

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD ONLINE
September 8, 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 Services Director Gelsomino, and members of the public.

Reading and disposal of the minutes of the Regular Meeting of Council held August 17, 2020.

President O'Malley made a motion, seconded by Councilmember Rader to approve the minutes of the August 17, 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 September 8 , 2020 (to be provided)

Councilmember Bullock delivered the following oral report:

The Finance Committee just met to begin our annual Council Budget Priorities Process. All members of the committee along with Councilmembers Litten, Neff, Kepple, Shachner, and Rader, along with many members of the administration were present. We have received 10 budget priority submissions thus far. We began consideration of the first 6 of those. We will continue discussion of the remaining proposals and go in depth on any proposals with

questions at a future meeting. At the first meeting of the month on October 5th, we anticipate a final committee meeting prior to that session to finalize whatever priorities get support from Council and then be prepared that night for consideration of the group of Council priorities, be they many or few, for potential adoption that night. If we hold to that schedule, as we have done in previous years, it allows the administration time to incorporate them into the budget book. We traditionally receive that budget book in November and deliberate throughout December for adoption before the end of the calendar year. I'd like to thank all the Councilmembers for their thoughtfulness and for listening to members of the public.

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The oral report was received and filed.

2. Housing, Planning & Development Committee report regarding meeting held September 8, 2020. (to be provided)

Councilmember Shachner delivered the following oral report:

We met today to discuss Resolution 2020-26, which is a resolution that would provide the Director of Public Works the authority to enter into a design build contract for improvements made to Cove Church to turn it into a intergenerational community center. The amount is not to exceed \$4.2 million dollars with Infinity Construction Company. The mayor shared with us that this is a project that is near and dear to her heart. Back in February she went down to Columbus to try to secure additional funding for the project. Originally we met back in April about this project because the administration wanted to put a pause on it due to the COVID-19 crisis and see how the city's financials would be affected. We have a better idea of where we stand and that we are in a good enough place to move forward with this project.

Human Services Director Gelsomino did discuss with us why this is vitally necessary for our community. She noted that Senior Services have been moved around to building after building and that the building its in right now is in pretty rough shape. The project itself is related to the health and wellness of all of our residents. It not only allows for Human Services to be in one place to allow for further collaboration, but also be an intergenerational facility and allows for more contact between social spheres and enables the building of relationships. This project is only limited by our imagination and our resources. We spoke with Allison Hennie regarding the design build process. Two members of Council were on the committee that evaluated the applicants that sought to do this project. President Dan O'Malley and Vice President Litten served on that committee. If the design process moves forward in the spring, we could be looking at Human Services moving in to

the space in the fall of 2021, which would be quite a feat. The design process will involve a lot of stakeholders, including Human Services staff. Infinity will meet with staff to ensure the space is program oriented. We're also going to have the Resiliency Taskforce, the Health Lakewood Taskforce, and the Youth Council give input to ensure that the building fits all of Lakewood's need. I have faith that Moody Nolan will assist in making sure that the project is on schedule and on budget. We also know that there will be a forthcoming agreement that will be put into Exhibit A of this resolution. If we did vote this out of committee with a recommendation that once the agreement is provided, then Council should adopt and approve Resolution 2020-26.

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.

3. **RESOLUTION 2020-26** - A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Director of Public Works to enter into a design-build form of agreement for the design, hazardous substance abatement and construction of improvements to Cove Church for the repurposing of the facility as a intergenerational community center in an amount not to exceed \$4,150,000 with Infinity Construction Co., Inc. (*Referred to HPD 4/20/2020*) (pg. 001)

Councilmember Shachner noted that the resolution needs to be deferred until an agreement is substituted for Exhibit A.

President O'Malley made a motion, seconded by Vice President Litten to defer Resolution 2020-26.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-26 was deferred.

4. **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. (*Referred to Public Works 8/17/20*) (pg. 004)

President O'Malley made a motion, seconded by Vice President Litten to defer Ordinance 16-2020.

Public Comment: Mary Cerbeij of 13975 Lake Ave. shared her support to reduce the speed limit on Lake Ave. She added that residents are concerned about the traffic flow, especially with a near fatal accident occurring recently.

Councilmember Bullock asked whether the Public Works committee has a date set to review the legislation. Councilmember Rader indicated that the committee does not.

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 was deferred.

5. Communication from Director Leininger regarding the Planning Commission's disposition on the designation of express parking spaces. (pg. 006)

Councilmember Shachner inquired as to how many businesses have taken advantage of express parking thus far. Director Leininger indicated that 8 applications have been received and approved by the Planning Department, and a 9th one is in the process of approval.

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.

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

Without objection, President O'Malley moved items #11 through #14 to this point of the agenda.

6. Communication from Councilmember Kepple, President O'Malley, Vice President Litten & Mayor George regarding Anti-Racism Task Force Appointees. (pg. 007)

President O'Malley made a motion, seconded by Vice President Litten to refer the communication to Committee of the Whole (COW) and the Lakewood Community Relations Advisory Commission (LCRAC).

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 COW and LCRAC.

7. Communication from President O'Malley regarding Council appointments to the Anti-Racism Task Force. (pg. 008)

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The communication was received and filed.

8. **RESOLUTION 2020-53** - 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 _____ (first appointee) _____, _____ (second appointee) _____, _____ (third appointee) _____, _____ (fourth appointee) _____, and _____ (fifth appointee) _____ to the Anti-Racism Task Force. (pg. 009)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-53 to Committee of the Whole.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-53 was referred to Committee of the Whole.

9. Communication from Councilmember Bullock regarding Council budget priorities. (pg. 011)

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 2020-54 - A Resolution to formally identify agreed-upon priorities that Council authorizes and directs be incorporated into the 2021 budget. (pg. 012)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-54 to Finance Committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-54 was referred to Finance Committee.

11. Communication from Councilmembers Bullock, Kepple, O'Malley, Rader, & Shachner regarding Icebreaker Wind project. (pg. 015)

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

Chris Ronayne, President of University Circle Inc. spoke on behalf of the Cleveland-Cuyahoga Port Authority and Case Western Reserve University and voiced support for the Icebreaker Wind Project. He provided background on the project and its use of wind turbines along the shoreline.

Discussion: Councilmember Neff shared concerns of members of the public about the industrialization of the Lake Erie shore. Mr. Ronayne spoke to the balance of uses along the shoreline and the sustainability of the 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 communication was received and filed.

12. **RESOLUTION 2020-55** - A Resolution to object to the Order of Ohio Power Siting Board in the Icebreaker case, OPSB Case No. 16-1871-EI-BGN to prohibit Icebreaker's turbines from rotating and producing electricity all night for 8 months out of the year and strongly urging the Ohio Power Siting Board to grant Icebreaker's appeal in the case. (pg. 016)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-55.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-55 was adopted.

13. Communication from Councilmember Rader regarding the contributions of Mr. Gary Rick. (to be provided)

Councilmember Rader acknowledged Mr. Rick's service on the Lakewood Community Relations Advisory Commission and as the executive director of the Lakewood YMCA.

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

Discussion: President O'Malley and Vice President Litten echoed the praises of the communication and complimented Mr. Rick's efforts and character. Mr. Rick thanked Council for the commendation.

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.

14. **RESOLUTION 2020-52** – A RESOLUTION to recognize and thank Gary Rick for the quality of his service and impactful leadership to the City of Lakewood in both his roles as Executive Director of the Lakewood YMCA and as an active participant on the Lakewood Community Relations Advisory Commission. (pg. 018)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-52.

Discussion: Councilmember Bullock thanked Mr. Rick for his service and programming.

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 2020-52 was adopted.

15. Appointment from Councilmember Rader to Lakewood Community Relations Advisory Commission. (pg. 019)

Councilmember Rader 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.

16. Communication from Mayor George regarding the extension of temporary outdoor dining use. (pg. 020)

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

Discussion: President O’Malley asked when the current authority would expire. Mayor George indicated it would be October 31st.

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.

17. **RESOLUTION 2020-31A** - 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, amending Resolution No. 2020-31, adopted

May 21, 2020, extending the authorization of the Planning Commission to grant temporary conditional use permits for outdoor/seasonal dining facilities throughout this state of emergency to qualifying applicants. (pg. 021)

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

Discussion: Councilmember Shachner asked whether all outdoor conditional use permits expire on October 31st and whether the administration seeks to extend all permits. Director Leininger indicated that the resolution allows flexibility for all permits and that he will double check with Director Corrigan.

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 2020-31A was referred to the Housing, Planning, & Development Committee.

18. Communication from Mayor George regarding a mayoral appointment to the Lakewood Heritage Advisory Board. (pg. 023)

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.

19. Communication from Mayor George regarding a mayoral re-appointment to the Board of Nuisance Abatement Appeals. (pg. 024)

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. Communication from Director Rancatore regarding the amended 2020 Purchasing and Contracting Authority. (pg. 025)

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.

21. **ORDINANCE 33-19C** - 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 33-19B adopted June 15, 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. 026)

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

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. Communication from Director Rancatore regarding Memberships for 2020. (pg. 033)

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.

23. **ORDINANCE 35-19A** - 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 amend Ordinance 35-19, adopted December 16, 2019 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 Memberships as authorized by the 2020 Appropriation Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$90,000 without separate Ordinance of Council. (pg. 034)

President O'Malley made a motion, seconded by Vice President Litten to suspend the rules to allow for the adoption of Ordinance 35-19A without the necessity of 3 readings.

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 35-19A.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 35-19A was adopted.

24. Communication from President O'Malley regarding the painting of brick. (to be provided)

President O'Malley noted that a private business in Ward 4 conducted a large paint job of its brick exterior, which was objected to by preservationists and citizens. He added that it required no permitting or oversight by the city. As a response, he stated he is submitting the following ordinance, which requires the Architectural Review Board review and authorize painting on brick structures.

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.

25. **ORDINANCE 17-2020** - 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, amending Section 1325.04, Authority of the Board, to include the exterior painting of existing natural brick structures within the authority of the Architectural Board of Review. (pg. 041)

President O’Malley made a motion, seconded by Vice President Litten to refer Ordinance 17-2020 to the Housing, Planning, & Development Committee.

Discussion: President O’Malley asked that the Building Commissioner and representatives from Lakewood Alive be invited to the committee discussion.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 17-2020 was referred to the Housing, Planning, & Development Committee.

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

26. Liquor Permit Notice regarding 142 Madison LLC at 14235 Madison Ave. (pg. 043)

Vice President Litten gave no statutory objection, but expressed urgency for the project to be completed as neighbors are growing impatient.

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The permit notice was received and filed.

27. Liquor Permit Notice regarding Hola Tacos at 12102 Madison Ave. (pg. 044)

President O'Malley provided no reason to object.

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The permit notice was received and filed.

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

No public comment was made.

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

Director Corrigan noted that the city will be sharing a recording of the landlord training seminar, during the week of September 14th through the 18th.

President O'Malley made a motion, seconded by Vice President 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 8:49 p.m.

Approved: 9/21/2020

Marian M. Beck
CLERK

David J. Malley
PRESIDENT