

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
OCTOBER 19, 2015
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:32 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, Planning & Development Director Siley, Human Resources Director Yousefi, Approximately 32 members of the public, members of the media.

Reading and Disposal of the minutes of the Regular Meeting of Council held October 5, 2015

Motion made by Ms. Madigan and seconded by Mr. Anderson, to adopt the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding 10/19/15 Committee Meeting; Ms. Madigan; Chair - Resolution 8824-15; (To Be Provided)

Committee of the Whole met this evening at 6:00 p.m. We had three items on the agenda. The first item we discussed was a public art task force. We had a presentation from Development and the Mayor's office. We learned a great deal about the ambitious and tremendous plan for public art throughout the City of Lakewood. The idea is to focus on the solstice steps but before we do that we are going to set up a public arts committee task force. We will solicit five members. Three will be Council appointees. Two will be appointees from the Mayor. One of the three Council appointees will be a member of a Lakewood arts organization. Those volunteers will help determine where and what art will be placed around the City of Lakewood beginning with this beautiful spot on what will soon be known as the solstice steps at Lakewood Park. After some great discussion we learned, as Shannon Strachan and Jason Russell were telling us, that

this is going to be a City-wide plan to promote and place public art. That is also going to be on the agenda for tonight so there will be further time for discussion.

The second item on the agenda was a regular update from Public Works Director Joe Beno who gave us an update of work going on throughout the City and from him we learned of two ODOT projects that will be tremendous when they ever get finished. In the meantime, our Department of Public Works is holding them accountable and will be reporting back on the progress that those projects are achieving.

The third item that we talked about was the usual, general conversation about the letter of intent. We did go into executive session for that.

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

2. **RESOLUTION NO. 8824-15** – 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, creating the Public Art Task Force for the purpose of creating a public art strategy for the City of Lakewood through thoughtful dialogue and community engagement and to advise municipal officials on the social, economic and environmental benefits to the city, its residents, businesses and institutions. (REFERRED TO THE COMMITTEE OF THE WHOLE 9/21/15) (Pg. 4)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8824-15.
Motion adopted. All members voting yea.

3. Public Safety Committee Report regarding 10/19/15 Committee Meeting. Mr. Bullock; Chair (To Be Provided)

Tonight the Public Safety Committee met and Councilwoman Marx was also present. We discussed four items and recommended one of those for full adoption tonight – that would be Resolution 8826-15 authorizing and directing the Director of Finance to sell through trade 3,000 feet of fire hose with Cuyahoga Community College in exchange for training classes for firefighters valued at approximately \$3,000. This is a practice that the Fire Department has been doing for a number of years. We have a fire hose with a market value of \$1/foot which amounts to \$3,000 worth of services in return that we make use of in the form of additional training for some of our firefighting personnel. This is a good system that prevents the fire department garage from getting clogged up with old supplies.

The other items, we began discussion on tonight but will resume discussion on in a future Public Safety hearing. To briefly touch on those, we anticipate that the City of Lakewood will join a safety arrangement with City of Cleveland and surrounding police departments for the 2016 Republican National Convention. It is a national security scale event. Up to 3,000

officers will be tasked for that week-long. By joining that agreement Lakewood would have the potential benefit of being able to receive the safety net resources if any event were to occur in Lakewood. Any of our participating officers, their time would be paid for out of the Cleveland City budget and the event budget. However, that is not final yet because we are still waiting on a couple of provision to be renegotiated by our Law and Police Departments.

Finally, we anticipate a continued discussion of our traffic guards code which outlines how we staff and how we pay our crossing guards. Right now it is quite inflexible and is leading to inefficient substitutions where a traffic guard misses their shift and we pull a Public Works staff off of his or her shift. If that person is unavailable then a Police officer is pulled off of his or her shift. We can find a more effective way to do that that is less disruptive to City services. The administration has made an initial proposal and we will continue deliberating on that at the next meeting. Move to receive and file that oral report.

Motion by Mr. Bullock, seconded by Ms. Madigan, to receive and file the oral report.

Motion adopted. All members voting yea.

4. **ORDINANCE NO. 28-15** - AN ORDINANCE amending Section 135.05, Traffic Guards, of the Codified Ordinances of the City of Lakewood in order to adapt the Code to current needs of the City. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/8/15, 2ND READING 9/21/15)(Pg. 6)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to defer action on this item.

Motion adopted. All members voting yea.

5. **RESOLUTION NO. 8825-15** – 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, to authorize the Mayor, as Director of Public Safety, to enter into an agreement between the City of Cleveland and the State of Ohio for the interchange of public safety services for the 2016 Republican National Convention in Cleveland, Ohio. (REFERRED TO PUBLIC SAFETY COMMITTEE 10/5/15) (Pg. 10)

Motion by Mr. Bullock, seconded by Ms. Madigan, to defer action on this item.

Motion adopted. All members voting yea.

6. **RESOLUTION NO. 8826-15** – 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 and directing the Director of Finance to sell, through trade, 3,000 feet of fire hose with Cuyahoga Community College in exchange for training classes for firefighters valued at approximately \$3,000. (REFERRED TO PUBLIC SAFETY COMMITTEE 10/5/15) (Pg. 25)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution 8826-15.
Motion adopted. All members voting yea.

7. **ORDINANCE NO. 29-15** - 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 parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (PLACED ON 1ST READING 10/5/15) (Pg. 26)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place Ordinance No. 29-15 on 2nd Reading.

Motion adopted. All members voting yea.

8. **ORDINANCE NO. 30-15** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 43-14, adopted December 15, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2015 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 10/5/15)(Pg. 28)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 30-15 on 2nd Reading.

Motion adopted. All members voting yea.

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

9. Communication from Finance Director Pae regarding State Mandated Income Tax Code Changes. (Pg. 34)

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

Motion adopted. All members voting yea.

10. **ORDINANCE NO. 31-15** – AN ORDINANCE to take effect on January 1, 2016 provided it receives the vote of at least five members of Council, or otherwise to take

effect at the earliest period allowed by law, amending Chapter 128, Municipal Income Tax, of the Codified Ordinances of the City of Lakewood for the purpose of meeting the mandates for municipal tax codes contained in Sub. H.B. 5, in which the 130th General Assembly comprehensively amended Chapter 718 of the Ohio Revised Code and reformed the imposition of municipal income taxes. (Pg. 35)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 31-15 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

11. Communication from Human Resources Director Yousefi regarding Salary Ordinance. (Pg. 115)

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

Motion adopted. All members voting yea.

12. **ORDINANCE NO. 32-15** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners. (Pg. 116)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 32-15 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

PUBLIC COMMENT

Bonny Sikes - 1673 Arthur Ave

Ms. Sikes discussed the decision made in 2010 to relocate the pediatrics and trauma care departments from Lakewood Hospital to Fairview Hospital. She quoted councilmembers and summarized discussions from council meetings in 2010 that precipitated this decision. She stated that Council was mistaken in 2010 to rely on promises made by Cleveland Clinic and compared the situation then to the situation now. She stated that Council has failed to follow up on the promises made by Cleveland Clinic because Council representatives on LHA were not provided with guidelines and because Council and LHA did not have annual meetings. She advocated for passage of referendum 64 and to save Lakewood Hospital.

Tom Monahan – 1487 Waterbury

Mr. Monahan spoke about an instance in 1996 when Cleveland Clinic attempted to eliminate services from Lakewood Hospital. He responded to comments made at the last meeting by

Director Pae. He claimed that Director Butler said that the Mayor will only negotiate with Cleveland Clinic and no other interested entity. He stated that there is an entity that wants to partner with the City to run Lakewood Hospital. He refused to provide the name of the entity. He talked about wait times at Fairview Hospital. He referenced a conversation he had with the National League of Cities. He discussed documents and statements made as part of the pending lawsuit. He criticized public statements and mailings from the LHA. He stated that the county prosecutor should look into possible criminal activity associated with the Lakewood Hospital.

President Madigan asked Mr. Monahan to articulate his charge that there has been criminal activity. She asked Mr. Monahan to provide the name of the entity that wants to operate Lakewood Hospital.

Mr. Monahan refused to elaborate.

President Madigan stated that it is every citizen's job to monitor City Council and expressed appreciation for public oversight.

Melissa Nautiyal - 17672 Edgewater Dr.

Ms. Nautiyal remarked on the use of executive session and stated that Council should not take undue advantage of executive session. She stated that the LOI offerings jeopardize residents' medical safety and that Council is ignoring this. She pointed to other properties in Lakewood that can be used to achieve the City's development goals other than Lakewood Hospital land. She stated that the foundation money in the LOI and "other unknown perks" are driving the focus on Lakewood Hospital land. She criticized the LOI and questioned the legality of LHA communications to residents. She mentioned that the Cleveland Clinic has orchestrated a deliberate demise of the Hospital and that it won't provide specifics of the services offered. She raised concerns about the quality and type of care that will be provided in the proposed facility. She criticized the Cleveland Clinic's management of the hospital and the city government for being unresponsive to residents' healthcare needs. She suggested that improper dealings have taken place. She urged that a legal release be obtained and a genuine search executed. She asserted that the real evidence makes clear that the LOI is the wrong choice for the City.

President Madigan clarified that Ms. Nautiyal suggested that "someone is on the take."

Coletta Graham – 1286 Chase Ave

Mrs. Graham questioned the authenticity of the PR piece about Lakewood that appeared in the Plain Dealer/Sun Times. She criticized the article about Lakewood Hospital, stating that it was written to make the hospital's closure sound like a done deal.

She remarked about Lutheran Hospital and changes made there. She criticized the hiring of John Brytzwa as a lawyer in the Lakewood Hospital court case because of his marital relationship with LHA board member Ellen Brytzwa.

She referenced a letter written by Mayor Summers in 2014 protesting the relocation of services from Lakewood Hospital to Avon.

Mayor Summers responded. He clarified that the Plain Dealer supplement is an annual insert produced by the paper's real estate section and that the City is unaffiliated with it and its content.

Director Butler remarked on the charge that the hiring of Mr. Brytzwa presents a conflict of interest. He stated that any conflict would have to be addressed by the City and LHA, not the taxpayers who filed the lawsuit.

Mayor Summers remarked on the letter that he wrote to Cleveland Clinic in July 2014. He stated that his obligation has always been to serve the citizens of Lakewood. He denied allegations that he has been bribed and co-opted of the Cleveland Clinic. He stated that the letter is evidence of his sometimes testy relationship with Cleveland Clinic. He explained that the circumstances and negotiations that led to the LOI were dramatically different at the time he wrote the letter and changed throughout fall 2014. He stated that the letter reveals the testy ebb and flow of the negotiations at the time and that no party knew exactly how negotiations would conclude until Dec. 2014 when the LOI was introduced.

Edward Graham – 1286 Chase

Mr. Graham charged that Mayor Summers has falsely represented the Cleveland Clinic proposal as the only viable option where formal proposals have been received by Metrohealth. He stated that citizens are entitled to the truth and that this has not happened. He stated that the City should cease negotiations with Cleveland Clinic because it has unlawfully sabotaged Lakewood Hospital. He stated that other entities are interested in operating the hospital and that these facts must be made known to the public.

Brian Essi – 15306 Edgewater

Mr. Essi stated that Surgical Development Partners submitted a proposal to operate Lakewood Hospital and that he spoke directly with Surgical Development about its interest. He asked that City officials send this proposal to his email. He claimed that LHA conducted a push poll and filed a motion in court to withhold the results. He speculated on the results of the poll and how it was funded. He stated that residents are entitled to know the results.

He referenced a S&P Report from 2013 which gave Lakewood Hospital an A+ bond rating. He concluded that this mean that the hospital is viable and will remain so as long as Cleveland Clinic remains.

Mr. Essi alleged that a group of people gathered at Winton Place including President Madigan and possibly Councilmember Bullock to discuss filing criminal charges against him and that 9 people made complaints against him. He stated that the complaint was dismissed by LPD. He defended the statements he made, arguing that he spoke on behalf of the underserved.

President Madigan clarified that there was no such meeting at the Winton Place. She stated that the police complaints were a result of Mr. Essi's online posts.

Director Butler stated that he was copied on a letter from Surgical Development Partners to Tom Gable. The letter presented a non-binding loose offer for purchase of property at 850 and 805 Columbia Road in Westlake. It did not make a proposal for the operation of an inpatient facility,

or any facility in Lakewood. He stated that if any entity is to make a pitch for providing inpatient care in Lakewood then it would be appropriate for the City to hear from that entity and not someone unaffiliated with that entity. He said he would send Mr. Essi the letter from Surgical Development Partners.

Mayors Summers remarked on his conversation with Surgical Development Partners, stating that the group may have expressed interest in 850 Columbia Rd. He stated that Surgical Development Partners clearly stated that it is not interested in Lakewood Hospital. He said that Surgical Development Partners provided a broad description of its business and did not make a pitch. He said that the City would be open to a clear pitch made in writing.

Councilmember Bullock clarified that he has no knowledge of the meeting mentioned by Mr. Essi. He countered the accusation that Council has not been transparent by pointing to the public process of meetings and documents provided. He acknowledged that while city government could have been more vigilant over the years that it's not necessary to leap to the presumption that elected officials are acting against their responsibilities. He stated that Council is doing its best to answer questions. He clarified that the Cleveland Clinic is not obligated to cover debt at Lakewood Hospital, despite Mr. Essi's repeatedly stating the opposite.

Mr. Essi and Councilmember Bullock exchanged words about whether or not LHA conducted a "push poll."

Dean Dilzell – 1276 French Ave

Mr. Dilzell remarked on the LOI. He summarized his perspective on the evolution of the public messages surrounding the proposed LOI. He remarked on the pending lawsuit and stated that Cleveland Clinic has been decanting Lakewood Hospital since 2011. He questioned the claim that the new family health center will provide more services than are currently provided by CC in Lakewood. He made additional remarks.

Kevin Young – 1598 Elbur Ave

Mr. Young cited a Salon.com article about millennial driving habits, stating that driving has fallen 18% among millennials. He spoke about how this trend benefits Lakewood. He relayed a conversation that he had at a bar with a millennial who had gallbladder surgery at Lakewood Hospital and appreciated the convenience. He remarked further on his conversations with others in the community about the hospital issue. He questioned how Lakewood can trust Cleveland Clinic when they're ready to walk out on lease. He relayed that people feel CC is bullying Lakewood.

Pam Wetula - 1138 Clifton Blvd

Ms. Wetula spoke about her next door neighbor whose life was saved by being in close proximity to Lakewood Hospital. She stated that she has friends who work at Metro and that the employees there had been informed of Metro's proposal to Lakewood. She spoke about the pending lawsuit and stated that it is an important part of community activity. She defended the validity of the lawsuit and charter amendment campaign. She said that the lawsuit has uncovered

proof that Cleveland Clinic has been decanting Lakewood Hospital since 2011. She suggested that elected officials should realize they were tricked and stand up now for Lakewood citizens.

Announcements

Councilmember Anderson referenced Mr. Essi's accusation that Council President Madigan coordinated with residents to file police reports against Mr. Essi. He asked President Madigan to respond to the accusation.

President Madigan responded that she did not ask anyone to file anything against Mr. Essi. She said that Mr. Essi's problems came about by what he wrote on the Observer, which some found to be frightening. She said that she did not take the accusation seriously.

Councilmember Marx acknowledged students from one of Lincoln Elementary School's third grade classrooms for their participation in a city government project. She thanked the teacher for engaging the students in City government.

Mayor Summers referenced a comment made earlier alleging the City didn't respond to a proposal made by MetroHealth by confirming that the City had responded.

Chief Gilman indicated an edited video was circulated online regarding ambulance rides to neighboring hospitals. He stated that the current EMS system qualifies it to be more than prepared to address concerns of citizens.

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

Motion adopted. All members present voting yea.

Meeting adjourned 9:03 PM.

Approved: _____

CLERK

PRESIDENT