

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD ONLINE
October 19, 2020
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35 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 October 5, 2020.

President O'Malley made a motion, seconded by Vice President Litten to approve the minutes of the October 5, 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 Lakewood Community Relations Advisory Commission regarding appointments to the Anti-Racism Task Force in response to a communication referred by Council on September 8, 2020. (pg. 1)

President O'Malley made a motion, seconded by Vice President Litten to refer the communication to the 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. The communication was referred to Committee of the Whole.

Public Comment – McKenzie Levi – 14811 Hilliard Rd. – Mr. Levi disagreed with the creation of the Anti-Racism Taskforce. He expressed disagreements with the selection process.

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

2. Communication from President O'Malley regarding upcoming Council board and commission vacancies. (pg. 4)

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.

3. **RESOLUTION 2020-65** - 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 _____ to the Tree Advisory & Education Board for a one-year term beginning January 1, 2021 and ending December 31, 2021. (pg. 5)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-65 to the 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 2020-65 was referred to Committee of the Whole.

4. **RESOLUTION 2020-66** - 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 _____ to the Planning Commission for the five year term beginning January 1, 2021 and ending December 31, 2025. (pg. 6)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-66 to the Committee of the Whole.

A roll call vote was taken as follows:

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

Nays – None

Discussion: President O'Malley discussed the importance of the appointment. The body determined that Kyle Baker would be vacating the soon to be empty seat.

Motion passed. Resolution 2020-66 was referred to Committee of the Whole.

5. **RESOLUTION 2020-67** - 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 _____ to the Board of Nuisance Abatement Appeals for the three year term beginning January 1, 2021 and ending December 31, 2023. (pg. 7)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-67 to the 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 2020-67 was referred to Committee of the Whole.

6. **RESOLUTION 2020-68** - 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)** _____ and _____ **(second appointee)** _____ to the Community Reinvestment Area Housing Council for three year terms beginning January 1, 2021 and ending December 31, 2023. (pg. 8)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-68 to the 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 2020-68 was referred to Committee of the Whole.

7. Communication from Director Corrigan regarding renewal of public health services contract with Cuyahoga County Board of Health. (pg. 9)

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

Discussion: Vice President Litten expressed a desire to renew monthly updates from the administration regarding COVID-related topics during an upcoming Health & Human Services Committee hearing.

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.

8. **RESOLUTION 2020-69** - 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 to enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed \$284,114.00 for a one-year period commencing January 1, 2021. (pg. 10)

President O'Malley made a motion, seconded by Vice President Litten to refer Resolution 2020-69 to Health & Human Services Committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-69 was referred to the Health & Human Services Committee.

9. Appointment from Mayor George to the Board of Nuisance Abatement Appeals. (pg.12)

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.

10. Appointments from Mayor George to the Anti-Racism Task Force. (pg. 13)

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.

11. Communication from Mayor George regarding COVID-19 Costs and the Application of CARES Act Funding. (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.

12. Communication from Finance Director Rancatore regarding appropriation of Local Coronavirus Relief Fund #3. (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, O’Malley, Neff, Rader, Shachner
Nays – None

Motion passed. The communication was received and filed.

13. **ORDINANCE 20-2020** - 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. 17)

President O'Malley made a motion, seconded by Vice President Litten to substitute Ordinance 20-2020.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 20-2020 was substituted.

President O'Malley made a motion, seconded by Vice President Litten to refer Ordinance 20-2020 to Finance Committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 20-2020 was referred to Finance Committee.

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

McKenzie Levi – 14811 Hilliard Rd. – Mr. Levi informed Council and the administration of potential criminal activity in Kauffman Park. He stated that it is easy for teens to go to Kauffman Park and get alcohol, vapes, and tobacco from adults there that are willing to buy the items. Acting Chief Stone asked for times and days of week that the activity is occurring. Mr. Levi indicated that times vary due to online learning, however groups congregate largely after 3pm. Mayor George indicated that an arrest took place there recently to curtail the activity.

*****ANNOUNCEMENTS*****

Director Leininger – Director Leininger stated that the Planning Department recently hosted a neighborhood meeting in Clifton-Prado Park to seek community input on what improvements the neighborhood would like to see in the park. It also hosted an online survey for input as well. He also gave an update on Ordinance 17-2020, the painting of brick for ABR review. Planning staff spoke with the Lakewood Heritage Advisory Board, which did recommend against the painting of masonry. ABR recommended back specific standards they would use

for an application for painting of masonry. President O'Malley requested that the recommendations be shared with the whole of Council.

Councilmember Bullock apologized for his behavior and his word choice onsite during the removal of 6 trees from downtown the previous week. He apologized to the staff and the forestry director. He asked that members of the public cease criticism of the public employees who performed the job. He expressed disagreement with the administration on the policy behind tree removal.

President O'Malley spoke to the need to revisit the policy regarding tree removal. He expressed appreciation for Councilmember Bullock taking ownership and apologizing for the matter. He also expressed appreciation for Lakewood's city employees.

Director Ducu offered an explanation behind why the trees were removed. He noted that the city has had problems with trip hazards in that area dating back to 2011 and 2016 when the sidewalks were ground several times. The Building department indicated that the trees were negatively affecting nearby buildings.

Mike Satink of Lakewood's local AFSCME union and the Public Works Department disagreed with Councilmember Bullock's explanation of the incident. He regretted that his employees were attacked on social media. He thanked Mr. Bullock for acknowledging his actions but stated that he owes the employees a personal apology.

Councilmember Bullock replied that he is willing to speak directly with the employees. He added that he does not agree with the factuality of the story Mr. Satink received. He stated that in his social media remarks, he said that the employees were doing the right thing.

President O'Malley stated that in Mr. Bullock's initial comments that he included photos of the workers and noted that they did not listen to him when he told them to stop their work on the trees. Mr. Bullock stated his intent to get the matter resolved on the spot. He added that his intent was to capture the trees coming down.

Councilmember Kepple stated that the conversation should be focused on how to move forward with better policy. She stated her intent to rework and introduce ways to improve procedures and public noticing in regard to tree removal.

Mr. Satink asked that members make phone calls to the Mayor or Director Ducu in lieu of going immediately to social media.

In reference to a letter that was received by all members of Council from AFSCME Local 1043 regarding the incident, President O'Malley noted that the city's charter does not grant Council the ability to discipline its own members. Mr. Satink stated he has no intent as President to seek discipline of Councilmember Bullock.

Director Ducu spoke about policy regarding tree removal. The city arborist evaluates the tree in question and if it poses any danger to property or persons, it is to be removed.

Councilmember Neff, in regard to Director Leininger's announcement about the painting of brick, inquired how the city is to reconcile the painting of murals on buildings. Director Leininger indicated that in most cases of murals, they are painted on buildings brick that has already been painted over once. A film or panel can be used on bare brick paintings.

Mayor George stated that the city determined the tree removal on Detroit was necessary due to tripping hazards. The forestry manager went into the nearby businesses several times over the summer to make them aware that the nearby trees would be taken down. Moving forward, the Mayor indicated that a letter would be provided to businesses if a tree were to be removed. She indicated that she and Director Ducu explained this on scene to Councilmember Bullock. She stated that the city arborist made the correct decision. She noted that the city was sued for a similar instance and paid out \$75,000 to someone who tripped over a tripping hazard in the public right of way.

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 8:33 p.m.

Approved: 11/2/2020


MAUREEN M. BACH, CLERK


DANIEL J. O'MALLEY, PRESIDENT