

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD ONLINE  
October 5, 2020  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:32 PM by President O'Malley.

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Present: Thomas R. Bullock III, Sarah Kepple, John Litten, Tess Neff, Daniel J. 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.

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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\*\*\*\*\***

**Items #7 and #8 moved to the top of the agenda**

1. Committee of the Whole report regarding meeting held September 30, 2020. (to be provided)

President O'Malley read the following oral report into the record:

*The Committee of the Whole met on September 30<sup>th</sup>, which was Wednesday of last week. We met to discuss the pending potential litigation regarding One Lakewood Place. Nearly the entirety of the meeting was held in executive session. That concludes my report.*

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, O'Malley, Neff, Rader, Shachner

Nays – None

Motion passed. The oral report was received and filed.

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2. Finance Committee report regarding meetings held October 5, 2020 (to be provided)

Councilmember Bullock read the following report into the record:

*Today, the Finance Committee met. Many councilmembers, members of the public, and members of the administration joined. We were able to discuss our Council budget priorities process and come up with a recommendation for the adoption of an amended version of the resolution tonight. We appended the list of 10 Council budget priorities to the resolution. I can say more about that for the floor discussion of the resolution itself. It was a collegial process and continued our 5 year tradition of starting early with Council input on the budget. I thank all of the councilmembers for their thoughtful proposals.*

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

Nays – None

Motion passed. The oral report was received and filed.

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3. **RESOLUTION 2020-54** - A Resolution to formally identify agreed-upon priorities that Council authorizes and directs be incorporated into the 2021 budget (*referred to Finance 09-08-20*) (pg. 1)

Councilmember Bullock detailed the nature of the changes that were made to Resolution 2020-54. He noted that the committee moved and approved that the full list of Council budget priorities be Attachment A. The committee also changed the bicycle master plan priority from "budget \$100,000" to "budget up to \$100,000." The committee changed the

public art priority to have it state “to allocate \$100,000 for one of more major installations.” Lastly, the committee clarified the language in the tree canopy priority to state “maintain urban forestry funding for planting, maintenance, training, and education at least fiscal year 2020 levels.”

Councilmember Bullock made a motion, seconded by President O’Malley to amend Resolution 2020-54 to reflect the changes made by the Finance Committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-54 was amended.

President O’Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-54.

*Public Comment: Glenn Campbell – 15305 Lanning Ave. – Mr. Campbell spoke in support of funding the development of a climate action plan for the city. He highlighted a need for the city to look at the electricity contracts for the city hall and the wastewater treatment plant, and to prioritize a 100% renewable supplier.*

*Michael Fodor – 1439 Riverside Dr. – Mr. Fodor spoke in support of the creation of a climate action plan. He noted the benefits of a plan and spoke to the importance of giving contracts to renewable energy providers.*

*Maggie Sullivan – 1262 Westlake Ave. Apt. 3 – Ms. Sullivan spoke to the necessity of a climate action plan. She encouraged the city to purchase energy from a renewable provider at any point that it’s able to.*

*Discussion: President O’Malley asked for further education on the use of natural gas and what the objections are to using it, while stating his support for environmental issues. Councilmember Rader noted that natural gas can be used to move society away from carbon emissions. Mr. Campbell stated that natural gas should be around for a while, but he advocates that the city is in a position to show leadership on renewable energy. Councilmember Bullock also noted that Vice President Litten made a motion in Finance Committee to change the speed table priority to include an extra \$4,000 in funding that would be designated only for speed and tables and accompanying signage. This change was added into the amended version.*

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-54 was adopted as amended.

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4. **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 1<sup>st</sup> reading & referred to Finance 09/08/20; 2<sup>nd</sup> reading 9/21/20*) (pg. 4)

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 33-19C was adopted.

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5. Public Safety Committee report regarding meeting held October 5, 2020. (to be provided)

Councilmember Neff read the following oral report into the record:

*We first discussed the parking study being done by the Planning Department, in particular being done around Edwards Ave. because of the increased traffic and parking that's happened since the opening of the Lakewood Truck Park. The plan is to compare the findings from this study to the findings of the 2018 baseline study and then look at the problems and come up with solutions, for example signage, to help the residents and tenants on that street.*

*We moved to Chief Stone who talked about the portal and the recent change that was added where a resident can anonymously file a complaint against a police officer. That feature did not exist in the past. I commend the city and the IT Department because they moved quickly to get that up and running. I navigated it myself and it does work. I asked Chief Stone if the Police Department has received excessive complaints from residents or patrons regarding violating mask wearing or social distancing protocols. He indicated there have been only a handful of complaints, which is encouraging. The Mayor chimed in and she attributes this to the proactive approach by safety forces making visits to establishments and bars more as a reminder for following protocol. Lastly, I did a summary of past discussions regarding Lakewood Police Department policies and procedures.*

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

Nays – None

Motion passed. The oral report was received and filed.

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6. Public Works Committee report regarding meeting held September 28, 2020. (to be provided)

Councilmember Rader read the following oral report into the record:

*The committee met last Wednesday. The first item on the docket, Ordinance 16-2020, which would reduce Lake Ave.'s speed from 35 to 25 was considered. Councilmember Bullock gave an overview of the ordinance. Mayor George gave insight into the process behind reducing speed on the road. A stealth radar is currently on back order, so we are waiting to get that deployed. Councilmember Litten brought up Edgewater Drive for potential speed reduction as well. The committee and city would like a representative from ODOT at the next meeting.*

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

Nays – None

Motion passed. The oral report was received and filed.

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7. Communication from Councilmember Neff regarding recognition of Ward 1 Eagle Scout. (pg. 11)

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

Nays – None

Motion passed. The communication was received and filed.

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8. **RESOLUTION 2020-21** - A RESOLUTION to recognize Ward 1 resident John Uchaker on achieving the rank of Eagle Scout as a member of Troop 293, St. Mark Catholic Church in Cleveland. (*Deferred 3/16/20*) (pg. 12)

President O'Malley congratulated Mr. Uchaker for his efforts. Councilmember Neff noted that the presentation of the resolution was delayed due to COVID-19. Mr. Uchaker thanked Council for the honor.

President O'Malley made a motion, seconded by Councilmember Bullock to adopt Resolution 2020-21.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-21 was adopted.

**\*\*\*\*NEW BUSINESS\*\*\*\***

9. Communication from President O'Malley regarding retirement of Police Chief Malley. (to be provided)

President O'Malley read the follow oral communication into the record:

*Fellow members of Council, following this communication is a resolution honoring the lifetime of service to Lakewood of Timothy Malley, who as we all know served the Lakewood Police Department for 38 years, many of which were spent as Chief. It is my privilege to introduce the following resolution honoring him.*

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, O'Malley, Neff, Rader, Shachner

Nays – None

Motion passed. The communication was received and filed.

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10. **RESOLUTION 2020-60** - A RESOLUTION to recognize and thank Chief Timothy Malley for the extraordinary length and quality of his service and leadership to the Lakewood Police Department over the past thirty-eight years. (pg. 13)

President O'Malley commented on the reassurance and calmness that Chief Malley brought to the job. He complimented his leadership and willingness to work with Council to resolve issues both big and small. Councilmember Bullock noted the professionalism and impartiality that Chief Malley brought to his work.

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-60.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-60 was adopted.

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11. Communication from President O'Malley regarding Council appointments to the ADA Task Force. (pg. 14)

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, O'Malley, Neff, Rader, Shachner

Nays – None

Motion passed. The communication was received and filed.

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12. **RESOLUTION 2020-61** - 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 three members and one non-voting Council representative to the Americans with Disabilities (ADA) Transition Plan Task Force. (pg. 15)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-61 to Committee of the Whole.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-61 was referred to Committee of the Whole.

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13. Appointments from Vice President Litten to the Citizens Advisory Committee and the Lakewood Animal Safety & Welfare Advisory Board. (pg. 17)

Vice President Litten 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, O'Malley, Neff, Rader, Shachner

Nays – None

Motion passed. The communication was received and filed.

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14. Appointment from Councilmember Rader to the Citizens Advisory Committee. (pg. 18)

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, O'Malley, Neff, Rader, Shachner

Nays – None

Motion passed. The communication was received and filed.

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15. Communication from Director Corrigan regarding an agreement with Carnegie Management and Development Corporation regarding the redevelopment of the Lakewood Hospital site. (pg. 19)

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, O'Malley, Neff, Rader, Shachner

Nays – None

Motion passed. The communication was received and filed.

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16. **RESOLUTION 2020-62** - A RESOLUTION 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 the Mayor and

Director of Law to enter into an agreement with Carnegie Management and Development Corporation, in an amount not to exceed \$\_\_\_\_\_ for the full and final settlement of all claims raised in and related to the Development and Use Agreement between the City of Lakewood and Carnegie Management and Development Corporation (the “Agreement”). (pg. 20)

Director Corrigan noted that a substitution would be necessary to insert the settlement amount of \$255,000. He outlined the settlement. He described the strict timeline that the city was under to demolish existing structures and deliver a clean site. He described significant environmental challenges that the city encountered and how it was eventually able to deliver a clean site on time. He noted disputes that took place regarding the environmental issues and the timing of site delivery. He added that as a result, the deal was terminated. In order to move forward with the development of the site, the city went into a day-long mediation on September 18<sup>th</sup> with Carnegie and its counsel. At the end of that day, an agreement was struck where Lakewood would be able to move forward with the development of the site without any looming controversy. The city will be receiving surveys, geo-technical reports, residential market studies, and other work products created by Carnegie to develop the site. In exchange the city agreed to pay Carnegie the sum of \$255,000. Both parties have agreed to end the relationship. The city can now move forward on developing the site in the very near future.

Mayor George also noted that both parties have made a non-disparaging agreement. She added that the purpose of the settlement is to avoid costly and length litigation moving forward.

Councilmember Shachner expressed concern about the lack of public comment on the issue and questioned whether the item could be referred to a committee for further discussion to inform the public.

President O’Malley noted that the administration did do a press release on the settlement the previous week. Director Corrigan expressed a preference for adopt of the resolution that evening and that the deal was done in the best interest of the city and its ability to move forward with the site. Mayor George stated a referral would delay the process and the city’s ability to move forward and generate tax revenue with the site.

Councilmember Kepple stated her normal preference would be for more input from the public, however her thought is to focus that input on how the city moves forward, which this resolution allows the city to do.

President O’Malley made a motion, seconded by Vice President Litten to amend Resolution 2020-62 by inserting “\$255,000” into the first paragraph and Section 1 of the resolution.

A roll call vote was taken as follows:

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

Abstain - Rader

Nays – None

Motion passed. Resolution 2020-62 was amended.

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-62.

*Discussion: Councilmember Bullock noted that the city and community retain control of the site and expressed a desire for collaboration between the administration, Council, and the community to determine best fits for the site.*

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

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

Nays – Rader

Motion passed. Resolution 2020-62 was adopted.

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17. Communication from Mayor George regarding a mayoral appointment to the Civil Service Commission. (pg. 22)

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, O'Malley, Neff, Rader, Shachner

Nays – None

Motion passed. The communication was received and filed.

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18. Communication from Chief Dunphy regarding Fire Prevention Work 2020. (pg. 23)

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, O'Malley, Neff, Rader, Shachner

Nays – None

Motion passed. The communication was received and filed.

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19. **RESOLUTION 2020-63** - A RESOLUTION calling upon the citizens of Lakewood to participate in fire prevention activities at home, and to heed the message, “Serve up Fire Prevention in the Kitchen,” as the 2020 Fire Prevention Week theme suggests. (pg. 24)

President O’Malley made a motion, seconded by Vice President Litten to amend the resolution to correct a typographical error and list the year 2020 wherever it is appropriate in the resolution.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-63 was amended.

President O’Malley made a motion, seconded by Councilmember Bullock to adopt Resolution 2020-63.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-63 was adopted.

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20. Communication from Engineer Papke regarding the 2022 Watermain Replacement Project. (pg. 25)

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, O’Malley, Neff, Rader, Shachner

Nays – None

Motion passed. The communication was received and filed.

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21. **RESOLUTION 2020-64** - 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 at the earliest period allowed by law, authorizing the Mayor of the City of Lakewood, or his designee, to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement Program, Local Transportation Improvement Program or any other appropriate Ohio Public Works

Commission program that the 2022 Watermain Replacement Project qualifies for and to execute contracts as required. (pg. 26)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-64 to the Public Works & Sustainability Committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-64 was referred to the Public Works & Sustainability Committee.

**\*\*\*PUBLIC COMMENT\*\*\***

No public comment was made.

**\*\*\*ANNOUNCEMENTS\*\*\***

No announcements were made.

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

A roll call vote was taken as follows:

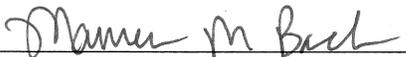
Yeas – Bullock, Kepple, Litten, O'Malley, Neff, Rader, Shachner

Nays – None

Motion passed. The meeting was adjourned.

The meeting was adjourned at 8:47 p.m.

Approved: 10/19/2020

  
MAUREEN M. BACH, CLERK

  
DANIEL J. O'MALLEY, PRESIDENT