



**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD REMOTELY VIA GOTOMEETING
JULY 20, 2020
7:30 P.M.**

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and on the City's website www.onelakewood.com as soon after 4 PM on the Friday before a Council meeting as possible.

Under advisement of the Governor and Director of Health of Ohio, and pursuant to Ordinance 06-2020, adopted March 16, 2020, Lakewood City Council will meet remotely until further notice. The April 6, 2020 General Meeting may be accessed by the public via the following information:

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/180649221>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

Access Code: 180-649-221

- I. Pledge of Allegiance
- II. Moment of Silence
- III. Roll Call
Reading & disposal of the Minutes of the Regular Meeting of Council held July 6, 2020.
- IV. Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

******OLD BUSINESS******

1. Communication from President O'Malley regarding August recess. (to be provided)
2. Committee of the Whole report regarding meeting held July 13, 2020. (pg. 1)
3. **RESOLUTION 2020-40** - 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, approving the appointment of Shawn Leininger to the position of Director of Planning and Development upon his or her taking the oath of office. (*Referred to COW 07/06/20*) (pg. 3)

4. Oath of Office of Shawn Leininger.
5. **SUBSTITUTE RESOLUTION 2020-36** – 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 Tristan Rader as the ex-officio non-voting member of the Tree Advisory & Education Board for a three year term beginning January 1, 220 and ending December 31, 2022. (*Referred to COW 06/15/20*) (pg. 5)
6. **SUBSTITUTE RESOLUTION 2020-41** - 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 Anti-Racism Task be to advise and work with the administration to ensure the value of anti-racism is foundational and unambiguously expressed in all city objectives, such as, safety, housing, education and culture, and community wellness. (*Referred to COW 07/06/20*) (pg. 6)
7. **ORDINANCE 12-2020** - AN ORDINANCE to take effect immediately provided it received the vote of at least two-thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, extending the authority of the Mayor granted by Ordinance 8-2020, adopted March 16, 2020 to continue to pay benefits and provide paid leave during the COVID-19 crisis. (*First read and referred to COW 07/06/20*) (pg. 8)
8. Public Safety Committee report regarding meeting held July 13, 2020. (to be provided)
9. Public Works & Sustainability Committee report regarding meetings held July 20, 2020. (to be provided)
10. **RESOLUTION 2020-42** - 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 City of Lakewood to enter into an agreement to accept Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant(s). (*Referred to PWS 07/06/20*) (pg. 11)
11. **RESOLUTION 2020-44** - 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, dedicating six (6) parcels (Exhibit A) currently owned by the City of Lakewood, Bernice Pyke Park on August 18th 2020, the 100th anniversary of the passage of the 19th Amendment. (*Referred to PWS 07/06/20*) (pg. 13)

12. Housing, Planning, & Development Committee report regarding meeting held July 20, 2020. (to be provided)
13. **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 07/06/20*) (pg. 16)
14. **RESOLUTION 2020-39** – 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 and directing the Director of Public Safety to designate express parking spaces under certain circumstances. (*Referred to HPD 07/06/20*) (pg. 20)
15. **ORDINANCE 11-2020** - 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, authorizing and directing the Director of Planning and Development or the Mayor to enter into an agreement for the sale of Permanent Parcel No. 315-22-108 on Plover Street. (*First read & referred to HPD 07/06/20*) (pg. 22)
16. **ORDINANCE 46-19A** - 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 Ordinance 46-19 adopted December 16, 2019 to create the position of Chief of Staff and Administrative Assistant II to the Mayor. (*First read & referred to Finance 07/06/20*) (pg. 24)

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

17. Communication from Councilmember Bullock regarding Council Budget Priority Process. (pg. 29)
18. Communication from Councilmember Kepple regarding virtual meeting technology & accessibility. (to be provided)
19. Communication from Mayor George, Councilmember Kepple, Councilmember Shachner, Councilmember Rader & Councilmember Bullock regarding local face covering legislation. (pg. 33)

20. **RESOLUTION 2020-45** - 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, requiring the use of face coverings within the City of Lakewood and reducing interior occupancy loads to 50% of prior stated occupancy expiring upon lifting of the state-wide State of Emergency. (pg. 34)
21. Communication from Mayor George regarding a NOPEC EV Charging Grant. (pg. 38)
22. **RESOLUTION 2020-46** - 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 City of Lakewood to enter into an agreement to accept Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant(s). (pg. 39)
23. Communication from Director Rancatore regarding 3rd Quarter Transfers. (pg. 41)
24. **ORDINANCE 15-2020** - 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, authorizing the transfer and advance of certain funds. (pg. 42)
25. Communication from Director Corrigan regarding the 2020-2022 collective bargaining agreement with the Lakewood Fraternal Order of Police Patrol Unit. (pg. 44)
26. **RESOLUTION 2020-47** - 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., Patrol Officer Unit. of for a three-year period commencing January 1, 2020 and ending December 31, 2022. (pg. 45)
27. Communication from City Engineer Papke regarding Hilliard Rd. resurfacing. (pg. 48)
28. **RESOLUTION 2020-48** - 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 an agreement between the City of Lakewood, Cuyahoga County, Ohio hereinafter referred to as the MUNICIPALITY, in the matter of the hereinafter described improvement and requests the cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the COUNTY. (pg. 51)

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

PUBLIC COMMENT PROTOCOL

In light of the fact that the usual public comment period will be unavailable, the public is invited to participate in the remote online meeting. Please observe the following courtesies: wait to be addressed by the Council President, disable your web cam and mute your microphone until you are asked to speak.

The public is invited to comment on agenda items, or to wait until the end of the meeting for the designated public comment period to speak to issues not on the agenda.

Written public comment or a request to speak may be made in advance by 12:00 p.m. on Monday July 20, 2020 by emailing Council@lakewoodoh.net.

All existing rules of decorum will be maintained as laid out in Section 121.08 of the Codified Ordinances of the City of Lakewood.

******ANNOUNCEMENTS******



12650 DETROIT AVENUE 44107 216-529-6055

www.onelakewood.com

Lakewood City Council
DANIEL O'MALLEY, PRESIDENT
JOHN LITTEN, VICE PRESIDENT

Council at Large
THOMAS R. BULLOCK III
TRISTAN RADER
SARAH KEPPLER

Ward Council
TESS NEFF, WARD 1
JASON SHACHNER, WARD 2
JOHN LITTEN, WARD 3
DANIEL O'MALLEY, WARD 4

July 20, 2020

Lakewood City Council
Lakewood, Ohio

Re: Committee of the Whole Report Regarding Meeting held July 13, 2020

Dear Colleagues,

Committee of the Whole met on July 13th to address several pieces of legislation which had been referred to the Committee.

First, the Committee took up legislation to approve the appointment of Shawn Leininger as Director of Planning & Development. The Committee had the opportunity to hear directly from Mr. Leininger about his impressive resume and qualifications for the position. In response to questions from Council, Mr. Leininger shared his thoughts on various topics in the field from affordable housing to on-street parking and answered questions to help Council understand his communication style, management approach, and strategies for engaging with the Lakewood community. After a robust conversation with Mr. Leininger, Committee of the Whole unanimously moved to recommend adoption of Resolution 2020-40, which will approve his appointment as Director of Planning & Development.


Next, the Committee discussed Ordinance 12-2020, to extend the authority granted to the Mayor by Ordinance 08-2020 adopted March 16, 2020 to continue to pay benefits and provide paid leave during the COVID-19 crisis. Mayor George and Director Dillinger were present to explain that the authority originally provided by Council was set to expire. Council agreed with the need for continued flexibility and unanimously moved to recommend adoption of Ord. 12-2020.

Next, the Committee addressed Resolution 2020-36 to appoint an ex-officio non-voting member of Council to the Tree Advisory & Education Board, established by Council in September 2019. Councilmember Rader's name was brought forward due to his role as Chair of the Public Works & Sustainability Committee. Councilmember Rader accepted the position and Council unanimously moved to appoint him to it by recommending adoption of Resolution 2020-36.

Finally, the Committee heard from Mayor George regarding her proposal to establish an Anti-Racism Task Force with a goal of ensuring the value of anti-racism in all city objectives. Committee members expressed support and amended the legislation to allow Council five appointees instead of four, as originally proposed. Subsequently, the Committee moved to recommend adoption of Resolution 2020-41 as amended.

The Committee will take up the Civil Service Commission salary recommendations at a future meeting. Move to receive and file this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. O'Malley". The signature is written in a cursive, flowing style.

Daniel J. O'Malley
Ward 4 | President of Council

RESOLUTION NO. 2020-40

BY:

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, approving the appointment of Shawn Leininger to the position of Director of Planning and Development upon his or her taking the oath of office.

WHEREAS, Council approval of the Mayor's director appointees is required by Section 3.4 of the Third Amended Charter of the City of Lakewood; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the position of Director of Human Resources is currently or soon to be vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Pursuant to Section 3.4 of the Third Amended Charter of the City of Lakewood, the appointment by the Mayor of Shawn Leininger to the position of Director of Planning and Development upon his or her taking the oath of office, is hereby approved by this Council.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO. 2020-36

BY: BULLOCK

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 Tristan Rader as the ex-officio non-voting member to the Tree Advisory & Education Board for a three year term beginning January 1, 2020 and ending December 31, 2022.

WHEREAS, Council is authorized to appoint an ex-officio non-voting member to the Board in accordance with Section 152.02 Membership of the Lakewood Codified Ordinances; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that this position should be filled immediately so as to ensure the Board is at full capacity to perform its work; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council appoints Tristan Rader as the ex-officio, non-voting councilmember to the Tree Advisory & Education Board, for a three-year term beginning January 1, 2020 and ending December 31, 2022.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO. 2020-41

BY:

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 Anti-Racism Task Force to advise and work with the administration to ensure the value of anti-racism is foundational and unambiguously expressed in all city objectives, such as, safety, housing, education and culture, and community wellness.

WHEREAS, Lakewood desires to participate more formally in the national anti-racism movement; and

WHEREAS, an advisory task force will allow Council and the Administration to receive perspectives on issues which affect the City of Lakewood and minorities; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that the City wishes to engage a task force immediately for the purposes stated above; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Anti-Racism Task Force is hereby created to advise and work with the administration to ensure the value of anti-racism is foundational and unambiguously expressed in all city objectives, such as, safety, housing, education and culture, and community wellness. The Task Force may consider any subject referred to it for review and advice.

Section 2. The Anti-Racism Task Force shall be composed of nine members, five of whom shall be appointed by Council and four of whom shall be appointed by the Mayor. The appointees shall serve a two-year term, are eligible for reappointment and may select a chairperson from among them. The initial appointee's terms shall be staggered with three of the Mayor's appointees and two of Council's appointees serving one-year terms. The Mayor or any designee of her choosing shall serve as a non-voting member. The administration shall appoint a staff member for purposes of creating public notices, keeping minutes and performing other clerical duties to staff the task force.

Section 3. The task force may call subject-matter experts to advise it on matters under its consideration.

Section 4. The task force shall provide an update on its progress not less than every three months on matters referred to it.

Section 5. It is found and determined that all formal actions of this council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

Placed on 1st reading &
referred to COW

ORDINANCE NO. 12-2020

BY:

AN ORDINANCE to take effect immediately provided it received the vote of at least two-thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, extending the authority of the Mayor granted by Ordinance 8-2020, adopted March 16, 2020 to continue to pay benefits and provide paid leave during the COVID-19 crisis.

WHEREAS, in a special meeting on March 16, 2020 this Council approved legislation authorizing the Mayor to continue to pay benefits and to provide paid leave where employees were not able to work from home and were under a stay at home order of the Governor of the State of Ohio due to COVID-19; and

WHEREAS, since that time, the Governor has allowed a systematic reopening of the State of Ohio and the number of COVID-19 positive tests is increasing; and

WHEREAS, Ohio is still operating under emergency orders issued by the Governor of the State of Ohio and could experience additional restrictions on travel and commerce; and

WHEREAS, extending the authority of the Mayor and the Mayor's administration to be flexible with respect to certain of these employment-related provisions in the midst of the state of emergency related to the COVID-19 pandemic is necessary and proper; and

WHEREAS, this Council determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that it coincides with federal, state and county states of emergency related to the COVID-19 pandemic; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. In order to provide maximum flexibility to the Mayor's administration amid the state of emergency related to the COVID-19 pandemic, notwithstanding any other provision of law, policy or collective bargaining agreement, the Mayor is hereby authorized to the maximum extent permitted by law to:

- (a) On a case-by-case basis, taking into account all available considerations, authorize full or partial payment to any employee of the City notwithstanding the fact that he employee may be placed temporarily on leave or be restricted from working or unable to work, in such full or partial amounts as the employee would have been paid or in such average full

or partial amounts reflecting what the employee had made within a reasonable period of time prior to being restricted from working;

- (b) On a case-by-case basis, taking into account all available considerations, authorize the continued provision of fringe benefits to any employee of the City notwithstanding the fact that the employee may be placed temporarily on leave or be restricted from working or unable to work;
- (c) On a case-by-case basis, taking into account all available considerations, authorize the use of paid leaves, including but not limited to sick leave, by any employee of the City notwithstanding the fact that the employee may not be qualified to use such leaves while the employee may be placed temporarily on leave or be restricted from working or unable to work;

All in order to adhere to a requirement or recommendation to remain away from city employment because of coronavirus; to permit the employee to care for an at-risk family member who is adhering to a requirement or recommendation,; to permit the employee to quarantine due to exposure to or symptoms of coronavirus; and to permit the employee to care for a child of an employee if the Child's school or place of care has been closed, or the child-care provider is unavailable, due to a coronavirus related restriction.

Section 2. Unless this ordinance is extended by Council, this ordinance shall no longer be in force and effect at the earlier of (a) December 31, 2020 or (b) 14 days after the date upon which both the Ohio Governor has rescinded the state of emergency he has declared with respect to COVID-19 and the Director of the Ohio Department of Health has rescinded the order limiting gatherings in an effort to prevent the spread of COVID-19.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two-thirds of the members of Council this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

RESOLUTION NO. 2020-42

BY:

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 City of Lakewood to enter into an agreement to accept Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant(s).

WHEREAS, Lakewood is a member of NOPEC and is eligible for one or more NOPEC Energized Community Grant(s) for 2020 (NEC Grant(s)) as provided for in the NEC Grant Program guidelines; and

WHEREAS, Lakewood has been awarded \$197,322 for 2020; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that entering into this grant agreement immediately will allow Lakewood to access the funds and begin qualifying projects; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Council of the City of Lakewood hereby authorizes the Mayor to apply for and to enter into any and all necessary agreements to accept the NEC Grant(s) for 2020 and to execute the grant agreement with NOPEC.

Section 2. It is found and determined that all formal actions of this council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

RESOLUTION NO. 2020-44

BY:

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, dedicating six (6) parcels (Exhibit A) currently owned by the City of Lakewood, Bernice Pyke Park on August 18th 2020, the 100th anniversary of the passage of the 19th Amendment.

WHEREAS, the City of Lakewood recognizes the glass-ceiling-shattering achievements of Lakewood women's rights activist Bernice Pyke for her work to secure the vote for Lakewood women and her perseverance in helping to pass and ratify the 19th Amendment which proclaimed the right to vote of women citizens throughout the United States and;

WHEREAS, Bernice Pyke was the first woman to run for Mayor of Lakewood, and;

WHEREAS, In 1920, Bernice Pyke was the first woman appointed to serve as a delegate to the Democratic National Convention. Additionally, party leaders invited Ms. Pyke to address the 1932 National Convention, at which she became the first woman to give a formal speech in the conventions' history and;

WHEREAS, Later President Franklin D. Roosevelt appointed Ms. Pyke a Director of Customs Collection for Ohio. Because of her dedication and the significance of her achievements, both Presidents Truman and Eisenhower issued executive orders waiving the mandatory retirement age specifically for Ms. Pyke, allowing her to continue her public service for many years and;

WHEREAS, Ms. Pyke's career would be an impressive accomplishment in the 21st century, however, to have achieved so much in a time when society was less accepting of women in public life, is nothing short of a monumental feat, deserving of a permanent and prominent place of remembrance in our community and;

WHEREAS, Members of Council have conducted outreach to area residents to seek resident input as to what should happen with this city-owned space. The feedback from residents was clear, they want this space preserved as a park and;

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two-thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. That the land as described in Exhibit A be dedicated as and henceforth known as Bernice Pyke Park.

Section 2. That August 18th, 2020, the 100th anniversary of the ratification of the 19th Amendment to the Constitution of the United States, giving women the vote, be recognized and celebrated as the dedication day of Bernice Pyke Park.

Section 3. That the name Bernice Pyke Park be added to all records maintained by the City of Lakewood where city parks are listed, including but not limited to the city’s website, policy documentation that governs park hours of operation as well as other city park rules.

Section 4. That Bernice Pyke Park allow dogs only when on leash.

Adopted: _____
_____ PRESIDENT

CLERK

Approved: _____
_____ MAYOR

EXHIBIT A

(to be provided)

ORDINANCE NO. 14-2020

BY:

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.

WHEREAS, honey bees (*apis mellifera*) are essential to our ecosystem by providing agriculture, fruit, and garden pollination services and by furnishing honey, and other useful products;

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, characteristics which are desirable to foster and maintain;

WHEREAS, gentle strains of honey bees can be maintained within populated areas without causing a nuisance if the bees are properly located and carefully managed;

WHEREAS, having an apiary next door will not increase the number of bees in a neighboring yard in that honey bees travel up to three miles from their hives to forage and tend to cruise at altitudes of 30 feet or higher.

WHEREAS, there are currently 23 apiaries registered with the Ohio Department of Agriculture within the City of Lakewood;

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in regulations for the keeping of bees in Lakewood should be adopted as soon as possible.

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 505.18(f) and section 505.18(g) of section 505.18 Certain Animals Prohibited, of the Codified Ordinances of the City of Lakewood, are hereby renumbered as 505.18(g) and 505.18(h) respectively.

Section 2. Section 505.18 Certain Animals Prohibited, of the Codified Ordinances of the City of Lakewood, is hereby amended to add the following provisions:

(f) Notwithstanding any of the foregoing, bees, and associated hives, may be kept in the City only in accordance with the following regulations:

- (1) Definitions. As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage.
 - A. “Apiary” means any place where one or more colonies or nucleus colony of bees are kept.
 - B. “Bees” means any stage of any species of the genus Apis.
 - C. “Beekeeper” means a person who owns or has charge of one or more colonies of bees.
 - D. “Hive” means any modern frame hive, box hive, box, or any other natural or artificial receptacle, or any part thereof, that may be used as a domicile for bees.
 - E. “Colony” means the hive and its equipment, including bees, combs and brood.
 - F. “Beekeeping Equipment” means anything used in the operation of an apiary, such as hive bodies supers, frames, top and bottom boards, hive tools, smoker, gloves, veil, protective clothing, and extracting equipment.
 - G. “Tract” means a contiguous parcel or land under common ownership.
 - H. “Nuc” or “Nucleus colony” means a small hive smaller than the usual hive box designed for a particular purpose.
 - I. “Undeveloped property” means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.
- (2) Notice. Before the keeping of bees may occur, a notice shall be provided to the Director of Public Safety. The notice must include the following information:
 - A. the name, phone number, home address and email address of the applicant;
 - B. the size and location of the subject property;
 - C. a proposal containing the number of hives the applicant seeks to keep on the property;
 - D. the permission of the property owner for the applicant to keep bees, if the beekeeper is not the owner;
 - E. the applicant’s Ohio Beekeeper number as provide by the Ohio Department of Agriculture; and
 - F. the applicant’s Apiary #(s) as provided by the Ohio Department of Agriculture

Notices shall be on a form prescribed by the Division of Housing & Building. An updated notice must be filed with the Division of Housing & Building annually. All notices shall contain a waiver, signed by the property owner, providing permission for any City official to enter the property for the purpose of determining the beekeeper’s

compliance with section 505.18. The City shall provide the property owner at least 48 hours written notice prior to entering the property.

- (3) Residential Districts. Bees may be kept in an R1 Residential Single-Family, R2 Residential Single- and Two-Family District, and ML MH Multiple-Family Districts in accordance with section 3(A-L):
- A. Beekeeper must file the notice pursuant to 505.18(f)(2).
 - B. Beekeeper must abide by Ohio Revised Code Chapter 909 Apiaries.
 - C. Beekeeper may not opt out of the annual inspection by the county or state bee inspector as part of the Ohio Department of Agriculture's inspection program.
 - D. Each beekeeper shall ensure that a convenient source of water is available to the colony at all times bees remain active outside of the hive. The water source shall be closer to the hives than any neighboring source. The water source may be natural such as a pond, stream, or artificial source. The water source shall be on the beekeeper's property.
 - E. Each beekeeper shall ensure that no wax, comb, or other material that might encourage robbing by other bees are left upon the grounds of the apiary tract. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect-proof container.
 - F. For each colony permitted to be maintained under this ordinance, there may also be maintained one nuc upon the same apiary tract.
 - G. No more than two beehives shall be kept for each 2,400 square foot tract, and no beehive shall be kept on a tract less than 2,400 square feet in area.
 - H. No beehive shall be kept closer than five feet to any lot line and 10 feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
 - I. Regardless of tract size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the hives, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this subsection.
 - J. No hives are permitted on any tract where the setback requirements cannot be satisfied regardless of tract size.
 - K. The beekeeper may be exempt from the setback to adjacent lot lines by obtaining written permission from the adjacent lot owner(s). The setback to public sidewalks and roadways may not be waived.
 - L. Each beekeeper shall maintain her beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

- (4) Non-Residential Districts and Community Gardens. In zoning districts other than Residential Districts and Community Gardens, all regulations applicable in Residential Districts shall apply except that the number of beehives shall be limited to one for each 600 square feet of lot area.
- (5) Enforcement. The Division of Building & Housing or any authorized City employee shall have the authority to inspect any property to determine compliance with the regulations of Section 505.18 regarding sanitation and nuisances and operational practices in the keeping of bees and shall have the authority to enforce the regulations of that Section as they apply to such matters. If the Division of Building & Housing or any authorized City employee determines that an individual is in violation of the provisions of this section the Director shall issue a violation notice to the individual, noting the nature of the violation(s). If the violation is not corrected within seven days of issuance of the violation notice, the recipient of the notice shall be subject to the following penalties and enforcement actions.
 - A. The penalties as set forth in section 505.18(h); and/or
 - B. The removal, impoundment, and/or destruction of all hives associated with the violation(s) at the expense of the property owner.

Section 3. Section 1121.03 Permitted Accessory Uses, of the Codified Ordinances of the City of Lakewood, is hereby amended to add the following provisions

- (l) Bees, and associated hives, provided they comply with the standards of Chapter 505.18.

Section 3. Section 1123.03 Permitted Accessory Uses, of the Codified Ordinances of the City of Lakewood, is hereby amended to add the following provision

- (l) Bees, and associated hives, provided they comply with the standards of Chapter 505.18.

Section 4. Section 1127.03 Permitted Accessory Uses, of the Codified Ordinances of the City of Lakewood, is hereby amended to add the following provision

- (l) Bees, and associated hives, provided they comply with the standards of Chapter 505.18.

RESOLUTION NO. 2020-39

BY: KEPPEL, BULLOCK

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 and directing the Director of Public Safety to designate express parking spaces under certain circumstances.

WHEREAS, business operations, transportation, and parking patterns have been significantly affected by COVID-19 public health rulings; and

WHEREAS, it is still unknown when a COVID-19 vaccine will be widely available; and

WHEREAS, merchants and business of all kinds in Lakewood have struggled to maintain financial solvency and comply with the Governor's health orders; and

WHEREAS, the City of Lakewood recognizes that Lakewood businesses are critical to the vibrancy of Lakewood and, recognizing that it should work to ensure that our local businesses remain successful and that the public can safely and conveniently patronize them, the City of Lakewood should provide more opportunities for short-term parking; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that the State of Ohio is under an order of a state of emergency from the Governor and it is imperative to provide assistance to Lakewood's small businesses to help them continue their operations under the orders of the Governor and the Ohio Director of Health and to maintain public safety while doing so; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Director of Public Safety is authorized and directed to designate express parking spaces under the following circumstances:

[Full draft forthcoming.]

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

ORDINANCE NO. 11-2020

BY:

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, authorizing and directing the Director of Planning and Development or the Mayor to enter into an agreement for the sale of Permanent Parcel No. 315-22-108 on Plover Street.

WHEREAS, the City is the owner of the above listed vacant parcel and has negotiated the sale of the parcel to an abutting property owner to be used as a side yard with improvements; and

WHEREAS, this Council has determined it is in the best interest of the City to sell said real property and that such sale shall further the interest of the City and its residents; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal department in that these property is currently vacant and transfer should occur quickly; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Director of Planning and Development or the Mayor is hereby authorized to enter into an agreement for the sale of Permanent Parcel No. 315-22-108 on Plover Street with Patty Levstick, the owner of the parcel abutting this property for \$3,000.

Section 2. Either the Director, Mayor or the Director of Law is hereby authorized and directed to enter into agreements and execute all ancillary and related instruments for the sale of said real property.

Section 3. The Director shall make no representations or warranties concerning the conditions of the property, including, but not limited to the property's environmental condition, mechanical systems, dry basements, foundations, structural integrity or compliance with code, zoning or building requirements.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved _____

Mayor

ORDINANCE NO. 46-19A

BY:

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 Ordinance 46-19 adopted December 16, 2019 to create the position of Chief of Staff and Administrative Assistant II to the Mayor.

WHEREAS, pursuant to the Constitution of the State of Ohio, the Ohio Revised Code and the Second Amended Charter of the City of Lakewood, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality, and to provide for local self-government, including establishing salaries and rates of pay; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the city of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments in that these changes need to be in place for increases to take effect January 1, 2019; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That Ordinance No. 46-19, adopted December 16, 2019, currently reading as follows:

Section 1. Classifications, rates of pay, pay grades, levels and certain other supplemental compensation for non-probationary full-time and certain part-time, annual salaried and hourly employees not covered by a collective bargaining agreement are hereby authorized, effective on the effective date of this ordinance, in the several departments, divisions and offices of the City of Lakewood, as modified herein, and with the approval of the Department Director, Director of Finance, Director of Human Resources and Mayor as follows.

Section 2. Classifications/Pay Grade Assignments and Pay Schedules.

<u>Grade</u>	<u>Classification Assigned to Pay Grade</u>	<u>Minimum Rate</u>	<u>Maximum Rate</u>
25	Property/Evidence Technician	\$32351.85	\$45738.85
26	Legislative Liaison Part-time Administrative Assistant Deputy Clerk of Council	\$35642.09	\$50335.11
27	Project Specialist I Human Resource Associate	\$37835.95	\$53569.12

<u>Grade</u>	<u>Classification Assigned to Pay Grade</u>	<u>Minimum Rate</u>	<u>Maximum Rate</u>
28	Administrative Assistant to the Mayor	\$40028.66	\$56551.28
	Civil Service/Mediation Program Coordinator		
	Human Resource Specialist		
	Legal Secretary		
29	Chief Prosecutor (Part Time)	\$42222.55	\$60901.57
	First Assistant Law Director		
31	Budget Analyst	\$48803.03	\$68655.99
	Clerk of Council		
	Project Specialist II		
	Public Information Officer		
	City Planner I		
	Plans Examiner (Part Time)		
32	Nutrition Supervisor	\$50995.72	\$71129.53
	Part Time Grants Administrator		
33	Assistant Law Director/Prosecutor I	\$54283.63	\$76562.10
	Manager, Community Center/Senior Services		
	Tax Office Supervisor		
	Finance Manager		
	Clinical Manager		
	Budget Manager		
	City Planner II		
	Urban Designer		
34		\$58123.21	\$82155.17
	Programs Manager		
	Traffic Signs and Signals Manager		
	Development Officer		
	Senior City Planner		
	Assistant Law Director/Prosecutor II		
35	Assistant Director/Human Services	\$63059.14	\$88990.99
	Assistant Director/Planning and Development		
	Executive Assistant to the Mayor/Community Relations		
	Executive Assistant to the Mayor		
	Project Administrator		

<u>Grade</u>	<u>Classification Assigned to Pay Grade</u>	<u>Minimum Rate</u>	<u>Maximum Rate</u>
35	Project Manager		
	Public Works Manager		
	Assistant Building Commissioner		
36	Assistant Director of Finance I	\$68542.09	\$94210.38
	IS Project Manager		
	Chief Prosecutor (Full Time)		
	Building Commissioner		
37	Assistant Director/Finance II	\$79509.16	\$98994.05
	Assistant Director, Safety – Building and Housing		
	Chief Assistant Law Director		
38	Deputy Fire Chief	\$82799.39	\$126072.00
	Information Systems Manager		
	City Architect		
	City Engineer		
39	Fire Chief	\$87185.98	\$131325.00
	Police Chief		

Is hereby amended to read as follows:

Section 1. Classifications, rates of pay, pay grades, levels and certain other supplemental compensation for non-probationary full-time and certain part-time, annual salaried and hourly employees not covered by a collective bargaining agreement are hereby authorized, effective on the effective date of this ordinance, in the several departments, divisions and offices of the City of Lakewood, as modified herein, and with the approval of the Department Director, Director of Finance, Director of Human Resources and Mayor as follows.

Section 2. Classifications/Pay Grade Assignments and Pay Schedules.

...

<u>Grade</u>	<u>Classificaiton Assigned to Pay Grade</u>	<u>Minimum Rate</u>	<u>Maximum Rate</u>
31	Budget Analyst	\$48803.03	\$68655.99
	Clerk of Council		
	Project Specialist II		

<u>Grade</u>	<u>Classificaiton Assigned to Pay Grade</u>	<u>Minimum Rate</u>	<u>Maximum Rate</u>
	Public Information Officer		
	City Planner I		
	Plans Examiner (Part Time)		
	Administrative Assistant II to the Mayor		
...
35	Assistant Director/Human Services	\$63059.14	\$88990.99
	Assistant Director/Planning and Development		
	Executive Assistant to the Mayor/Community Relations		
	Executive Assistant to the Mayor		
	Project Administrator		
	Project Manager		
	Public Works Manager		
	Assistant Building Commissioner		
	Chief of Staff to the Mayor (full or part-time)		

...

Section 2. To the extent it is inconsistent with any other ordinance or resolution previously adopted by Council with respect to the salary and wages of employees of the City, this Ordinance is meant to and shall supersede such previously-adopted legislation.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of the committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

Approved: _____

CLERK

MAYOR



12650 DETROIT AVENUE 44107 216-529-6055
www.onelakewood.com
Lakewood City Council
DANIEL O'MALLEY, PRESIDENT
JOHN LITTEN, VICE PRESIDENT

Council at Large
THOMAS R. BULLOCK III
TRISTAN RADER
SARAH KEPPLER

Ward Council
TESS NEFF, WARD 1
JASON SHACHNER, WARD 2
JOHN LITTEN, WARD 3
DANIEL O'MALLEY, WARD 4

July 20, 2020

Lakewood City Council
Lakewood, Ohio 44107

Re: Council Budget Priority Process

Dear Colleagues,

This communication serves to kick off the Council budget priorities process for the 2021 budget. Attached to this communication please find the updated form on which you may submit your budget priorities to the Finance Committee. Please submit one form for each budget priority by Monday August 31, 2020. The Finance Committee will convene on Tuesday September 8th and several times throughout September to discuss and deliberate upon each priority submitted. It is the Finance Committee's goal to adopt a Resolution formally stating Council's budget priorities by the first meeting in October. This timeline will afford the administration time to incorporate Council's priorities into the proposed 2021 Comprehensive Budget Document to be submitted to Council by its second meeting in November.

Please feel free to reach out if you have any questions about this year's process.

Sincerely,

Tom Bullock,
Council At-Large

2019 Council Budget Priority Submission Form

for consideration as part of the 2021 Budget

Finance Committee

Due date: Monday August 31, 2020

Title of Project or Policy Priority:

Submitted by:

City Departments to be involved:

Potential community partners:

Which of the Community Vision focus areas does your priority address? Check all that apply:

Commercial Development

Safety

Housing

Mobility

Community Wellness

Education & Culture

1. Provide a brief narrative description of your idea:

2. Briefly explain how this will benefit the community:

3. Estimated expense (provide a range):

4. If applicable, describe any past proposals or discussions that are related to this priority.

5. If applicable, describe any preliminary discussions you have had with colleagues, the administration and/or your constituents about this priority.

Please provide detail on how your idea fits within the SMART objectives framework:

<p>SPECIFIC <i>State precisely what you intend to accomplish and who will accomplish it.</i></p>	
<p>MEASUREABLE <i>State what quantitative and/or qualitative measurements will be used to evaluate success.</i></p>	
<p>ATTAINABLE <i>Does the City have the time and financial resources to successfully implement this idea right now while also addressing other priorities? Please explain.</i></p>	
<p>RELEVANT <i>Describe how this idea fits within the City's goals and if will it be considered worthwhile by residents.</i></p>	
<p>TIME-BOUND <i>Explain the timeline for your idea. Make sure that it has a clear beginning and end.</i></p>	

Below please find a set of criteria developed by the administration and reviewed by the Finance Committee. It is recommended that you evaluate your budget submission against these criteria and be sure that it meets at least one, if not several of the criteria on the list.

City of Lakewood Project-Based Capital Investment Criteria

Criterion A		The project or policy is mandated by another government entity or other legal requirement.
Criterion B		The project or policy meets a need or provides a service that is not served by another government entity or that is traditionally served by municipal governments.
Criterion C		The project or policy was started in a previous year.
Criterion D		The project or policy provides an important health and/or safety benefit, and/or it creates a potential hazard or liability of not corrected.
Criterion E		The project is a necessary repair or replacement of existing infrastructure or facilities.
Criterion F		The project or policy cost will be offset by operating cost savings, increased productivity, and/or increased revenues, or creates a cost/loss by not doing it since it will be preventative in nature.
Criterion G		The project or policy should be used by or directly serve at least 33% of residents.
Criterion H		The project or policy advances community vision or other objectives put forward by a study, plan, or task force.
Criterion I		The project or policy would have direct positive economic development impacts, and is supported by the business community as a priority.
Criterion J		The City has the financial capacity to sustain or maintain this policy or project over the long term (10 years or more). This policy or project will not create an acute, unfunded financial burden on future City budgets for maintenance or continuation of the policy or project.



12650 DETROIT AVENUE • 44107 • 216-521-7580

MEGHAN F. GEORGE
MAYOR

July 20, 2020

Lakewood City Council
12650 Detroit Avenue

RE: Local Face Covering Legislation

As we enter a new phase of the COVID-19 pandemic, the Ohio Department of Health created a Public Health Advisory System to indicate the severity of the public health emergency by county. Based on that 4-Level system, Governor DeWine has mandated face masks in counties, such as Cuyahoga County, experiencing a Level 3 Public Emergency featuring “very high exposure and spread.”

While we are encouraged that the Governor issued this mandate, we feel it is important for there to be an additional local mandate. A local mandate allows the City to further protect the citizens of Lakewood by taking additional measures and assisting with enforcement.

It is clear that facial coverings will play a crucial role in Lakewood’s ability to work together to be a part of the solution.

Respectfully,

Meghan F. George
Mayor

Sarah Kepple
At-Large Council Member

Jason Shachner
Ward 2 Council Member

Tristan Rader
At- Large Council Member

Tom Bullock
At-Large Councilmember

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, requiring the use of face coverings within the City of Lakewood and reducing interior occupancy loads to 50% of prior stated occupancy expiring upon lifting of the state-wide State of Emergency.

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can be easily spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) reported over 2,545,250 cases of COVID-19 in the United States, resulting in over 126,369 deaths; and

WHEREAS, on March 9, 2020, the Ohio Department of Health announced confirmed cases of COVID-19 in the State of Ohio, creating a dangerous condition that may affect the health, safety and welfare of the citizens of Ohio; and

WHEREAS, on that same date, Governor Mike DeWine declared a state of emergency for the entire State to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19, and to assist in protecting the lives, safety, and health of the citizens of Ohio; and

WHEREAS, COVID-19 endangers the lives of the citizens of Lakewood, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic (the sickest) however some spread is possible before an individual may show symptoms; and

WHEREAS, on March 22, 2020, under the direction of Ohio Governor, Mike DeWine, Ohio Department of Health Director, Amy Acton, M.D. issued an order requiring all Ohioans to stay in their homes to prevent the further spread of COVID-19; and

WHEREAS, on May 22, 2020 the stay at home order expired allowing businesses to begin to open with the recommendation that facial coverings be worn except in certain circumstance; and

WHEREAS, as businesses have re-opened, more people are traveling throughout the state, and within Lakewood; and

WHEREAS, a local and statewide state of emergency continues to exist with limits on mass gatherings and recommendations of social distancing; and

WHEREAS, as a result of the above described emergency there is a continuing need to protect all citizens and guests of Lakewood from the risks relating to the COVID-19 pandemic; and

WHEREAS, the CDC recommends wearing face coverings in public where other physical distancing measures are difficult to maintain, to help prevent the spread of COVID-19 from asymptomatic or unknowing carriers to others; and

WHEREAS, as of this date, Cuyahoga County has been designated by the State of Ohio Public Health Advisory System Risk Level as Level 3 for COVID-19, characterized by very high exposure and spread with a recommendation to limit activities as much as possible; and

WHEREAS, requiring face coverings to be worn by any person in a public place within Lakewood best promotes health and safety, and efforts to limit the spread of COVID-19 while enabling the continuation of essential services, businesses, and travel necessary to protect public health and safety, and for the continuity of social and commercial life during the state of emergency; and

WHEREAS, after weighing the known information about the COVID-19 virus and considering the guidance from the Ohio Department of Health and the Cuyahoga County Board of Health, this Council concludes that the safety of Lakewood citizens is best protected by implementing a requirement to wear face coverings in public places as set forth herein; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and of the citizens of Lakewood and those visiting Lakewood; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. In an effort to reduce the spread of COVID-19, all persons are required to wear a face covering when within the jurisdictional limits of the City of Lakewood including, without limitation:

- a) in any indoor location that is not a residence;
- b) when outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household; or
- c) waiting for, riding, driving, or operating public transportation, a taxi, a private car service, or a ride sharing vehicle. This does not apply to private or rental vehicles where members of a family are sharing a vehicle. This does not apply to vehicles engaged in direct travel through Lakewood that do not stop in Lakewood.

The requirement to wear a facial covering shall continue as long as Cuyahoga County, Ohio is at a Risk Level 3 (Red) or Risk Level 4 (Purple) Public Health Advisory Alert status as determined by the State of Ohio. For purposes of this Resolution, “face covering” includes any material covering an individual’s nose, mouth and chin.

Section 2. The requirement to wear a facial covering does not apply when:

- a) the individual is under the age of 10;
- b) a medical condition, including those with respiratory conditions that restrict breathing, mental health conditions, or disability contraindicates the wearing of a facial covering;
- c) the individual is communicating or seeking to communicate with someone who is hearing-impaired or has another disability, where the ability to see the mouth is essential for communication;
- d) the individual is alone or in an enclosed space, such as an office, and which space is not intended for use or access to the public;
- e) the individual is actively engaged in exercise in a gym or indoor facility so long as six or more feet of separation between individuals exists;
- f) the individual is actively participating in athletic practice, scrimmage, or competition that is permitted under an Ohio Department of Health Order;
- g) the individual is actively engaged in a public safety activity, including but not limited to law enforcement, firefighters or emergency medical personnel;
- h) the individual is seated and actively consuming food or beverages in a restaurant or bar;
- i) facial coverings are prohibited by law or regulation;
- j) facial coverings are in violation of documented industry standards;
- k) facial coverings are in violation of a businesses documented safety policies;
- l) individual is actively participating in broadcast communications;
- m) the individual is an officiant of a religious service.

Schools that offer kindergarten through grade twelve instruction should follow the guidelines set forth by the Ohio Department of Education and the Ohio Department of Health.

Section 3. Nothing in this resolution is intended to interfere with the separation of powers under the Ohio Constitution. This resolution is not intended to supersede, supplant or preempt any order or law of a local jurisdiction that is more restrictive than this resolution.

Section 4. All interior occupancy loads, for retail and service businesses, are hereby reduced to 50% of that previously established by the Lakewood Division of Building and Housing or less as required by following the orders of the Governor of the State of Ohio as applicable to that individual business. Restrictions on occupancy loads shall not apply to religious gatherings or health care facilities including but not limited to medical offices, emergency departments, and nursing homes.

Section 5. A violation of this Resolution by an individual is a civil infraction. The Chief of Police and Lakewood Police Officers are hereby authorized to issue civil citations for a violation of this Resolution. Any person found in violation of this Resolution shall be subject to a written warning on the first violation and a civil penalty of \$50.00 for a second and each subsequent violation.

Section 6. For purposes of Lakewood Codified Ordinances Chapter 510, Nuisance Abatement, a violation of any order of the Governor of the State of Ohio or the Director of the Ohio Department of Health, or failure to enforce same, within a business establishment shall be defined as a Nuisance Activity and subject the property owner of the business establishment to the procedures and fees that are enumerated in that Chapter.

Section 6. An individual who receives civil citation or a property owner of a business affected by a Nuisance Declaration under Chapter 510 of the Lakewood Codified Ordinances may follow the procedures in Lakewood Codified Ordinance 510.01(e) Reconsideration Request and (f) Appeal to the Board of Nuisance Abatement Appeals within 30 days from the date of issuance of a civil citation or declaration of nuisance.

Section 7. This Resolution shall expire upon the state-wide COVID -19 related State of Emergency being lifted.

Section 8. It is found and determined that all formal actions of this council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 9. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this Resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council this Resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor



MEGHAN F. GEORGE
MAYOR

12650 DETROIT AVENUE • 44107 • 216-521-7580

July 13, 2020

Lakewood City Council
12650 Detroit Avenue

Re: *NOPEC Electric Vehicle Charging Infrastructure Grant*

City Council:

The City of Lakewood has received a NOPEC grant of \$35,000 to support electric vehicle charging infrastructure in Lakewood. NOPEC offered this grant in gratitude for advice and support the City of Lakewood provided during NOPEC's exploration of its own EV charging program.

NOPEC requested the opportunity to place signage on or near EV infrastructure installation(s) recognizing NOPEC as the granting body for the equipment. NOPEC committed to work with the City to secure approvals on the signage design, format, etc., and would absorb all costs for creation, production, and installation of the signage.

My recommendation is to accept the grant award from NOPEC to be used in energy efficient projects that will be discussed and agreed upon by city council and the administration in the coming months and to offer NOPEC the opportunity to be recognized for their grant with signage as they have requested, pending all appropriate approvals.

Sincerely,

Meghan F. George
Mayor

RESOLUTION NO. 2020-46

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 City of Lakewood to enter into an agreement to accept Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant(s).

WHEREAS, Lakewood is a member of NOPEC and is eligible for one or more NOPEC EV Program Grant(s) for 2020 (NEC Grant(s)) as provided for in the NEC Grant Program guidelines; and

WHEREAS, Lakewood has been awarded \$35,000.00 for 2020; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that entering into this grant agreement immediately will allow Lakewood to access the funds and begin qualifying projects; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Council of the City of Lakewood hereby authorizes the Mayor to apply for and to enter into any and all necessary agreements to accept the EV Program Grant(s) for 2020 and to execute the grant agreement with NOPEC.

Section 2. It is found and determined that all formal actions of this council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor



12650 DETROIT AVENUE • 44107 • 216/529-6092 • FAX 216/529-6806

Peter Rancatore
Director of Finance

July 20, 2020

Lakewood City Council
Lakewood, OH 44107

Re: 2020 3rd Quarter Transfers

Dear Members of Council:

The 2020 3rd Quarter Transfer Ordinance reflects 25 percent of the total anticipated transfers between funds that were included within the 2020 appropriations.

Please place on first reading and refer to the Finance Committee for further discussion.

Sincerely,

Peter Rancatore
Director of Finance



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, authorizing the transfer and advance of certain funds.

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments to provide for the usual daily operation of the City in that the City must record all financial transactions within the appropriate fiscal period. Now therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO

Section 1. That the Director of Finance be and is hereby authorized to make the following transfers:

			2020 3rd Quarter	
	Fund		Transfers Out	Transfers In
101	General Fund	\$	248,857	
	Special Revenue Funds			
250	Office on Aging IIIB			\$ 172,500
	Internal Service Funds			
600	Hospitalization			\$ 72,525
601	Workers' Compensation			\$ 3,832
	Debt Service Payments			
512	WWTP Improvements	\$	500,000	
301	Debt Service Fund			\$ 500,000

Section 2. The Third Amended Charter published in the Codified Ordinances is the official charter of the City of Lakewood.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



BRIAN T. CORRIGAN
DIRECTOR OF LAW

MYRIAM A. MIRANDA
CHIEF PROSECUTOR

JENNIFER L. SWALLOW
CHIEF ASSISTANT
LAW DIRECTOR

ANDREW N. FLECK
ASSISTANT PROSECUTOR/
ASSISTANT LAW DIRECTOR

**LAW DEPARTMENT
OFFICE OF PROSECUTION**

12650 Detroit Avenue | Lakewood, Ohio 44107
(216) 529-6030 | Fax (216) 228-2514
www.onelakewood.com

brian.corrigan@lakewoodoh.net
(216) 529-6034

July 13, 2020

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: 2020-22 collective bargaining agreement

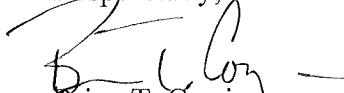
Dear Members of Council:

Following this communication please find a resolution for your review that, if adopted, would ratify the 2020-2022 collective bargaining agreement reached between the Mayor's administration and the Fraternal Order of Police/Ohio Labor Council (FOP/OLC) Inc., Patrol Unit.

We have worked diligently and cost-effectively over the past several months to negotiate fair and consistent terms and conditions of employment with all eight of our unions that promote labor harmony, equitable wages, strength and flexibility in our workforce, and a sharing of the risk of rising health care costs. We appreciate our labor unions' efforts to bargain under these conditions and with these important goals in mind.

We hope to place the remaining unions' collective bargaining agreement before you soon. Meanwhile, your favorable consideration of this resolution within 30 days, or tonight on the floor, as is required by R.C. 4117.10(C), would be appreciated.

Respectfully,


Brian T. Corrigan
Law Director

RESOLUTION NO. 2020-47

BY:

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., Patrol Officer Unit. of for a three-year period commencing January 1, 2020 and ending December 31, 2022.

WHEREAS, the administration has conducted extensive negotiations with the Fraternal Order of Police/Ohio Labor Council (FOP/OLC) Inc., Dispatcher Unit. (the "Union") as the bargaining representative for certain employees of the City; and

WHEREAS, such negotiations and fact finding have provided a tentative agreement between the parties for the years 2020-2022; and

WHEREAS, Council and the administration have reviewed such proposal and do desire to ratify and adopt such agreement; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the current agreement expired on December 31, 2019; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council hereby ratifies and authorizes the Mayor to enter into an Agreement for a three-year period with the Union, on behalf of certain employees of the City, commencing January 1, 2020 and ending December 31, 2022; the form of the agreement is attached as Exhibit A and shall be on file in the office of the Director of Law.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble

to this resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

Exhibit A

(To be provided)



DEPARTMENT OF PUBLIC WORKS
12650 DETROIT AVENUE • 44107 • (216) 529-6800

ROMAN DUCU
Director of Public Works

MARK K. PAPKE, PE, CPESC
City Engineer

July 13, 2020

Lakewood City Council and Mayor

**RE: Council Resolution – Hilliard Road Resurfacing (CR-69)
County ID #1290**

Dear Members of City Council and Mayor George,

The City of Lakewood plans to resurface approximately 1.4 miles of Hilliard Road from Warren Road (CR-226) to Riverside Drive (SR-237). A large portion of the funding for this project is from NOACA and Cuyahoga County has offered to partially fund the City's portion for this county roadway. Attached is the following: 1) project agreement, 2) Cuyahoga County's ordinance, and 3) application for approval of project using county motor vehicle license tax funds all of which requires a Lakewood Council approval and the Mayor George's signature.

Project Scope Narrative

- **Bicycle Lanes**

It is planned to study the traffic movements on Hilliard Road within the project limits to add bicycle lanes and increase non-vehicle mobility in Lakewood. This stretch of roadway has the potential to add bicycle lanes that would be highly used by bicyclist with connections to local businesses, schools, existing bicycle lanes, Greater Cleveland RTA, community buildings, and parks. Hilliard Road cuts diagonally across the southern and western portion of Lakewood and connects to roadways leading to Harding Middle and Grant Elementary Schools. Hilliard Road connects to Wagar Park which currently is in design for major upgrades and improvements. The planned bicycle lanes are needed to connect Hilliard Road to Warren Road that has recently added bicycle lanes that will connect to Detroit Avenue and downtown Lakewood. Downtown Lakewood has many attractions that will connect bicyclist such as the library, Lakewood Family Health Center, the planned One Lakewood Place development and many other businesses/shops. The bicycle lanes will also connect to the nearby Beat Cycle on Detroit Avenue and Spin Bike Shop on Madison Avenue. The planned Hilliard Road bicycle lanes will also connect to Madison Avenue bicycle lanes. It should be noted that the planned Hilliard Road bicycle lanes are a part of the City of Lakewood's Mobility Plan. The City supports bicyclists as a major transportation mode by offering many

bicycle racks for the users throughout the City. Additionally, the planned bicycle lanes will increase connectivity of existing bicycle lanes in Northeast Ohio.

- **Scope of Work**

The City of Lakewood proposes to resurface Hilliard Road (CR-69) from Riverside Dr., to Warren Rd. The proposed work will be located within the existing Right of Way. The pavement would be milled minimally 3 inches. The resulting roadway base would be evaluated and partial depth and full depth base repairs would be performed where the roadway base has failed. The existing concrete pavement section south of the Interstate 90 overpass would be replaced in-kind with concrete to maintain the roadway friction at the bend. Curbs, sidewalk, and ADA compliant curb ramps would be installed/replaced where needed. Catch basins and manholes would be adjusted to grade and reconstructed to grade where necessary. Catch basins would be tuck pointed as needed. Curb drains and pipes would be replaced where they are not functioning. Concrete aprons would be replaced where needed as a result of the work. All other castings would be adjusted to grade to match the new finished pavement grade. A trackless tack coat would be placed on the resulting pavement base and a new 1.75" intermediate asphalt concrete course would be installed. The final surface course would consist of a new 1.25" asphalt concrete surface course. The roadway would be striped to add bicycle lanes provided the roadway widths will accommodate them and is supported by the study. The work would include erosion and sediment control, maintenance of traffic, colorized and stamped concrete crosswalks at the locations where none exists to match the remainder of the roadway, and other appurtenances related to resurfacing.

- **Project Delivery**

The City of Lakewood would deliver the project using the ODOT LPA Local-let process. The City of Lakewood would be responsible for the engineering design and studies. The County would bid the project and oversee the construction administration and inspection of the project

- **Project Timeline**

The City of Lakewood would begin the preliminary engineering in FY 2021 including a study to add bicycle lanes. Engineering and Design would also be performed in FY 2021. Construction and Construction Engineering/Inspection would be performed in FY 2022 and would be completed in the Fall of 2022.

- **Cursory Budget Estimates**

The engineering design, studies, and preparation of the bid package costs are estimated to be \$309,980. The project construction and construction administration estimated costs are \$2,990,020. Total project costs are estimated to be \$3,300,000.

- **Project Funding**

NOACA committed funds	-	\$ 2,392,016
Cuyahoga County funds	-	\$ 484,990
City of Lakewood funds	-	\$ 422,994

I request that Council approve the agreement such that the project may proceed.

Please let me know if you have any further questions.

Respectfully,

THE CITY OF LAKEWOOD



Mark K. Papke, PE, CPESC
City Engineer

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 an agreement between the City of Lakewood, Cuyahoga County, Ohio hereinafter referred to as the MUNICIPALITY, in the matter of the hereinafter described improvement and requests the cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the COUNTY.

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as the resurfacing of Hilliard Road from Warren Road to Riverside Drive; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and of the citizens of Lakewood in that this project should move forward with the cooperation of the County as quickly as possible; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That the Director of Public Works is hereby authorized to enter into an agreement with Cuyahoga County to accept funds for the resurfacing of Hilliard Blvd. in substantially the same form, as approved by the Director of Law as follows:

A. CONSENT

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to construct the above described improvement in accordance with plans, specifications and estimates approved by the COUNTY.

B. COOPERATION

1. That the MUNICIPALITY will cooperate with the COUNTY in the resurfacing of Hilliard Road from Warren Road to Riverside Drive.
2. That the MUNICIPALITY will arrange for the preparation of construction plans and specifications, including necessary engineering reports for improvement, under current Cuyahoga County standards for construction of County roads and bridges.
3. That the COUNTY will arrange for the supervision and administration of the construction project.

C. FUNDING

1. That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.
2. That if the project is financed with State or Federal-aid funds, eligible costs of the improvement shall be financed from the aforesaid funds.
3. That if funds administered by the Ohio Public Works Commission are used for this project, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in the Ordinance.
4. Within the corporate limits of the MUNICIPALITY, the MUNICIPALITY will be responsible for forty percent (40%), and the COUNTY will be responsible for sixty percent (60%), of the cost of the preparation of construction plans and specifications, including necessary engineering reports for the improvement.
5. Within the Corporate limits of the MUNICIPALITY, the MUNICIPALITY shall contribute fifty percent (50%) of the Non-Federal Share of the cost of construction, and construction supervision.
6. That the MUNICIPALITY agrees to deposit with the Treasurer of Cuyahoga County the MUNICIPALITY'S share of the estimated cost of the project or agrees to enter into an escrow agreement with the County of Cuyahoga, Ohio prior to an award of a contract for the improvement.

D. MAINTENANCE

That upon completion of said improvement, said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and
2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio Revised Code.
4. After construction of the project is complete, the Municipality agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

E. TRAFFIC

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and
2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and
3. That stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and
4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and
5. The MUNICIPALITY shall regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

F. RIGHT-OF-WAY

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.
2. That in the event any additional right-of-way is required, the COUNTY will arrange for the acquisition.

G. UTILITIES

1. That the MUNICIPALITY will make arrangements with and obtain agreements from all privately owned public utility companies whose lines or structures will be affected by the said improvement, and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of said improvement, and said companies have agreed to make such necessary rearrangements immediately after notification by said MUNICIPALITY.

2. That the COUNTY will participate in the cost of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.
3. That it is hereby agreed that the MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement.
4. That the construction, reconstruction, an/or rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

H. MISCELLANEOUS

1. That if the COUNTY is formally requested by a MUNICIPAL RESOLUTION to include the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), sidewalks, alternate bid items, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in this Agreement, the COUNTY will do so, provided that this construction meets with the approval of the County and the MUNICIPALITY involved in this improvement; and that the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering, and construction supervision.
2. That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, G-1, G-3, and G-4 and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certifications or obligations made or agreed to in said Sections F-1, G-1, G-3, and G-4 hereinabove.
3. For the purpose of this Ordinance, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.
4. By enacting this Ordinance, the MUNICIPALITY agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed

to a paper version of the document. The MUNICIPALITY also agrees on behalf of the aforementioned entities and persons, to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic signature policy of Cuyahoga County.

I. AUTHORITY TO SIGN

1. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to enter into agreements with the COUNTY necessary to complete the planning and construction of this improvement.
2. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the County of Cuyahoga, Ohio for approval to use County Motor Vehicle License Tax Funds for the improvement.

Section 2. It is found and determined that all formal actions of this council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this Resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council this Resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor