

**MINUTES OF THE COMMITTEE OF THE WHOLE
JANUARY 13, 2020
Auditorium**

Present: Councilmembers Bullock, Litten, Neff, O'Malley, Rader, Shachner

Also: Acting Law Director Corrigan, Chief Assistant Law Director Swallow, Acting Public Works Director Ducu, Mayor George, Planning Director Sylvester, City Planner Michelle Nochta, Frank Scalish of Scalish Construction, Heather Rudge of HP Group, Gary Ogrocki and Ken of Dimit Architects and several members of the public

Call to Order: 6:06 p.m.

Motion by President O'Malley and seconded to approve the minutes of the Dec. 16th, 2019 Committee of the Whole. All members voted in favor. Motion passed. Minutes approved.

RESOLUTION 2020-01 - A RESOLUTION approving the appointment of Brian Corrigan to the position of Director of Law upon his taking the oath of office.

Mayor George spoke about Mr. Corrigan's experience and suitability for the role of Law Director.

Mr. Corrigan discussed his approach to the position, stating that he intends to advise and assist Council and the Mayor. He spoke about his prior experiences as Law Director under Mayor Tom George and highlighted some of the pertinent legal issues of that time.

Councilmember Neff stated that she knows Mr. Corrigan personally for many years and knows him to have great integrity. She expressed comfort in hearing about his approach to serving Council as well as the Mayor. She expressed excitement about the decision to retain Assistant Law Director Swallow.

In response to a question from Councilmember Rader, Mr. Corrigan explained that he will assume the role in a full-time capacity and that this will be his only employment.

Councilmember Bullock noted some practices established under the previous law director that he would like to see continued such as periodic updates regarding litigation, professional and courteous demeanor with residents at all times, and to stay on the leading edge of leadership and innovation in the region.

Mr. Corrigan expressed general agreement that the previous law director had established good practices that he plans to continue.

In response to questions by Councilmember Litten, Mr. Corrigan spoke about his personal life and family history to Lakewood. He noted that he brings with him a sense of the City's history and past. He also remarked on philosophy regarding delegation, stating that he likes to take a

team approach. Upon further questioning, he clarified that Assistant Law Director Swallow will take the lead preparing legislation for Council and that he can be Cced on these requests.

In response to a question by President O'Malley, Mr. Corrigan discussed his philosophy on public records. He expressed confidence that requests can be satisfied quickly. He discussed the system for filling these requests and the recent changes with Next Request.

President O'Malley & Mayor George both expressed their commitments to proactively providing records. Mayor George stated that she is looking into website changes to execute this.

In response to a question by President O'Malley, Mr. Corrigan spoke about his educational and professional background.

In response to questions by Councilmember Shachner, Ms. Swallow explained that the City is insured and that any claims that fall under that policy go to outside counsel. She stated that additional decisions regarding outside counsel are up to the Mayor and Law Director within budgets and taking into consideration the strengths and specialties of the existing staff.

Mayor George stated that while she aims to have the department handle as much as possible in-house, that there are specific needs for outside counsel. She made note of Lou McMahon and his role in the EPA Clean Water plan.

In response to questions by Councilmember Shachner, Mr. Corrigan expressed confidence in the current system of checks and balances to ensure that Council will not be "surprised" by anything major coming from the Law Department without discussions with Council.

In response to a question by Councilmember Bullock, Mr. Corrigan discussed the department's staffing. He just received notice today that the Chief Prosecutor will be resigning to take a position in Cleveland Heights. The office will be searching for someone to fill this role.

Councilmember Bullock also remarked on the central role of the Law Department to enforce the nuisance ordinance and that he would like to see this good work continue.

Motion by President O'Malley, seconded by Vice President Litten to recommend adoption of Resolution 2020-01.

All members voted in favor. Motion passed. Resolution 2020-01 recommended for adoption.

RESOLUTION 2020-02 - A RESOLUTION approving the appointment of Roman Ducu to the position of Director of Public Works upon his taking the oath of office.

Mayor George spoke about Mr. Ducu's experience and suitability for the role of Public Works Director, stating that he has extensive knowledge of the department and a good working relationship with the managers and the union.

Mr. Ducu explained his career in the department, which began in 1991. He has worked in refuse, fleet, streets and engineering departments in various roles, including serving as a division manager of Streets. His most recent role was that of project manager in Engineering in charge of the sidewalk program and sign reflectivity program, among other assignments. He discussed his recently achieved credentials as a helicopter pilot, authorized to operate the City drone.

In response to questions by Councilman Shachner, Mr. Ducu described himself as a no-nonsense manager with a lot to offer the City. He expressed pride in his role executing the sidewalk program.

In response to questions, Mr. Ducu discussed his management style and preferences, stating a desire to spend time in the field and a preference for a supportive management style rather than micro-managing. He expressed a desire to get more input from the unions and to carry in with the previous practice of seeking efficiencies.

Councilmember Bullock shared his thoughts on the big issues before the Public Works Department such as cycling infrastructure, clean vehicles, parks beautification and clean energy, among others. He noted that the Department has the most employees and a great deal of interactions with the residents.

Mayor George & Mr. Ducu expressed open-mindedness to these ideas and initiatives.

Councilmember Rader expressed excitement about working with Director Ducu and asked him to communicate with Council how it can be supportive.

In response to questions by Councilmember Neff, Mr. Ducu discussed his training as a mechanic and his approach to communicating with residents and employees. Mr. Ducu highlighted the value of face-to-face communications with residents and staff and noted that his calendar is full of such meetings.

President O'Malley expressed his position that while Council ought to provide oversight over these appointments, that the Mayor must be given great latitude. He stated that both Mr. Corrigan and Ducu are very good choices.

He motioned to recommend adoption of Resolution 2020-02. Motion was seconded by Councilmember Neff.

All members voted in favor. Motion passed. Resolution 2020-02 recommended for adoption.

RESOLUTION 2020-03 - A RESOLUTION authorizing the Mayor and Director of Law to enter into a purchase agreement with Scalish Construction LLC, for purchase and sale of the property located at 16300-16400 Detroit Avenue, Lakewood, Ohio ...

Director Sylvester introduced the team selected to perform an adaptive re-use of the Trinity Lutheran property, currently owned by the City. The legislation requests Council's approval to sell the property to Scalish for the execution of its proposed design.

Mr. Scalish stated that he plans to preserve all of the existing structures on the site, support local entrepreneurs, introduce new residential and office space to the market.

He introduced his team and discussed their ties to Lakewood and past collaborations.

Mr. Ogrocki of Dimit discussed the proposed site plan, discussing the various buildings on site and their intended purposes. He discussed the site's plan to lead the way on sustainability, earning certain certifications to reflect this. They will also install solar panels.

Ms. Rudge spoke about the project's use of federal and state historic tax credits and the application process. She highlighted other area projects that have received the credits.

The design team highlighted other recent and similar projects that it has completed together.

Michelle Nochta spoke about the RFQ process up to this point and going forward. She reminded the Committee that in fall 2018 Trinity Lutheran was planning to sell the property to Wendy's for a planned drive through. At that time, the City stepped in and offered an alternative. It subsequently developed a RFQ process seeking a developer to propose an adaptive re-use.

She discussed the role of the four-member panel and the steps they took to narrow down the selection of developer from 5 to finally decide on Scalish. She provided a detailed side-by-side comparison of Scalish and the other final competitor. Ultimately, Scalish won the day due to its higher purchase offer for a project of higher value, among other winning qualities.

Ms. Nochta highlighted the following requirements in the proposed purchase agreement:

- Adaptive re-use of the church for commercial space
- Minimum of 6 residential units
- Parking improvements
- Improved green spaces
- Addition 2,400 sq. feet of commercial retail space fronting Detroit

Ms. Nochta explained how these requirements will be enforced through a note/mortgage structure. Should the developers fail to deliver on these requirements, they must re-pay the City \$200,000. She highlighted the sizeable economic impact of the project including job creation and turning a tax -exempt property into a tax-generating one.

Councilmembers took the opportunity to ask questions and discuss the proposal. Councilmembers generally expressed excitement but asked questions about certain decisions regarding accessibility of the site, amount of commercial space, and the role of historic preservation tax credits.

The development team explained that the renderings and proposed tenants are still tentative and that these could change. They plan to have the plans firmed up by September for the historic tax credit applications.

The plan is to break ground Oct. 1, 2020 and complete the project by Q4 2021. If approved by Council, the purchase agreement would be signed asap and transfer 1-3 months thereafter.

Motion by President O'Malley, seconded by Vice President Litten to recommend adoption of Resolution 2020-03.

All members voted in favor. Motion passed. Resolution 2020-03 recommended for adoption.

RESOLUTION 2019-07 - A RESOLUTION appointing _____ as the ex-officio, non-voting councilmember to the Lakewood Animal Safety and Welfare Advisory Board, for a two year term beginning January 1, 2020 and ending December 31, 2021.

Without objection, President O'Malley recommended taking up Resolution 2019-07 on the floor on January 21st.

Discussion of the process for filling Council's vacant at-large position

President O'Malley recommended that the Committee set a deadline for applications, meet to narrow down the field and then conduct interviews.

He recommended an application deadline of Thursday January 23rd at 5:00 p.m. since the Committee will not have the opportunity to meet again until January 27th.

The Committee and the Acting Law Director discussed the open records laws regarding casting votes. Acting Director Corrigan stated that all preferences should be stated in public as part of an open process.

The Committee and the Acting Law Director discussed the use of executive session – whether or not it is appropriate or recommended. The Law Director stated that he will deliberate on this further.

Committee of the Whole agreed to the following schedule:

Application deadline: Thursday Jan. 23rd at 5:00 p.m.

COW to review applications: Monday Jan. 27th at 6:00 p.m.

Interviews: Saturday February 1st 9:00 a.m. – 12:00 p.m.

Interviews: Monday February 3rd: 6:00 p.m. – 7:30 p.m.

Deliberation and decision making: Monday February 10th at 6:00 p.m.

Appointment: Tuesday February 18th at General Meeting.

President O'Malley noted the diverse professional talents of City Council and asked members to consider which candidate will contribute to Councils collective skill set.

The Committee agreed that the Clerk will touch base with applicants tomorrow to share the updated schedule.

Committee of the Whole adjourned at 9:03 p.m.