

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD ONLINE  
November 2, 2020  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by President O'Malley.

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Present: Thomas R. Bullock III, John Litten, Tess Neff, Daniel O'Malley, Tristan Rader

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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President O'Malley made a motion, seconded by Vice President Litten to excuse the absences of Councilmembers Kepple & Shachner.

*Discussion:* President O'Malley noted that both are acting in capacity as elections workers and that Councilmember Kepple will be joining the meeting later on.

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

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

Nays – None

Motion passed. The absences were excused.

Reading and disposal of the minutes of the Regular Meeting of Council held October 19, 2020.

President O'Malley made a motion, seconded by Councilmember Rader to approve the minutes of the October 19, 2020 meeting without the necessity of a reading.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The minutes were approved.

\*\*\*\*OLD BUSINESS\*\*\*\*

1. Committee report from Committee of the Whole - October 26, 2020. (pg. 1)

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

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

Nays – None

Motion passed. The report was accepted.

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2. Committee report from Committee of the Whole – November 2, 2020. (to be provided)

President O'Malley delivered the following oral report:

*We met tonight simply to finalize Council's appointees to the Anti-Racism Taskforce. We had one slot and two individuals that we were talking about. We agreed to include one of those names in the substituted resolution this evening and that I would follow up with the mayor to discuss expanding the size of this taskforce by one, do that Wayne Smith, an African-American business owner who we were quite impressed with, could also be included onto the taskforce.*

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

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

Nays – None

Motion passed. The oral report was received and filed.

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3. **SUBSTITUTE 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 Angelina Steiner, William Yeung, (third appointee), (fourth appointee), and (fifth appointee) to the Anti-Racism Task Force. (Referred to COW 9/8/20) (pg. 2)

President O'Malley made a motion, seconded by Vice President Litten to substitute Resolution 2020-53 to include the names of Camella Lee, Sam Pearson, & Lily Trimble.

A roll call vote was taken as follows:

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

Motion passed. Resolution 2020-53 was substituted.

President O’Malley made a motion, seconded by Vice President Litten to adopt Substitute Resolution 2020-53.

*Public Comment:* McKenzie Levi – 14811 Hilliard Rd. – Mr. Levi stated his opposition to the Anti-Racism Taskforce being formed.

*On the motion:* A roll call vote was taken as follows:  
Yeas – Bullock, Kepple, Litten Neff, O’Malley, Rader  
Nays – None

Motion passed. Resolution 2020-53 was adopted as substituted.

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4. **SUBSTITUTE 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 Laura Balliett to the Tree Advisory & Education Board for a one-year term beginning January 1, 2021 and ending December 31, 2021. (*Referred to COW 10/19/20*) (pg. 4)

President O’Malley made a motion, seconded by Vice President Litten to adopt Substitute Resolution 2020-65.

A roll call vote was taken as follows:  
Yeas – Bullock, Kepple, Litten Neff, O’Malley, Rader  
Nays – None

Motion passed. Substitute Resolution 2020-65 was adopted as substituted.

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5. **SUBSTITUTE 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 Jesse Schmidt to the Board of Nuisance Abatement Appeals for the three year term beginning January 1, 2021 and ending December 31, 2023. (*Referred to COW 10/19/20*) (pg. 5)

President O’Malley made a motion, seconded by Vice President Litten to adopt Substitute Resolution 2020-67.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Substitute Resolution 2020-67 was adopted as substituted.

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6. **SUBSTITUTE 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 Colleen Zettler and (second appointee) to the Community Reinvestment Area Housing Council for three year terms beginning January 1, 2021 and ending December 31, 2023. (Referred to COW 10/19/20) (pg. 6)

President O’Malley made a motion, seconded by Vice President Litten to defer Substitute Resolution 2020-68.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Substitute Resolution 2020-68 was deferred.

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7. Committee report from Finance Committee - October 26, 2020 (to be provided)

Councilmember Bullock read the following report into the record:

*The Finance Committee met last Monday and considered Ordinance 20-2020 as proposed for substitution. This legislation would appropriate the third round of coronavirus relief funding from the state and county. It’s been a real team effort. Our city has benefitted from that work and our city has done a good job of anticipating this and pursuing relief. Councilmembers should refer to page 10 of our docket, which outlines the proposed substitute version of the legislation that the committee recommended for adoption tonight. The total amount of relief funds goes into its own account as required by the rules. We’re allocating expenses to this new fund. The chart shows that the emphasis of the funding is being applied to police and fire, our frontline safety forces’ operations, salaries, and pensions. We agreed with that recommendation from the Finance Department and received an update from Director Rancatore on where our revenues stand. Tax filings and revenues have largely caught up with where we were at during the summer and the city is only a couple hundred thousand dollars below revenue levels from a year ago. The current year’s budgeted an increase, so we’re not out of the woods yet, but we may be able to break even before year’s end.*

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 Neff, O'Malley, Rader

Nays – None

Motion passed. The report was received and filed.

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8. **SUBSTITUTE 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. (*Placed on 1<sup>st</sup> reading & referred to Finance 10/19/20*) (pg. 7)

President O'Malley made a motion, seconded by Councilmember Bullock to defer Substitute Ordinance 20-2020.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Substitute Ordinance 20-2020 was deferred.

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9. Committee report from Public Works Committee - November 2, 2020 (to be provided).

Councilmember Rader read the following report into the record:

*The committee met today with myself and Councilmember Bullock present. Resolution 2020-64 was heard tonight, which allows the mayor to put an application in to the Ohio Public Works State Capital Improvement Program for several streets that need sewer improvement work in 2022. This is fairly routine and the third time that I've chaired this committee. The primary reason we are moving forward with this is that both streets rank fairly high on the list of things that this capital fund funds, such as water line replacement and improve hydrant flows. We referred this back to Council tonight for adoption. It's imperative that it is passed tonight as the application is due on November 5<sup>th</sup>.*

Councilmember Rader 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 Neff, O’Malley, Rader  
Nays – None

Motion passed. The report was received and filed.

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10. **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 her 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. (*Referred to PWS 10/5/20*) (pg. 11)

President O’Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-64.

A roll call vote was taken as follows:  
Yeas – Bullock, Kepple, Litten Neff, O’Malley, Rader  
Nays – None

Motion passed. Resolution 2020-64 was adopted.

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

11. Communication from President O’Malley regarding re-codification of ordinances. (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 Neff, O’Malley, Rader  
Nays – None

Motion passed. The communication was received and filed.

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12. **ORDINANCE 21-2020** - 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 approve

the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (pg. 14)

President O'Malley made a motion, seconded by Vice President Litten to defer Ordinance 21-2020.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 21-2020 was deferred.

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13. Appointment by Councilmember Kepple to the Citizens Advisory Committee. (pg. 16)

Councilmember Kepple 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

Nays – None

Motion passed. The communication was received and filed.

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14. Communication from Director Dillinger regarding the 2021 Salary Ordinance. (pg. 17)

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

Nays – None

Motion passed. The communication was received and filed.

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15. **ORDINANCE 22-2020** - AN ORDINANCE to take effect on January 1, 2021, provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise take effect and be in force after the earliest period allowed by law, to provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement

in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners. (pg. 18)

President O'Malley made a motion, seconded by Vice President Litten to refer Ordinance 22-2020 to the Finance Committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 22-2020 was referred to the Finance Committee.

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16. Communication from Director Dillinger regarding 2021 Vacation Ordinance. (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 Neff, O'Malley, Rader

Nays – None

Motion passed. The communication was received and filed.

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17. **ORDINANCE 23-2020** - 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 149.08(a)(1), Vacations, of the Lakewood Codified Ordinances in order to grant part-time employees credit for purposes of vacation accrual when the employee changes from a part-time to a full-time status. (pg. 24)

President O'Malley made a motion, seconded by Vice President Litten to refer Ordinance 23-2020 to the Finance Committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Ordinance 23-2020 was referred to the Finance Committee.

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18. Communication from Chief Dunphy regarding Rescue Truck purchase. (pg. 27)



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

Nays – None

Motion passed. The communication was received and filed.

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**19. RESOLUTION 2020-70** - 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 and directing the Director of Finance to purchase a 2012 Piece Impel rescue pumper truck without the necessity of competitive bidding in accordance with LCO§111.04(a)(10). (pg. 28)

Chief Dunphy explained the urgency of the purchase and the process involved in pursuing a used vehicle. The department had this item listed as a capital improvement for the 2021 budget. Councilmember Kepple stated that the request seemed reasonable and inquired whether the used vehicle has the equipment needed for current day best practices. Fire Marshal Fairbanks, the chair of the division's apparatus committee, stated that the NFPA standard was upgraded in 2009 and that in order to be compliant, the Fire Department could not purchase a vehicle older than that year. There are minor technological differences between a 2012 vehicle and 2020 vehicle. Vice President Litten questioned what the useful life of the vehicle is and the tradeoff in purchasing the vehicle now as opposed to in 2021. Fire Marshal Fairbanks stated that by purchasing this vehicle now, the department could defer its next purchase of an aerial ladder truck from 2022 to 2024-2025. Another planned vehicle purchase could also be pushed out to 2035, if the vehicle is still operational. Councilmember Bullock asked where the funds to purchase the vehicle would come from this year and asked what role the vehicle would play. Fire Marshal Fairbanks explained the application and use of the vehicle. This vehicle will also be put into service to preserve the life of the department's ladder trucks. Director Rancatore indicated that it will be paid for out of the operating fund and the cost of it will be spread over a couple of years to ease the financial impact.

President O'Malley made a motion, seconded by Vice President Litten to adopt Resolution 2020-70.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. Resolution 2020-70 was adopted.

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20. Communication from Mayor George regarding COVID-19 Costs and the Application of CARES Act Funding. (pg. 30)

President O'Malley made a motion, seconded by Vice President Litten to refer the communication to the Finance Committee.

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The communication was referred to the Finance Committee.

**\*\*\*\*LIQUOR PERMITS\*\*\*\***

21. Liquor Permit Notice regarding Sarita A Restaurant Inc. at 14523-27 Madison Ave. (pg. 32)

Vice President Litten stated he has no statutory reason to object.

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

A roll call vote was taken as follows:

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

Nays – None

Motion passed. The notice was received and filed.

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

Steve Eisenberg – 12900 Lake Ave. – Mr. Eisenberg asked the Public Safety Committee to revisit the COVID-19 mask policy for common areas in apartments buildings. Mr. Eisenberg shared his experience dealing with non-mask wearing individuals in his apartment building.

McKenzie Levi – 14811 Hilliard Rd. – Mr. Levi shared his experience with underage family members being able to acquire hard liquor from adults in the Lakewood parks. He stressed that the parks should be safe places for families. Acting Police Chief Stone asked for times/dates where this activity is occurring in Kauffman Park. He added he will notify patrol officers working in the area.

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

Councilmember Bullock highlighted the upcoming budget discussion schedule for the Finance Committee.

Councilmembers encouraged the public to vote with Election Day being the following day.

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

Nays – None

Motion passed. The meeting was adjourned.

The meeting was adjourned at 8:37 p.m.

Approved: 11/16/2020

Marian M Bach  
CLERK

David J. Miller  
PRESIDENT