

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JULY 6, 2015
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:37 PM by President Madigan.

Present: David Anderson, Thomas R. Bullock III, Shawn Juris, Mary Louise Madigan, Cindy Marx, Ryan Nowlin, Samuel T. O'Leary

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Director Siley, Approximately 55 members of the public, members of the media.

Reading and Disposal of the minutes of the Regular Meeting of Council held June 15, 2015. Motion made by Ms. Madigan and seconded by Mr. Nowlin, to adopt the minutes without the necessity of a reading.

Motion adopted. Six members present voting yea.
Mr. Anderson abstaining.

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

1. Committee of the Whole Report of 7/6/15 meeting. Ms. Madigan; Chair (To Be Provided)

Council President Madigan provided the following report:

We had a busy night at Committee of the Whole tonight. We began by deferring one item which will be deferred again on tonight docket. We did not get to item #2, which is the proposed Third Amended Charter discussion. We got into item #3 which was about the Rockport Square development and heard from a representative of Forest City Land Group and Bill Sanderson who is a consultant to Forest City. We got a full and thorough report on the proposal for phase three and phase one of Rockport Square, which some of you may know is on Lakewood's east end. It is on the north and south sides of Detroit. A full electronic version will be available. You can get that on the website but also available if you care to ask. There was a long, lengthy, vibrant discussion on the issue and we look forward to development on the east end soon. We also did a quick agenda review and we apologize to those of you who were in here for being late. Business presses on. Move to receive and file that oral report.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the oral report.
Motion adopted. All members voting yea.

2. **RESOLUTION NO. 8805-15** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor to enter into an agreement with Everstream, Inc., an Ohio corporation, or OneCommunity, an Ohio non-profit corporation, for the installation, operation and maintenance of a fiber optic communications system within the city of Lakewood without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(10) in an amount not to exceed \$900,000. (REFERRED TO THE COMMITTEE OF THE WHOLE 5/18/15, DEFERRED 6/1/15 & 6/15/15) (Pg. 4)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to defer action on this item.
Motion adopted. All members voting yea.

3. **RESOLUTION NO. 8809-15** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor to enter into an amended agreement with Rockport Square, LLC, or its assignee, affiliate or designee, for the development of the remaining phases of the Rockport Square development project. (REFERRED TO THE COMMITTEE OF THE WHOLE 6/1/15, DEFERRED 6/15/15) (Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to defer action on this item.
Motion adopted. All members voting yea.

4. Public Works Committee Report regarding Resolution No. 8806-15, 8813-15 & 8814-15. (To Be Provided). Mr. Juris; Chair.

Mr. Juris submitted the following report:

Tonight Public Works Committee met to discuss three items, three resolutions that were before us. Present were all three members of the Committee, myself, Councilman Bullock and Councilmember O’Leary. We were later joined by Councilmembers Madigan and Marx, as well as Directors Butler, Beno and Pae.

Again, we discussed three topics that were before us. First we discussed 8813-15 which would be a design-build contract for our clean water pilot project. Again, that was the \$800,000 project that was the clean water pilot. After going through some of the details regarding cost controls and trying to lay out the process of how that project would work, we eventually voted unanimously to recommend adoption tonight.

The second item we discussed was resolution 8814-15 which would be the item that was discussed at the last council meeting regarding a fish shelf that would be down in the river valley. Again, that would essentially be looking to accept Ohio EPA funds \$122,000 and change as well as matching funds from the City of \$81,894. After some discussion of the merits of the project which were identified by Director Beno as an erosion rate of 10-15 feet over the past 3-4 years. It certainly seems warranted to address the issue. We also heard from Director Pae who identified the funds from which the \$81,000 would come,

which would be the sewer fees. So, again, identifying the need and the financial capacity, the committee voted unanimously again to recommend adoption before full Council tonight.

The final item we discussed was resolution 8806-15. This is the item that has been in Public Works before regarding the approval of submerged lands at 12550 Lake Ave. This is again in regards to erosion protection. We had quite a bit of discussion on it and eventually after identifying some of the details the committee did not have a motion to recommend adoption. So we move to defer. That matter will be picked back up again. Being a resolution there is not a certain number of readings required so once everyone is up to speed on the item we'll bring it back to committee and see where it goes from there.

Motion by Mr. Juris, seconded by Ms. Madigan, to receive and file the report.
Motion adopted. All members voting yea.

5. **RESOLUTION NO. 8806-15** – A RESOLUTION approving the use of submerged lands for property located at and abutting 12550 Lake Avenue, Lakewood, Ohio (a legal description of which is attached hereto as “Exhibit A”), in order to permit the owners the opportunity to undertake lakeshore protection measures. (DEFERRED 6/15/15) (Pg. 10)

Motion by Mr. Juris, seconded by Mr. Bullock, to defer action on this item.
Motion adopted. All members voting yea.

6. **RESOLUTION NO. 8813-15** – A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Director of Public Works to enter into a design-build form of agreement for the design and construction of corrections to the sewer system under the western Lakewood clean water pilot project with Underground Connections, Inc. in an amount not to exceed \$800,000. (REFERRED TO THE PUBLIC WORKS COMMITTEE 6/15/15. (Pg. 13)

Motion by Mr. Juris, seconded by Ms. Madigan, to adopt Resolution No. 8813-15.
Motion adopted. All members voting yea.

7. **RESOLUTION NO. 8814-15** – A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Director of Public Works to enter into an agreement to accept a grant from the Ohio EPA clean water fund grant for the Lakewood Stream Bank Restoration and Fish Shelf project in the amount of \$122,842 and requiring a match by the City of Lakewood in the amount of \$81,894. (REFERRED TO THE PUBLIC WORKS COMMITTEE 6/15/15) (Pg. 29)

Motion by Mr. Juris, seconded by Ms. Madigan, to adopt Resolution 8814-15.
Motion adopted. All members voting yea.

8. Rules & Ordinances Committee Report regarding Committee Meeting Held June 22, 2015. (Pg. 31) Mr. O’Leary; Chair.

Councilmember O’Leary made a correction to the report. He recommended passage of Ordinance 25-15 upon third reading at the July 20 meeting of Council.

Motion by Ms. Madigan, seconded by Mr. O’Leary, to receive and file the report.
Motion adopted. All members voting yea.

9. **ORDINANCE NO. 25-15** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances and resolutions as part of the various component codes of the Codified Ordinances and to provide for the publication of such new matters. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 6/15/15)(Pg. 35)

Motion by Mr. O’Leary, seconded by Ms. Madigan, to place Ordinance No. 25-15 on second reading.

Motion adopted. All members voting yea.

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

10. City Council Appointments to the Clean Water Integrated Planning Task Force. (To Be Provided)

Letter was read confirming Councilmember Marx's appointment of Colin Mellino and Councilmember O'Leary's appointment of John Kilgore to the Lakewood Clean Water Integrated Planning Task Force.

Motion by Ms. Madigan, seconded by Mr. Bullock, to receive and file the communication.
Motion adopted. All members voting yea.

11. Communication from Planning & Development Director Siley regarding Modification to the Rockport Square Planned Development (PD). (Pg.37)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the communication.
Motion adopted. All members voting yea.

12. Liquor Permit Application for C1 & C2 transfers to Kerolos LLC; 17796 Detroit Road, from Webb Food Mart; same address. (Pg. 42)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

{add-on}

13. Communication from Mayor Summers regarding appointment to Lakewood Clean Water Integrated Planning Task Force.

Mayor Summers appointed Glenn Coyne, Jeannie Smith, Patrick Wadden, Jim Rambasek, Babette Gowda. He remarked that he was delighted and surprised by the robust response from citizens regarding service on the Task Force. He explained that the Task Force will meet monthly for one year to discuss the City's sewer system. It is an advisory group that will provide advice and help to the City regarding compliance with the Clean Water Act of 1972.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the communication.

Motion adopted. All members voting yea.

Public Comment

Joel Egerston – 12900 Lake #1923

Mr. Egerston and his wife Bonnie moved to Ohio from Washington D.C. 10 yrs ago and chose Lakewood because of its high quality of life including healthcare. He spoke about his civic involvement and volunteer pursuits in the City. He expressed appreciation for the historical and personal significance of Lakewood Hospital but believes that care cannot be sustained there in its current form. He remarked on the thriving commerce, education, and arts institutions and opportunities in Lakewood. He encouraged Council to act favorably on the Lakewood Hospital letter of intent.

Jim Gaghen – 1222 Chase Ave

Mr. Gaghen reported multiple floodings in his basement and in the basement of his Chase Ave. neighbors over the past month. He went door-to-door surveying neighbors about basement flooding and counted 24 total properties including a church and Lincoln School, which now has concerns about mold. He read testimonies from his neighbors about the extent of the flooding and damages. He expressed dissatisfaction with the City's response to his calls and reports. He expressed interest in working with the City on solutions.

Read the mission statement of the water dept. and added commentary.

President Madigan responded. She asked that she and Director Beno receive copies of the materials. She expressed empathy to the residents of Chase Ave.

Councilmember Bullock requested that the administration look into the flooding immediately. He suggested that the Clean Water Task Force potentially address this issue. He expressed concern about the report that City Hall was discourteous and asked the administration for improvement.

Councilmember Nowlin thanked residents for coming out. He looked forward to working together proactively on this issue.

Jason Kiss & Monica Y. Kiss – 1290 Chase

Mr. and Mrs. Kiss experienced a basement flood on June 15th where water was bubbling up from their drains. They had a plumber come out to inspect and install a backflow valve for \$4,500 which required digging up the basement. Their home had already been waterproofed. The plumber confirmed that the backup was not in their home but coming from the street.

Councilmember Juris remarked that sewer concerns have always been an issue in the City. He stated that basement flooding is the most common insurance claim and there is a need for greater understanding about plumbing and the way water works in a basement. He explained the difference between water entering a basement through a foundation and through a drain. He offered to host a discussion on these topics in the Public Works Committee.

Ms. Van Malken – 14724 Lake

Ms. Van Malken reported that the entire block across from Lakewood Park has flooded three times in 19 days. She had to get rid of furniture and pull up new carpeting. She is concerned about mold. She is fatigued from the constant problems.

Keith Kelly – 1214 Chase Ave

Mr. Kelly has experienced flooding while he has been out of town on business. He asked the City to please work with Chase Ave. residents to find a solution.

He spoke on the issue of Lakewood Hospital. He stated that the Hospital is an important part of the City but that healthcare is changing. He stated that Council should consider the current offer to be a good one. Taxpayers will have to continue to pay for the hospital if the hospital becomes antiquated.

Councilmember Anderson remarked that there are flooding hotspots in the City and that it would be helpful to identify them. He spoke about the flooding problems effecting multiple homes on Bonnieview over the past five years. He thanked Mayor Summers for taking the time to join him in talking with Bonnieview residents recently. He asked what the City can do.

Charlotte Rerko – 1275 Manor Park

Ms. Rerko spoke about her personal and professional connection to Lakewood Hospital. She spoke about the phenomenal care provided at Lakewood Hospital. She has also been an employee of Recovery Resources which has received inpatients from Lakewood Hospital. She spoke about closing of Huron Hospital. She acknowledged this was a sad day but that the outcome was that the underserved received better behavioral health services at the facility that took the place of the hospital. She applauded the current plan at Lakewood Hospital for maintaining an ER. She remarked on the broad changes in healthcare and the need to sit down together to come up with the best plan.

David Stein – 1495 Clifton Place

Mr. Stein wanted to make Council aware of a graffiti problem that sprung up on July 3rd. He has counted 11 of the same tag. His business and others were vandalized. All incidents have been reported. He advised that quick removal of the graffiti lessens the chance of reoccurrence.

President Madigan encouraged the public to call the LPD non-emergency number when they find graffiti.

Director Siley advised that sending photographs when reporting is also helpful. The building department can work with property owners to recommend graffiti removal products and techniques.

Councilmember Juris suggested that graffiti be draped and covered if it cannot be removed right away. He thanked those who have brought these items to the City's attention and encouraged use of the report a problem app.

Councilmember Anderson pointed out that graffiti happens on public property and that LPD takes it seriously no matter how small.

Pam Smith – 1528 Elmwood Ave

Ms. Smith spoke about changes to healthcare and the reduction in hospital usage. She provided examples of how technological advances and insurance constraints result in fewer and shorter hospital stays. She explained how unfilled beds at Lakewood Hospital created financial problems which caused the Board of Trustees to engage a consultant and to consider alternative options. She spoke of the merits of the existing proposal. She emphasized that Lakewood Hospital is not sustainable and taxpayer money is propping it up.

Mary Osbourne – 1655 Elmwood

Ms. Osbourne is a former employee of Lakewood Hospital. During her career there were rumors circulating that the facility would be converted to a nursing home. She credited City leadership with keeping the hospital afloat by engaging with Cleveland Clinic in the 1980s. She acknowledged that while Cleveland Clinic may have made mistakes that lead to the hospital losing money, the trends of small hospital closures is more relevant. While new hospitals have opened, no new hospital has opened in a building like Lakewood Hospital. She stated that millions of people would be thrilled to have a hospital as close as Fairview Hospital. She described the items in the LOI and remarked on their benefits. She referred to the existing proposal as a unique opportunity that other communities do not have. She discouraged Council from letting the lease run out, stating that it would dissolve money better spent somewhere else.

Missy Toms – 1337 Lakeland Ave

Ms. Toms and her children have a disorder that requires frequent medical attention. She described the care that her family has received at Lakewood Hospital. She supports the proposal for a new wellness center. Ms. Toms is Executive Director of the Lakewood

Rangers Foundation and helps the Lakewood school find funding for projects. She spoke about the opportunities for partnerships. She urged Council to push forward the current proposal.

Lori Allen – 1222 Ramona

Ms. Allen expressed concern about bars serving underage individuals. She called for better oversight by the City, pointing out that Council approves liquor permits. She called for stiffer penalties for establishments that serve alcohol to minors. She cited CDC statistics on drunk driving accidents and linked an increase in crime to an increase in bars. She proposed that the City hire more officers to keep residents and property safer and dedicate officers to night time OUI detection. An individual who owes the City for DUI

Jeff Webber – 1095 Homewood Drive

Ms. Webber distributed a presentation regarding the best use of the land and facilities at Lakewood Hospital. He spoke about the importance of repurposing and preserving historic buildings and provided examples and inspiration for ways in which the Lakewood Hospital site could be repurposed for mixed use and potentially a boutique hotel.

Councilmember Bullock thanked Mr. Webber for producing the reports at his personal cost.

Ryan Essi 15306 Edgewater Drive

Mr. Essi asserted that Lakewood Hospital does not need to close and that it never lost money until the announcement of closure happened. He called on Council to stop the losses and called for new leadership on the issue. He referenced financial figures and public documents to support his argument. He stated that if the Hospital closes that the City should receive \$120 million, not the proposed \$32 million trust fund.

Councilmember Bullock responded. He pointed out that a transparent public discussion about the hospital will come with the risks of additional losses but that Mr. Essi is calling for this transparency and then critiquing the results. He discussed the process of coming to this point from the perspective of a LHA trustee. He explained that discussions had to be private for a time until they became public. He acknowledged that the public announcement could have been more effective. He explained that the LHA trustees made their prudent best attempt to determine what is best for the hospital. He stated that he is happy to consider any feasible alternative to closing the hospital but that he is not sure there is one. He called for an end to personal attacks.

President Madigan supported the comments of Councilmember Bullock and also asked for an end to the personal attacks, particularly online.

Mr. Essi asked for a change of leadership on LHA to bring other point of view. He clarified that he does want an open dialogue. He stated that it is inaccurate to say that the Metro proposal went away.

Coletta Graham 1286 Chase

Mrs. Graham asked for something to be done now about the flooding of Chase Ave. homes. She complained that gravel and grit from the street is being swept into the sewer. She suggested that sandbags be placed in front of sewers to help. She criticized the Mayor's recent letter that was placed in the water bills. She also complained about the Curtis Building sitting vacant.

Alex Belisle 1438 Grace

Mr. Belisle moved to Lakewood from NYC six months ago. He is the creator of Faces of Lakewood using his experience as a photojournalist. He remarked on his experiences photographing and observing Lakewood. He advised Council to not let institutions of money and influence write the script for Lakewood.

Terrance Kilroy – 15431 Edgewater

Dr. Kilroy presented questions that he would like Council to bring to Mr. Haber and Mr. Gable. He reported that morale is low among Lakewood Hospital nurses because their life's work is coming to an end. He also reported that Cleveland Clinic is poaching senior nurses from Lakewood Hospital. His questions are as follows:

- Did the Board, through Mr. Gable ask the Cleveland Clinic to stop poaching our nurses while we try to go through our deliberations?
- If our economics were OK in 2013 and 2014, why are they pressuring City Council to truncate their deliberations while they try to do their job?
- If we're losing as much per month since the announcement in January, what is the cause of that?
- Did you send a letter to the people of Lakewood telling them that the Hospital really is still open?
- Did LHA try to do anything to try and avoid further loss of money? Why are we losing money hand over fist since the announcement?

He asked City Council to get to the bottom of the rapid collapse of Lakewood Hospital.

Pam Wetula 11813 Clifton Blvd.

Ms. Wetula stated that the financial losses at Lakewood Hospital can be characterized as planned obsolescence. She stated that the City did not take seriously the Metro proposal when it was before us. She argued that old buildings can still offer state of the art care. She remarked that a wellness center is essentially a doctor's office and will not benefit those without healthcare. She criticized the proposed community foundation, stating that there is no guarantee of what it will be or provide. She called for attention to the loss of 1,000 jobs. She criticized the proposed ER, stating that it won't be able to deal with strokes or seizures. She concluded by stating that there is no reason to expect that Lakewood won't have the need for the hospital and its beds in the future.

Councilmember Bullock responded about financial losses and the Metro proposal. He stated that the additional 2015 losses at Lakewood Hospital are caused by a blend of

sources. He cited three causes – the Hospital announcement, the opening of the Lutheran Hospital ER, and the loss of the ability to do catheterizations at Lakewood Hospital. He explained that four members of Council or more have engaged with Metro about a potential proposal. He explained the reasons why Metro is no longer interested.

Council President Madigan announced a tentative date for an open Q & A forum regarding Lakewood Hospital to be held July 27th.

Announcements

Mayor Summers thanked City employees for their hard work on the 4th of July. He announced the upcoming Woodward traffic calming meeting.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn.

Motion adopted. All members voting yea.

Meeting adjourned 9:37 PM.

Approved: _____

CLERK

PRESIDENT