirmative to pass. Mr. Bullock brought up a good point that Council should be involved in that process and Director Leininger concurred.

We also talked a little bit about electric cars and that there will be another resolution later today accepting another grant from NOPEC for \$35,000. The primary use of this money for the \$197,000 grant will likely be put toward the installation of LED streetlights.

Councilmember Rader 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, Neff, O’Malley, Rader, Shachner

Nays – None

Motion passed. The report was received and filed.

10. RESOLUTION 2020-42 - 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 City of Lakewood to enter into an agreement to accept Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant(s). (Referred to PWS 07/06/20) (pg. 11)

Councilmember Rader made a motion, seconded by President O’Malley to adopt Resolution 2020-42.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-42 was adopted.

11. RESOLUTION 2020-44 - 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, dedicating six (6) parcels (Exhibit A) currently owned by the City of Lakewood, Bernice Pyke Park on August 18th 2020, the 100th anniversary of the passage of the 19th Amendment. (Referred to PWS 07/06/20) (pg. 13)

Councilmember Rader made a motion, seconded by President O’Malley to defer Resolution 2020-44.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-44 was deferred.

12. Housing, Planning, & Development Committee report regarding meeting held July 20, 2020. (to be provided)

Councilmember Shachner read the following report into the record:

There were two things on the agenda, the first being the ordinance that would allow the mayor to enter into agreement to sell property on Plover Street. We learned that the city acquired the property through tax foreclosure and since 2018 the city has been in talks with the owner of the neighboring property. They came into agreement pretty recently that if the potential buyer had the parcel appraised and provided a plan with what they were going to do with the property, that the city would sell it to them. It will be used as a sideyard and proposes adding fencing. I was informed by the Law Director that this is an ordinance and will need a second reading in order for it to be adopted. Since this involves the sale of land, I know people are anxious to get things in writing and finish the job, so I would recommend suspending the rules and passing the ordinance tonight.

We talked about Resolution 2020-39, which involved designating express parking spots under certain circumstances. We heard from Dave Baas who has done extensive research on what processes to go about in using this and permit it. We're going to have further discussion and in the resolution hammer out a process that businesses can use this kind of parking. We're going to move to defer that one for later.

Councilmember Shachner 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, Neff, O'Malley, Rader, Shachner

Nays – None

Motion passed. The report was received and filed.

13. ORDINANCE 14-2020 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Section 505.18, Certain Animals Prohibited, Section 1121.03, Permitted Accessory Uses, of the Codified Ordinances of the City of Lakewood, Section 1123.03, Permitted Accessory Uses, of the Codified Ordinances of the City of Lakewood, and Section 1127.03, Permitted Accessory Uses, of the Codified Ordinances of the City of Lakewood, to permit the keeping of bees in the City of Lakewood. (First read & referred to HPD 07/06/20) (pg. 16)

President O'Malley made a motion, seconded by Vice President Litten to defer Ordinance 14-2020.

Public Comment: Heidi Noss – 1281 Ramona Ave. – Ms. Noss spoke to her experiencing a swarm of bees over the weekend that came from a neighbor's bee keeping equipment. She noted that her husband suffers from anaphylactic shock and highlighted the safety concern it poses to her family. Councilmember Shachner noted that the purpose of the ordinance is to regulate the hives in Lakewood and ensure people are beekeeping responsibly. He added that there are currently 23 hives in Lakewood currently.

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 14-2020 was deferred.

14. RESOLUTION 2020-39 – 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 and directing the Director of Public Safety to designate express parking spaces under certain circumstances. (Referred to HPD 07/06/20) (pg. 20)

President O'Malley made a motion, seconded by Vice President Litten to defer Resolution 2020-39.

Discussion: Ian Andrews of Lakewood Alive expressed his appreciation for Council attempting to give businesses another tool to serve customers.

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 2020-39 was deferred.

15. ORDINANCE 11-2020 - AN ORDINANCE 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, authorizing and directing the Director of Planning and Development or the Mayor to enter into an agreement for the sale of Permanent Parcel No. 315-22-108 on Plover Street. (First read & referred to HPD 07/06/20) (pg. 22)

President O'Malley made a motion, seconded by Vice President Litten to suspend the rules and pass Ordinance 11-2020 on second reading.

Discussion: President O'Malley commented that the new potential owner has been in the neighborhood for a long period of time and has been a responsible property owner.

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 rules were suspended.

President O'Malley made a motion, seconded by Vice President Litten to adopt Ordinance 11-2020.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 11-2020 was adopted.

16. ORDINANCE 46-19A - AN ORDINANCE 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, amending Ordinance 46-19 adopted December 16, 2019 to create the position of Chief of Staff and Administrative Assistant II to the Mayor. (First read & referred to Finance 07/06/20) (pg. 24)

President O'Malley made a motion, seconded by Vice President Litten to defer Ordinance 46-19A.

Discussion: The timeline for the hiring and legislation was discussed. The Mayor indicated that her administration can hire the person now and discuss the matter at an upcoming Finance Committee meeting.

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 46-19A was deferred.

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

17. Communication from Councilmember Bullock regarding Council Budget Priority Process. (pg. 29)

Councilmember Bullock made a motion, seconded by President O'Malley 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. Communication from Councilmember Kepple regarding virtual meeting technology & accessibility. (to be provided)

Councilmember Kepple read the following report into the record:

Dear Colleagues,

When we first began meeting virtually due to the public health crisis, I'm sure that we all hoped that we would return to in person meetings by the fall. Clerk of Council Bach diligently researched how we could achieve these goals through COVID-19 specific procedures. With the number of cases climbing our most sensible, responsible, and acceptable course of action is to continue to meet virtually and to improve our technological tools. Our current meeting method puts the elected officials, participants, administrative staff, and the public at zero health risk. I believe that on the balance that it provides more access to the public during the pandemic period than meeting in person would because virtual meetings do not require them to put themselves at risk. Virtual attendance takes less effort to participate and they can see each of our faces. If we were to return to chambers and use the traditional camera, those at home would only see those on the dais, which would be a small portion of Council and the administration. Continuing to meet virtually provides more access rather than less and I for one have only received positive feedback from the community about meeting in this manner. The only drawback around meeting this way has been security around appropriate comments and content. For that, I recommend that we switch to Zoom for meetings. The Zoom interface provides more options for limiting these comments and allows for content to be posted on YouTube, and also provides for closed captioning. For the last month or so, we have actually been adding closed captioning to the Council recordings, which I appreciate IT Manager Coletta and Clerk Bach for helping us out with that. If we move to Zoom, we can make that a more efficient process for them. We should also reinvest in the eComment software, which I think was really catching on as our free trial ended. The software allows more people to

have input because it is asynchronous and allows people to pop in and comment on the issue that they care about. The relatively miniscule cost of these technologies is more than offset by other line items such as travel, etc. It avoids the costs of meeting in person. My thanks to IT Manager Coletta and Clerk Bach.

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

Discussion: President O'Malley stated how well the technology has been working. Vice President Litten noted that Council should get in touch with the Lakewood School Board, as they have been using Zoom to meet.

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 Committee of the Whole.

19. Communication from Mayor George, Councilmember Kepple, Councilmember Shachner, Councilmember Rader & Councilmember Bullock regarding local face covering legislation. (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.

20. RESOLUTION 2020-45 - 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, requiring the use of face coverings within the City of Lakewood and reducing interior occupancy loads to 50% of prior stated occupancy expiring upon lifting of the state-wide State of Emergency. (pg. 34)

President O'Malley made a motion seconded by Vice President Litten to refer Resolution 2020-45 to the Health & Human Services Committee.

Discussion: President O'Malley noted that there are some proposals to amend the resolution after speaking with members of Council, the Mayor, and the public. He expressed concern about passing the resolution tonight and highlighted more opportunities for further discussion with Council continuing to meet in August. He spoke to positive and negative examples of restaurants and business operating under social distancing guidelines.

Councilmember Shachner stated that he believes city action on the issue is needed due to mixed messaging occurring on the state and federal levels of government. He noted that the county mask mandates gives Lakewood time and does not necessitate immediate action on this resolution. He stated that he would like to see a face covering mandate be required throughout the entirety of this emergency. He added that the 50% mark in the resolution may not be a good fit, and that more input from restaurateurs and retailers is needed.

Councilmember Kepple stated that the intent of the resolution is to support business owners who are being responsible. She spoke to a need to ensure the occupancy section of the resolution fits with businesses that are already implementing good practices.

Mayor George provided background on the resolution. She spoke to how her administration and the city was largely taking cues from Governor DeWine's administration at the beginning of the pandemic, due to his strong response to the coronavirus. However his response has lessened over time and he did not implement a statewide mask mandate as expected, so other cities began to do so on their own. She highlighted differences in penalties between Lakewood's proposal and the state's, noting that Lakewood's penalty is only civil in nature and the state's is a criminal misdemeanor. She noted potential amendments to the 50% occupancy threshold.

Councilmember Bullock applauded the leadership of the administration on the issue. He stated that sections 4 and 5, which define the proposed occupancy threshold, need some work and suggested making the penalty more serious from a financial standpoint. He stated a need to understand the enforcement of the proposal.

Councilmember Neff stated her opposition to the 50% occupancy proposal. She highlighted the importance of making establishments aware that it is their responsibility to follow COVID-19 regulations. She noted that small businesses and restaurants make up the fabric of the Lakewood community. She stated many businesses can operate safely with greater than 50% occupancy and that the proposed rule could cause many of them to shut down.

Vice President Litten stated his belief that many businesses have been in compliance and fear of creating unintended consequences with a 50% occupancy rule. He expressed a desire to examine how the city could further enforce state mandates.

Public Comment:

Dr. Bill Lewis – 1037 Nicholson Ave. – Dr. Lewis stated the importance of even enforcement of restrictions, as patrons will migrate to areas in the community where restrictions are less. He added that masks have a tremendous benefit to reducing transmission of coronavirus.

Ms. Dani Krasiniki – 14536 Detroit Ave. – Ms. Krasiniki of Aladdin’s Eatery noted that her restaurant has been operating at 50% capacity for months. She reviewed precautions that the business has taken and her experience dealing with confrontation regarding mask wearing. She noted that other businesses following the rules would help keep the community safer.

Mr. Ralph Piunno – 12223 Madison Ave. – Mr. Piunno expressed concern over maintaining 6 foot distancing on sidewalks with expanded outdoor dining. He suggested further penalties against businesses that are non-compliant with mask wearing. He also asked that Council clarify the expiration date of the resolution. Director Corrigan stated that the resolution would expire at the end of the year and the administration would consider renewing it if the current situation remains.

Ms. Jessica Parkison – 17625 Detroit Ave. – Ms. Parkison of Salt spoke to how 50% occupancy rules would negatively affect her business and the investments in it she made to ensure safe service. She also appealed to Mayor George to make fines more significant for businesses that have refused to close despite positive COVID tests from their employees. Mayor George clarified that the 50% occupancy rule was only proposed for indoor dining and that an amendment was being considered for 75% occupancy as long as an applicant submitted proper plans to the Building Department. She added that multiple calls to a business would result in a nuisance order, which carries a much larger fine than the proposed \$50.

Mr. Carlos Ramos – 14534 Detroit Ave. – Mr. Ramos of The Tea Lab stated that his largest concern is the mask mandate and added that it is essential that it be mandatory. He noted that many of his employees are immune-compromised or have relatives that are. He cited statistics that correlated decreases in COVID cases in states that have implemented a mask mandate. He also cited experiences where patrons have been belligerent to his staff for enforcing the wearing of masks in the business.

Mr. Ryan and Ms. Kiera Krivosh – 18616 Detroit Ave. – Ms. Krivosh of Around the Corner stated her belief that the narrative needs to focus more on supporting businesses than punishing non-compliant ones. She noted that PPP loans require that 65% of a business’s payroll are kept employed, which is difficult to achieve if there is a 50% occupancy limit. Mr. Krivosh stated that police patrol of the businesses to report back on which ones are compliant or non-compliant could be helpful.

Mr. Tony Romano – Mr. Romano of Sarita put the follow message into the chat:

Anthony Romano 14523 Madison Ave. chef/owner at Sarita . We are operating at approximated 60% capacity as well. We have lost 1/2 of our staff due to these restrictions.

I've been the chef at this location for 20+ years... first at players on Madison then as the chef and owner of Sarita. Any further restrictions are pushing the limits to putting us in a position where we cannot maintain our business. I feel the governors mandates are more than enough. The hospitality business operates at 7-10% profitability in the best of times. any further mandates from Mayor George are only going to make things worse. I lived I. Lakewood 20+ years, I'd hate to see a return to multiple empty store fronts down Madison Ave as we saw 10 years ago

Mr. McKenzie Levi – 14811 Hilliard Rd. – Mr. Levi stated his opposition to the mask mandate. He cited his personal experience and distrust in messaging from the government as reasons for not wearing a mask. He expressed fear that a mask mandate would encourage authoritarian action from the government.

Mr. Jay Kitchaver - 2067 Lakeland Ave. – Mr. Kitchaver spoke in favor of requiring masks locally, citing lacking leadership on the issue from the federal and state levels of government. He added that wearing masks is a civic responsibility.

Ms. Tabitha Baker – Ms. Baker stated that she is supportive of the mask measure. She added that she employs 40 people and has lost out on half a million dollars in revenue over 70 days. She stated that another shut down because people are not wearing masks could lead to businesses shutting down and empty storefronts in the community.

Mr. Ian Andrews – Mr. Andrews of Lakewood Alive noted his organization has received mixed feedback from businesses on the measure. Many businesses have asked to not include staff in the occupancy load in a building.

Ms. Patty Ryan – Ms. Ryan of the Lakewood Chamber of Commerce relayed concerns of the business community. She stated that clarification around enforcement would be appreciated by local businesses. She stated the need for consistency with enforcement as well.

Mr. Damon Troyer – 15615 Madison Ave. – Mr. Troyer of Patio Tavern expressed support for mask wearing and 6 foot distancing. He also expressed concern over the occupancy percentages. He is running at 62% business capacity.

Mr. Tony George - 12900 Lake Ave. - Mr. George stated his belief that Council is picking on the bars and restaurants in the community. He suggested enforcing occupancy limits across the board. He suggested amending the legislation to include a 50% pay cut to Council and 50% occupancy limits across the board, if they were to move forward with the legislation as currently written.

Discussion: Councilmember Bullock stated support for removing the occupancy limit from the legislation and for improved enforcement. Councilmember Kepple inquired as to the timeline when the Health & Human Service Committee would address the issue. Vice President Litten indicated that the committee had a meeting scheduled for the following Monday and would address it then.

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 2020-45 was referred to the Health & Human Services Committee.

21. Communication from Mayor George regarding a NOPEC EV Charging Grant. (pg. 38)

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

Discussion: Councilmember Bullock expressed interest in the terms of the grant.

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.

22. **RESOLUTION 2020-46** - 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 City of Lakewood to enter into an agreement to accept Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant(s). (pg. 39)

President O’Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-46 and refer it to Public Works & Sustainability Committee.

Discussion: Councilmember Bullock expressed interest in whether there was a signage requirement on the chargers. Mayor George noted that the signage request has to go through ABR for approval. Jimmy Smith of ChargePoint noted that the NOPEC funds could be used to leverage an Ohio EPA grant that has just been released in order to get additional charging stations in the city. Councilmember Bullock stated the various options for which the NOPEC funds could be used. Ian Andrews of Lakewood Alive encouraged Council to accept the funds and work through the ABR process in regard to signage.

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 2020-46 was adopted and referred to the Public Works & Sustainability Committee.

23. Communication from Director Rancatore regarding 3rd Quarter Transfers. (pg. 41)

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.

24. **ORDINANCE 15-2020** - 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. 42)

President O’Malley made a motion, seconded by Vice President Litten to refer Ordinance 15-2020 to Finance Committee.

A roll call vote was taken as follows:

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

Motion passed. Ordinance 15-2020 was referred to Finance Committee.

25. Communication from Director Corrigan regarding the 2020-2022 collective bargaining agreement with the Lakewood Fraternal Order of Police Patrol Unit. (pg. 44)

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.

26. RESOLUTION 2020-47 - 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, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Fraternal Order of Police/Ohio Labor Council (FOP/OLC) Inc., Patrol Officer Unit. of for a three-year period commencing January 1, 2020 and ending December 31, 2022. (pg. 45)

President O’Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-47.

Discussion: Director Dillinger confirmed that the agreement has been ratified by the union. She noted that the components of the contract are consistent with updates to other union contracts.

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 2020-47 was adopted.

27. Communication from City Engineer Papke regarding Hilliard Rd. resurfacing. (pg. 48)

Discussion: Engineer Papke reviewed components of the project and highlighted the time sensitive nature of it. Councilmembers Bullock and Rader complemented Engineer Papke and the project.

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.

28. **RESOLUTION 2020-48** - 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 an agreement between the City of Lakewood, Cuyahoga County, Ohio hereinafter referred to as the MUNICIPALITY, in the matter of the hereinafter described improvement and requests the cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the COUNTY. (pg. 51)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-48 to the 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 2020-48 was referred to the Public Works & Sustainability Committee.

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

Ian Andrews – Lakewood Alive – Mr. Andrews applauded the partnership between the city, Lakewood Alive, the county, and RTA on the Warren Road project partnership.

******ANNOUNCEMENTS******

Councilmember Kepple applauded the efforts of the Fire Department at a fire on Gladys Ave. today.

Councilmember Rader thanked Chief Dunphy for taking him, Mayor George, and Representative Skindell on the city's rescue craft. He stated he would be looking into ways to protect Lakewood's shoreline from further erosion. Chief Dunphy extended the opportunity to other members of Council.

President O'Malley adjourned the meeting without objection at 10:33 p.m.

Approved: 8/3/2020

Marian M Bach
CLERK

David J O'Malley
PRESIDENT