

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD ONLINE
AUGUST 17, 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, Planning Director Leininger, Finance Director Rancatore, Acting Police Chief Wilkins, Fire Chief Dunphy, Public Works Director Ducu, Human Resources Director Dillinger, Human Services Director Gelsomino, and members of the public.

Reading and disposal of the minutes of the Regular Meeting of Council held August 3, 2020.

President O'Malley made a motion, seconded by Councilmember Rader to approve the minutes of the July 20, 2020 meeting without the necessity of a reading.

A roll call vote was taken as follows:

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

Nays – None

Abstain - Litten

Motion passed. The minutes were approved.

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

1. Committee of the Whole report regarding meeting held August 17, 2020 (to be provided)

President O'Malley delivered the following oral report for the record:

The Committee of the Whole met today. The purpose of the meeting was to discuss two substantive items on the agenda. The first was the report from the Civil Service Commission and corresponding legislation which recommended salary increases or lack thereof for City Council and Mayor respectively. We had two members of the Civil Service

Commission, Maria Shinn and Ken Kowalski provide an overview of their process which is also outlined in the letter that they provided to Council on July 1st. Council has until October 1st to accept, reject or take no action on that item. Council also discussed virtual meeting technology moving forward, recommendations for which were outlined by Councilmember Kepple in her communication of July 20th. The administration's IT Department expressed confidence in its ability to provide upgrades to our technology which will make it more accessible to the public and also more secure. I asked Council if there was any objection to Council leadership, staff, and IT staff implementing best practices by the first meeting in September and there was no objection. We also approved the minutes of our most previous meeting.

Motion by President O'Malley and seconded to receive and file the oral report. A roll call vote was conducted as follows:

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

Nays – None

Motion passed.

2. Public Safety Committee report regarding meeting held August 17, 2020. (to be provided)

Public Safety Chairperson Neff delivered the following committee report:

All Committee members were present in addition to members of the public and the mayor's administration. The first item of discussion centered on the Lakewood Truck Park and the complaints that the City and I have received regarding parking, excess traffic, and speeding. I have been working with Director Leininger and David Bass on solutions. The City plans to conduct a second traffic study. One was conducted in 2018. This will be a follow up to give a true measure that if there is heavy traffic and assistance is needed, to do more on the City's part. There were comments from the public as well. That next study will take place in September or early October.

The next issue we discussed was the training with police and the 8 Can't Wait strategies. Detective Fiorelli discussed the use of force continuum and there were questions asked, particularly by Councilmember Kepple, about the timing of when an officer would have their knee on the back or neck area of someone they were trying to restrain and what was the time measure on that. It was a good conversation. I personally felt that Detective Fiorelli did a good job articulating and helping us understand the necessities of training and why they train. It is robust. Last year the Department underwent 8,900 hours of training and that averages 100 hours per officer. He also talked about with use of force that once that resistance stops the restraint should stop. Mr. Hill spoke about the use of force and maintaining transparency and accountability and referenced a case back in 2016 and we all agreed that we shouldn't just take it for granted that everything is being done properly. We need always be measuring ourselves. There were some good ideas tossed around about that.

I asked Acting Chief Wilkins if they have received a lot of calls related to the mask mandate and they have not, which is a good thing. Hopefully the citizens and patrons visiting our city are complying.

Motion by Councilmember Neff, seconded by President O'Malley to receive and file the committee report. A roll call vote was conducted as follows:

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

Nays – None

Motion passed.

3. Public Works Committee report regarding meeting held August 17, 2020. (to be provided)

Committee Chairperson Rader delivered the following committee report:

The Public Works & Sustainability Committee met today at 5:00 p.m. All members were present as were members of the administration. Today was an important one. We had our third and final hearing on the resolution to create Bernice Pyke Park and we did refer that with a recommendation for adoption back here tonight as well as the Planning Commission referred it here. So we're very pleased to be at the point now where we have all the pieces that have come together over the course of a few months or years to make this a reality. The meeting went very smoothly. The last piece we were waiting on, which came in, was the legal description of the space. A survey was done. Ms. Swallow filled us in on how that came out. People had some questions and I think we were able to answer those and we referred that back here for adoption tonight. I would like to thank the community who really stepped up over the last few years to push to make this space more welcoming, more inviting. And to get that official park designation was very important to the community. Thank you to the residents and thank you to Council for being supportive of this over the years. Thank you to former Councilman O'Leary who really led this charge back in 2015, before I came on the scene, and had done meetings and submitted a resolution to get this done back then. Also Director Ducu and Public Works for getting the space ready. Also the Planning Department – former Director Sylvester, Michelle Nohta, and David Baas for all the work they did in planning that. Our Law Director for getting the legal description prepared, the Planning Commission, the Council Clerk's Office, and Joe Meyers too. So it basically shows how many big pieces and parts it takes when you pull something like this together so thank you everyone. We did it. And we will be able to dedicate this on the day of the 100th anniversary of the ratification of the 19th amendment, which would be tomorrow, August 18th. An important day in our history and an important day to remember a very important woman who led that charge in this area and was able to secure the vote for women here in Lakewood in 1917 and also worked to secure the vote nationally for women 100 years ago tomorrow.

Motion by President O'Malley, seconded by Councilmember Rader to receive and file the committee report. A roll call vote was conducted as follows:

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

Motion passed.

4. Report from Planning Commission regarding Resolution 2020-44. (pg. 1)

Motion by President O'Malley, seconded by Councilmember Litten to receive and file the report. A roll call vote was conducted as follows:

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

Motion passed.

5. **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. 2)

Motion by President O'Malley, seconded by Councilmember Litten to substitute Resolution 2020-44 to include a legal description of the property in Exhibit A. A roll call vote was conducted as follows:

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

Motion passed. Resolution 202-44 substituted.

Motion by President O'Malley, seconded by Councilmember Litten to adopt Resolution 2020-44 as substituted.

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

Motion passed. Resolution 202-44 adopted as substituted.

6. **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. (*1st read and referred to Finance 7/20/20; 2nd reading 8/3/20*) (pg. 5)

It was established that Ordinance 15-2020 is the routine quarterly transfers and advances ordinance and was favorably recommended out of the Finance Committee.

Motion by President O'Malley, seconded by Councilmember Litten to adopt Ordinance 15-2020. A roll call vote was taken as follows:

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

Motion passed. Ordinance 15-2020 adopted.

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

7. Communication from Councilmembers Bullock & Rader regarding increasing safety by reducing speed in Lakewood. (pg. 7)

Motion by President O'Malley, seconded by Councilmember 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.

8. **ORDINANCE 16-2020** - AN ORDINANCE modifying Section 333.03(b)(2) of the Lakewood Codified Ordinances establishing a 25 miles-per-hour speed limit for Lake Avenue to ensure the calming of traffic and safe passage of cyclists. (pg. 8)

Motion by President O'Malley, seconded by Councilmember Litten refer Ordinance 16-2020 to the Public Works & Sustainability Committee.

Public Comment

William Crosby – 14805 Lake Ave.

Mr. Crosby expressed excitement about the installation of new bike lanes on Lake Ave. He spoke about the many accidents he has observed over the years on the road and

expressed strong support for a reduction of the speed limit in order to protect cyclists and motorists alike, especially when adapting to a new traffic pattern.

Assistant Director Swallow advised Council that the Ohio Revised Code sets the speed limit on Lake Ave. She added that there is process to change the speed limit but it can take some time. She offered to come back to the committee with further details about the process and to do a speed study to address concerns.

President O'Malley expressed support for such a study and asked that the area between Cove and W. 117th be studied.

Councilmember Bullock noted that speed is a major complaint of residents throughout the City. He reported on the research that he has done speaking with ODOT and State Senator Skindell. He advocated for moving forward on the issue and not being deterred by state requirements.

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 16-2020 referred to Public Works & Sustainability Committee.

9. Communication from Councilmember Bullock ensuring parklet pilot takes place in 2020. (pg. 10)

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.

10. **RESOLUTION 2020-51** - 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 expenditure of funds costs related to implementation of temporary parklets in 2020. (pg. 11)

Councilmember Bullock invited discussion and comment from other members of Council and the administration. He noted that the spirit of the legislation is to ensure that temporary parklets are enacted this year. He discussed options available to the city, such as expending zero dollars or using city funds to purchase jersey barriers to loan to businesses.

President O'Malley asked Councilmember Bullock whether he intended to pass this legislation tonight or refer it to a committee. Councilmember Bullock stated he intended to pass it tonight to avoid delays and make the cost-benefit analysis worthwhile.

President O'Malley expressed concerns regarding the fairness of this piece of assistance that only helps out businesses expanding into the street, as restaurants and bars have incurred numerous expenses in expanding operations into their own parking lots or sidewalks. He noted that Lakewood has asked to borrow jersey barriers from Cleveland, as it only possesses 5 or 6 that are often in use for construction projects.

Mayor George stated that using public dollars for private parklets are not a good use of taxpayer dollars. She confirmed that the city has reached out to Cleveland to use extra barriers that it has from the RNC. She highlighted various efforts the city has made to support local businesses. She noted that the city is experiencing a deficit of \$2.6 million.

Councilmember Kepple stated her view that likened the legislation to that of a pilot project, not a direct investment in one private business. She noted that this is a small investment that could better inform city efforts in the future.

Councilmember Shachner noted the unique circumstances of LBM that make it not analogous to the situations of other bars and restaurants, highlighting the business' layout and timing of previous parklet legislation. He stated his belief that the investment proposed would provide a public benefit. He noted that Mr. Ho, the owner of LBM, conducted an analysis where he could bring back his entire staff if the expansion was approved.

President O'Malley noted his opposition to funding was based more on principle, not the in regard to the business, to which he paid compliments.

Vice President Litten stated he that can support piloting parklets in Lakewood as long as safety forces believe it can be done safely. He added that it could be done in the spring and does not support public spending on the item.

Mr. Eric Ho of LBM reviewed his analysis of the project, noting that the barrier cost could be around \$3,200 for the barriers alone. He supported borrowing barriers from Cleveland. He noted the rush for getting the project done this fall would be to better inform his business' efforts in the spring. Businesses need to hoard cash now to get them through the winter due to the remaining threat of the coronavirus and reduced outdoor dining during unseasonable weather.

Director Leininger highlighted efforts to promote equity when using city funds. He expressed concerns about other businesses being able to access the proposed program.

Councilmember Rader questioned about the use of city resources to place and store jersey barriers. Director Ducu noted that they would need to be moved by crane and that there would not be indoor storage space available for them.

Councilmember Kepple suggested amending the resolution to suggest that the barriers are for a pilot project for the least amount of cost, but still have barriers available for future projects.

Councilmember Bullock pointed to economic development funds that could be used to purchase jersey barriers and explore temporary parklets. He expressed doubts that Cleveland could lend their jersey barriers to Lakewood.

Councilmember Bullock made a motion to amend Section 1 by striking the current language and amending it to read “the Mayor, Director of Public Safety, Director of Public Works, Director of Law, Director of Finance, and or purchasing manager be and are hereby authorized and directed to spend up to \$10,000 to enter into a contract or contracts for supplies, services, and equipment with the lowest and best bidders or as otherwise provided by law, and or to purchase materials, supplies, and equipment related to the safe implementation of parklets in 2020.

Discussion: Mayor George asked Councilmember Bullock how he would anticipate the city administering the program if it had 20 applicants and how the city would handle expanded outdoor dining requests. She also inquired whether there was intent to use city workers on city time to move the barriers and set them up. Councilmember Bullock noted that the program is limited to 2020 and is first come, first serve. Mayor George noted that LBM would likely be the only business to benefit from the program. Councilmember Bullock agreed, but highlighted the cost of jersey barriers and the need for many of them. He also noted that the city workers’ time could be an in-kind contribution.

Director Ducu expressed concern about city workers being drawn away from their daily duties and city services. He also noted that the city has the amount of jersey barriers it needs to complete city projects.

Director Leininger noted that the city requirement of 13 jersey barriers at LBM was put in place due to the size of the parklet that was proposed. He added that more risk is involved if the city chose to get more invested in the construction barrier business.

President O’Malley stated that he cannot support the motion, but expressed a desire to be supportive through borrowing Cleveland’s barriers.

On the motion:

A roll call vote was taken as follows:

Yeas – Bullock, Kepple, Shachner

Nays – Litten, Neff, O’Malley, Rader

The motion failed. The amendment did not pass.

Councilmember Bullock made a motion, seconded by Councilmember Shachner to strike the language “full draft forthcoming” from the resolution.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. “Full draft forthcoming” was removed from the legislation.

Councilmember Bullock made a motion, seconded by President O’Malley to replace the current language with “City Council recommends that the administration take action to achieve a temporary parklet in 2020.”

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The amendment passed and the language was included.

Councilmember Bullock made a motion, seconded by Councilmember Shachner to adopt Resolution 2020-51.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-51 was adopted as amended.

******LIQUOR PERMITS******

11. Liquor Permit Notice regarding 13601-03-05 Detroit Ave. (pg. 13)

Acting Chief Wilkins reported out on the LPD liquor permit investigation and stated that LPD has no objections.

Councilmember Litten, in whose ward this lies, expressed no reason to object to the permit.

President O’Malley made a motion, seconded by Councilmember Litten receive and file.

A roll call vote was taken as follows:

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

Nays – None

Motion passed.

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

Jasany Jenkins – 1623 Waterbury Rd.

Ms. Jenkins thanked Council for its support of the anti-racism task force, her vision for the group, and her desire to be involved in it. She asked Council to be mindful about inequities regarding gets the opportunity to participate in these types of groups.

****ANNOUNCEMENTS****

Councilmember Litten thanked everyone for their support and kindness after the loss of his father-in-law and spoke about his legacy.

President O'Malley made a motion, seconded by Councilmember Litten to adjourn the meeting.

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 9:15 p.m.

Approved: 9/8/2020

Maureen M. Bach
CLERK

Daniel J. Malloy
PRESIDENT