

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD ONLINE
September 21, 2020
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:32 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 Stone, 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 September 8, 2020.

President O'Malley made a motion, seconded by Councilmember Rader to approve the minutes of the September 8, 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. Committee of the Whole report regarding meetings held September 14, 2020. (pg. 1)

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The report was received and filed.

2. Finance Committee report regarding meetings held September 14, 2020 (to be provided)

Councilmember Bullock read the following oral report into the record:

The Finance Committee met on September 14. We considered 2 matters, with one being the following ordinance on tonight's agenda, Ordinance 33-19C. Its purpose is to increase certain expenditures that have run higher than initially budgeted. The committee recommended adoption on third reading. The second item was to continue discussion of the Council budget priorities process for 2021. WE considered items 7 through 10 and make a full pass through the initial discussion of proposals from Councilmembers. We did not meet tonight, but have time available next Monday. Councilmembers may want to revise and or propose new priorities. We are on track to finalize our work on October 5.

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.

3. **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. (*Placed on 1st reading & referred to Finance 09/08/20*) (pg. 2)

President O'Malley made a motion, seconded by Councilmember Bullock to defer Ordinance 33-19C.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 33-19C was deferred.

4. Housing, Planning, & Development Committee report regarding meeting held September 21, 2020. (to be provided)

Councilmember Shachner read the following oral report into the record:

There were 2 items on the agenda for the Housing, Planning, & Development Committee earlier today. The first item would be Resolution 2020-31A, which was proposed by Mayor George and would extend the conditional use outdoor dining permits for qualifying applicants through the state of emergency. We learned that this will apply to all current permit holders, whether they got them through the original resolution or through normal means. Section 2 was emailed to us earlier today and it describes how it will amend all the agreements between the permittees and the city to continue use beyond October 31st. We voted to recommend the substitute version out of committee to all of City Council.

The other item was Ordinance 17-2020, which essentially amends Section 1325.04, which is the authority of the Architectural Board of Review to include in the purview the exterior period of natural brick painting. This came about because a commercial business did paint their exterior white and caused some alarm in the community. We learned there was nothing in our ordinances that could prevent this, so Councilman O'Malley did propose this change. It would allow the ABR to review any painting of masonry on a structure. Discussion in committee talked about whether this should only apply to commercial structures or also residential. We came to the conclusion that it should apply to both commercial and residential, however that an exception should be carved out to clarify that you can paint masonry on your home as long as it is not fully brick. The administration will come up with clearer language and the committee deferred this to a future meeting.

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 report was received and filed.

5. **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. (*Placed on 1st reading & referred to HPD 09/08/20*) (pg. 9)

President O'Malley made a motion, seconded by Vice President Litten to defer Ordinance 17-2020.

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 deferred.

6. **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. (*Referred to HPD 09/08/20*) (pg. 11)

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

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 substituted.

President O'Malley made a motion, seconded by Vice President Litten to adopt the substitute version of Resolution 2020-31A.

A roll call vote was taken as follows:

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

Nays – None

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

7. **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; recommended for adoption 9/8/20*) (pg. 13)

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

Discussion: President O'Malley inquired as to the nature of the substitution necessary for Resolution 2020-26. Director Leininger indicated that the substitution included the final agreement. Director Gelsomino spoke to the value of the project and how it will meet the needs of the community. Further community discussion is expected to explore how the center can reflect what the community would like to see in it. Councilmember Bullock questioned the project's timeline. Charlie Izzo of Infinity Construction indicated that the project is expected to be completed by September or October 2021.

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 2020-26 was substituted.

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

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 adopted as substituted.

8. Communication from Director Leininger regarding Ordinance 14-2020, Planning Commission Docket No. 08-36-20, Beekeeping Ordinance. (pg. 16)

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.

9. **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 & PC 07/06/20; 2nd reading 7/20/20; Referred back from PC 9/3/20*) (pg. 17)

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

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.

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

10. Communication from President O'Malley regarding essential worker bill of rights. (to be provided)

President O'Malley read the following communication into the record:

Dear Councilmembers

This pandemic has been hard for all of us, but in particular for those workers who cannot work from home. They are on the front lines of keeping us healthy, safe, and fed, and their well-being must be protected. It is the least we owe them to ensure that their rights are protected and I am proud to introduce the following resolution to lend our support to the essential workers' bill of rights, which is pending in the United States Congress.

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.

11. **RESOLUTION 2020-56** - A RESOLUTION supporting an essential workers bill of rights. (pg. 21)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-56.

Discussion: President O'Malley provided an overview of the legislation.

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 2020-56 was adopted.

12. Communication from President O'Malley regarding voter drop boxes in Cuyahoga County. (to be provided)

President O'Malley read the following communication into the record:

I think folks have been keeping abreast of the situation developing here in Cuyahoga County and statewide in the last week or two. The Cuyahoga County Board of Elections, which consists of two Democrats and two Republicans, including the chair of the Cuyahoga County Republican Party voted unanimously to have half a dozen drop boxes placed strategically placed throughout the county during this time of peril and pandemic, so that our citizens would have easy access for their right to vote. The Secretary of State has attempted to verbally to stop that, despite the fact that he stated that he personally favors it, but thinks they are illegal. A court has since ruled that they are not illegal and to go ahead and do it, yet he still is against it. We are talking about making sure our citizens in Lakewood have access to a free and fair election and that they don't have to risk their life to exercise their right to vote. This is a resolution that we will be able to speak with one voice on behalf of our citizens that should be a no brainer frankly.

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.

13. **RESOLUTION 2020-57** - 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, urging Secretary LaRose to immediately

reverse his order banning off-site secure drop boxes for absentee ballots; and urging the City of Lakewood Law Department to explore whether a legal action to vindicate voting rights could be brought pursuant to the federal Voting Rights Act, the Help America Vote Act, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and the Ohio Constitution and relevant statutes, guaranteeing all citizens their precious right to vote. (pg. 23)

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-57.

Discussion: Councilmember Kepple stated that she is working for the Board of Elections and will be abstaining from the vote. Vice President Litten inquired as to a timeline for action from the Law Department. Director Corrigan stated that the Law Department will be looking for opportunities to support existing efforts.

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

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

Abstain – Kepple

Nays – None

Motion passed. Resolution 2020-57 was adopted.

14. Communication from Director Rancatore regarding the appropriation of Local Coronavirus Relief Fund #2. (pg. 26)

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.

15. **ORDINANCE 18-2020** - 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 establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2020. (pg. 27)

President O'Malley made a motion, seconded by Vice President Litten to suspend the rules requiring three readings of the legislation due to emergency.

Discussion: Councilmember Bullock stated a desire that Council have an understanding of the use of these funds. He and Director Rancatore agreed to put together a communication outlining the use of those funds.

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.

Councilmember Bullock made a motion, seconded by Vice President Litten to adopt Ordinance 18-2020.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 18-2020 was adopted.

16. Communication from Mayor George regarding the Americans with Disabilities Task Force. (pg. 30)

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.

17. **RESOLUTION 2020-58** - 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 Americans with Disabilities (ADA) Transition Plan Task Force to create a framework for the establishment an ADA Transition Plan for the City of Lakewood. (pg. 31)

President O’Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-58.

Discussion: Councilmember Neff questioned whether the administration would publish the application and market it in the community. Mayor George confirmed that the administration would. President O'Malley shared a resident idea that proposed using CDBG dollars to contribute towards storefront ADA renovations. Various councilmembers expressed support for the resolution and taskforce, and discussed the merits of making the ratio of appointments in favor of Council 4 to 3. The change was ultimately not made.

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 2020-58 was adopted.

18. Communication from Director Corrigan regarding the approval of a three-year collective bargaining agreement with Western Cuyahoga Lodge No. 25, FOP, Supervisor Division. (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.

19. **RESOLUTION 2020-59** - 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., Supervisor Unit. of for a three-year period commencing January 1, 2020 and ending December 31, 2022. (pg. 34)

Director Dillinger noted that this marked the first time where police supervisors made a move to operate under their own contract, outside of the one with the patrol unit. Main differences between the contracts center on wage differentials between supervisors.

President O'Malley questioned the next steps if the resolution was voted down. The administration would then have to go back to the bargaining table.

Councilmember Shachner stated his opposition to Article 21.05, which prevents past discipline within certain timeframes from being considered in current disciplinary proceedings.

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-59.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-59 was adopted.

20. Communication from Director Leininger regarding the Trinity Church Lease Agreement.
(pg. 76)

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 19-2020** - 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 after the earliest period allowed by law, authorizing the Mayor to enter into an lease agreement with Trinity Project LLC for Trinity Lutheran Church, pursuant to Section 155.08 of the Codified Ordinances, to allow application for historic tax credit for the property. (pg. 77)

President O'Malley made a motion, seconded by Vice President Litten to substitute Ordinance 19-2020.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 19-2020 was substituted.

President O'Malley made a motion, seconded by Vice President Litten to suspend the rules to allow for adoption of Ordinance 19-2020 on first reading.

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 19-2020 as substituted.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 19-2020 was adopted as substituted.

22. Communication from Director Leininger regarding electronic notice requirements for various boards, commissions, & committees. (pg. 90)

President O'Malley made a motion, seconded by Vice President Litten to refer the communication to the Planning Commission and the Housing, Planning, & Development Committee.

Discussion: Vice President Litten and Councilmember Rader raised the issue of noticing all meetings in similar fashion and proposed the communication being referred to Committee of the Whole.

President O'Malley made a motion, seconded by Vice President Litten to refer the communication to the Planning Commission and Committee of the Whole.

Discussion: Councilmember Bullock proposed expanding notice to property owners not directly adjacent to development projects.

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

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

Nays – None

Motion passed. The communication was referred to the Planning Commission and the Housing, Planning, & Development Committee.

PUBLIC COMMENT

No public comment was made.

****ANNOUNCEMENTS****

Mayor George noted that trick or treating will happen in Lakewood this year upon further guidance from the Ohio Department of Public Health.

Councilmember Rader questioned whether the city had suspended point of sale inspections. Mayor George indicated she issued no directive and that her administration is supportive of point of sale inspections.

Councilmember Kepple provided a reminder for all Lakewood residents to complete the 2020 Census.

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 8:55 p.m.

Approved: 10/5/2020


CLERK, MAUREEN M. BACH


PRESIDENT, DANIEL J. O'MALLEY