

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
NOVEMBER 2, 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 Human Resources Director Yousefi, Approximately 16 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 11/2/15 Committee Meeting; Ms. Madigan; Chair (To Be Provided)

Committee of the Whole met this evening beginning at 6:10 p.m. after the finance meeting. We went into executive session to discuss the issue noticed on the committee of the whole report. We left executive session at about 7:20 and did an agenda review.

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

Motion adopted. All members voting yea.

\*\*\*\*\*

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

We met last Monday and continued deliberations although we did not make any motion to recommend action on two additional items that continue to be pending before the public safety committee. Hopefully we will be able to schedule a time with the administration later this month.

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

Motion adopted. All members voting yea.

\*\*\*\*\*

3. **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 1<sup>ST</sup> READING 10/5/15, 2<sup>ND</sup> READING 10/19/15) (Pg. 4)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 29-15.

Motion adopted. All members voting yea.

\*\*\*\*\*

4. Finance Committee Report regarding Ordinance 30-15 & 31-15, 32-15. Mr. Nowlin; Chair. (To Be Provided)

Tonight the Finance Committee met to discuss Ordinances 30-15, 31-15, and 32-15. Present were members of the committee Councilman Juris, Councilman Bullock, Finance Director Pae, Assistant Finance Director Chittock, Director Yousefi and Law Director Butler.

We began talking about ordinance 31-15 which is some of the details about how Lakewood is going to be required to meet the mandates extending from substitute house bill 5 from the general assembly which amends chapter 718 of the Ohio Revised Code and will require us to amend chapter 128, which is the municipal income tax section of our codified ordinances. We had extensive discussion about the different line items that are going to be affected in section 128 in the codified ordinances. It was really a preliminary discussion because the details of the proposed ordinance are still being fleshed out and there are some issues that may still change based on the actions of the general assembly. So we have not taken any action on that tonight.

Then we spoke about proposed ordinance 30-15 which amends our contracting authority ordinance. We discussed the different items that are required to be increased at this point. We discussed the substitute version of the proposed ordinance.

- The first item was increasing the contracting authority for legal services from \$300,000 to \$500,000 which was related to the taxpayer lawsuit as well as Thompson Hine's work for the City.

- Second we discussed increased contracting authority regarding administrative professional services going from \$250,000 to \$275,000 again for services associated with the Lakewood Hospital discussion including architects, etc.
- The third item we discussed was an increase in contracting authority for hospitalization insurance. There was a significant increase from \$5.5 million on the current contracting ordinance up to \$6.5 million, which is an increase of \$1 million, which is directly related to a batch of high volume high level claims. This was characterized by Finance Director Pae as that we've been lucky that in years past we have not had to address these types of issues. This is a year where there were a lot of things happening at once.
- The fourth item was HVAC which was being increased from \$65,000 to \$75,000 which involved covering new buildings which was the facilities garage and two firehouses.
- The 5<sup>th</sup> item dealt with road salt which was going from \$350,000 to \$450,000, noting that we have more space to fill with our new facility that houses our road salt and more capacity. To that end we were going to ask Director Beno to give us a brief update on the status of our salt for the season.
- Next item was oil and lubricants line item going from \$40,000 to \$45,000 to reflect an increase in the materials used throughout the City.
- Finally, we discussed an increase in electrical-related work which went up \$15,000 from \$30,000 to \$45,000 which dealt with primarily unscheduled work that was done in Madison Park.

After discussing these items the Committee unanimously recommended adoption of the substitute version. We also talked about how we would pay for this increase, because especially with the hospitalization it is going up a significant amount. Because the unencumbered \$1 million to accommodate the 27<sup>th</sup> pay this year, due to unanticipated increases in our revenue we probably didn't need to do that and that unanticipated increase in revenue will accommodate the additional increase in these costs.

Finally we discussed proposed ordinance 32-15 which reflects the updates in the salary bands throughout the City. And it's a 2% increase to match the non-union employees with the union employees with the 2% increase that we negotiated. It also reflects a career ladder set up for the City Planner position. That change went through the Civil Service Commission before it came to us. The substitute version that we discussed tonight had the changes going into effect on Jan. 1 2016 instead of immediately. The Finance Committee unanimously recommended adoption of the substitute version of 32-15 on third reading, so not tonight but at our next general council meeting.

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

\*\*\*\*

5. **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 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 10/5/15, 2<sup>nd</sup> READING 10/19/15)(Pg. 6)

Marguerite Harkness – 1585 Riverside

Ms. Harkness asked for clarification on the increase in legal services.

Councilmember Nowlin explained that the original ordinance proposed an increase from \$300,000 to \$400,000 and the substitute version proposes further increase to \$500,000.

She stated that Council is trying very hard to close the hospital and that if the hospital closes the City will lose at least \$1 million/year in employee income tax and potentially up to \$3.5 million. She asked where this loss is reflected in the budget. She referenced the City's position that the City will lose money if the hospital remains open. She asked Council to point out where this loss is reflected in the budget, stating that at least one of these scenarios must be budgeted for.

Council President Madigan stated that budget finance meetings will cover these scenarios over the next couple of weeks.

Councilmember Bullock objected to Ms. Harkness's characterization that Council is trying hard to close the hospital. He reframed the question. He stated that the first choice is to retain Lakewood Hospital if at all possible but that Council must do something so the City can get something because something is better than nothing.

Councilmember Anderson clarified that ordinance 30-15 is related to the contracting authority within the current 2015 budget, not the 2016 budget.

Councilmember O'Leary clarified that any operating loss caused by the hospital would be reflected in the Lakewood Hospital Association budget, not the City's budget.

Councilmember Madigan acknowledged the potential loss of income tax, stating that it is a primary concern. She expressed her expectation that legal services fees could increase beyond \$500,000 next year due to the lawsuit and the high need.

Councilmember Juris clarified that the City is incurring expenses which requires the contracting authority to be increased due to the decision of some residents to file a lawsuit against LHA and others. He clarified that Council is not passing a budget tonight.

Mayor Summers clarified that losses at the hospital are not reflected on the City's books. He acknowledged concerns about the potential loss in rent and payroll tax dollars if the hospital closes. He stated that the City's goal is to offset these losses by creating new economic activity

to offset them. He cited increased income tax collections and property valuations. By diversifying the economy and growing in other areas the City will be able to absorb difficulties ahead.

Councilmember Nowlin asked Director Beno to provide an update on the status of the road salt supply.

Director Beno replied that both locations are filled to capacity. He explained that the reason for the increase can be explained by the cold and busy winter last year. Also, the new storage facility needed to be filled up completely so the City had to essentially fill it twice this year causing an increase.

Motion by Ms. Madigan, seconded by Mr. Anderson, to substitute Ordinance No. 30-15.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Leary

Nays: None

Motion adopted. Ordinance No. 20-15 substituted

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 30-15 as substituted.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Leary

Nays: None

Motion adopted. Ordinance No. 20-15 adopted as substituted.

\*\*\*\*\*

6. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 10/19/15). (Pg. 12)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 31-15 on second reading.

Motion adopted. All members voting yea.

\*\*\*\*\*

7. **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. (1<sup>ST</sup> READING & REFERRED TO FINANCE COMMITTEE 10/19/15) (Pg. 92)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 32-15 on second reading.  
Motion adopted. All members voting yea.

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

8. Communication from Councilmember O'Leary regarding Edgewater Sewer Separation Project. (Pg. 98)

Discussion:

Councilmember Anderson asked to have the conversation expanded to include homeowners on Webb who face a similar situation as that which Councilmember O'Leary outlined in his letter as well as individual homeowners across the City.

Councilmember Juris outlined his expectations for the structure of a public hearing on this topic.

Motion by Mr. O'Leary, to receive, file and refer the communication to the Public Works Committee.  
Motion adopted. All members voting yea.

\*\*\*\*

9. Communication from Law Director Butler regarding Revision of legislation to permit bicyclists in Clifton Boulevard bus lanes. (Pg.99)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer the communication to the Public Works Committee.

Motion adopted. All members voting yea.

\*\*\*\*

10. Communication from Law Director Butler regarding Resolution authorizing the Mayor to enter into agreement with the Cuyahoga County Board of Health for the provision of public health services in Lakewood in 2016. (Pg.100)

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

Motion adopted. All members voting yea.

\*\*\*\*

11. **RESOLUTION NO. 8827-15** – 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 the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed \$204,354.00 for a one-year period commencing January 1, 2016. (Pg. 101)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution No. 8827-15 to the Health and Human Services Committee.

Motion adopted. All members voting yea.

Councilmember Juris remarked that in this time of change and transition of health care in the City that it is appropriate to meet and remind ourselves about the role of the county in providing public health services. He expressed interest in finding more ways to utilize the Board's services.

\*\*\*\*

12. Liquor Permit Application for D5 and D6 transfers to Burgers 2 Beer from Eddie and Eddie; 14725 Detroit Avenue. (Pg. 103).

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to the permit application.

Motion adopted. all members voting yea.

\*\*\*\*

13. Liquor Permit Application for D5 and D6 TRANSFERS TO Sarita A Restaurant from Players; 14523-27 Madison Avenue. (Pg. 104).

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

Motion adopted. All members voting yea.

## PUBLIC COMMENT

### Patricia Russell - 2100 Arthur

Mrs. Russell thanked councilmembers for their time and effort to resolve the hospital issue. She referenced the Huron report and concluded that Huron indicated that the hospital could be viable with the right partner. She criticized the current proposal, stating that it amounts to an urgent care center. She said that new does not always mean better. She speculated that hospital patients will have to go elsewhere for care during construction and will then continue to receive their care elsewhere. She raised questions about the loss of jobs and the increase in transport times. She predicted that the new family health center model will be unsuccessful and that Cleveland Clinic will walk away from the City. She stated that Lakewood has been exploited by systematic decimation of the hospital and that Council has the power to prevent Lakewood from getting a bad deal. She asked Council to investigate possibility of a partner other than Cleveland Clinic.

Councilmember Juris thanked Mrs. Russell for attending so many meetings. He referenced the oath of office to make decisions based on the fitness and merit of the proposals and stated that he does his best to abide by it. He stated that public comments contain repeated fallacies that add confusion. He denied that Cleveland Clinic caused the current situation, as has been charged. He acknowledged that there are anecdotal accounts of Cleveland Clinic directly patients away from Lakewood Hospital but that it is not enough evidence to say that they caused the situation. He pointed to data on patient admissions and utilization on the Ohio Department of Health website that support gradual shifts in patient behavior.

He stated that Mayor is one member of the 23-member LHA board and does not have the power to override other votes to insist the hospital stay open. He pointed to Bedford Hospital that has the equivalent patient volume as Lakewood Hospital and noted that it is a hospital of much smaller scale.

He presented a differing interpretation of the Huron report than the one mentioned by Mrs. Russell. He highlighted the three factors Huron identified that will make operating out of Lakewood Hospital extremely difficult – 1. No physician control 2. Need a well-financed partner to pay for upgrades 3. Need a partner able to compete in highly competitive market. He stated that Cleveland Clinic is building in Avon because of the amount of land and because the county has only two other hospitals. He noted that patient volumes are falling and it doesn't make sense to say Lakewood deserves a hospital when the demand is not there. He reiterated that Cleveland Clinic did not cause the current situation and that many of the comments being made are wrong.

Tom Monahan – 1487 Waterbury Rd.

Mr. Monahan made a disparaging remark against Councilmember Juris.

Councilmember Juris and President Madigan reminded Mr. Monahan to address the Chair and to avoid personal attacks.

Mr. Monahan referenced the upcoming election, the Mayor's scheduled deposition, and an effort to recall councilmembers. He referenced a newspaper that was put out as a campaign piece, stating that it violates election laws. He spoke about the ballot language used for question 64 and charged that the City attempted to confuse the public with the language submitted. He criticized campaign literature in opposition to issue 64. He referenced discoveries made by the taxpayer lawsuit and accused the City of attempting to withhold them from the public. He stated that thousands of angry citizens will vent their anger on their elected officials in tomorrow's election and that Save Lakewood Hospital will not go away.

President Madigan responded that election day is always a good day no matter the results.

Director Butler contested Mr. Monahan's accusation that the City sought to confuse voters with its proposed ballot language. He clarified that he is the author of the ballot language that will appear on tomorrow's ballot and that he was not forced by the Secretary of the State or the Board of Elections to write it the way he wrote it. He objected to Mr. Monahan's characterization that he was forced by the Secretary of the State to change the language.

Director Pae stated that while it is true that LWH has operated based on patient revenue, not taxpayer dollars, that if LHA ceases to exist per the terms of the lease then the properties revert back to the City. In this case the city and its taxpayers would be responsible for the upkeep of the buildings.

President Madigan added that the phony newspaper Mr. Monahan referenced is real otherwise it wouldn't be being discussed.

Coletta Graham – 1286 Chase Ave.

Mrs. Graham expressed lack of faith in the usefulness of public comment. She asked if Councilmembers have looked into the Lakewood Hospital lab to make sure that it is operating correctly in light of problems at the Marymount Hospital blood lab.

Councilmember Bullock replied that he did send an email inquiry based on Mrs. Graham's concerns. He needs to check his records to accurately recall the response he received. In regards to her opening statements he stated that attempting to communicate and dialogue makes a difference. He requested civility and continued engagement among residents who disagree.

Mayor Summers stated that Cleveland Clinic has initiated a review of its procedures at all of its laboratories.

Mrs. Graham asked about the situation mentioned in the morning news about a lack of heat in one of the gold coast towers.

Mayor Summers responded. He summarized the concerns of some residents from Marine Towers East. He stated that the Fire Marshal and Building Department inspected the building and identified issues to be addressed. He noted that the City's building codes require that heat be operational and that the building owners must meet the obligation.

Chief Gilman provided additional detail on the problems at Marine Towers East.

President Madigan responded to Mrs. Graham's statement that council meetings are "bogus." She remarked that the past 43 meetings provide no greater example of public participation. She acknowledged two young men in the audience who were pursuing eagle scout merit badges.

#### Marguerite Harkness – 1585 Riverside

Ms. Harkness charged that the Mayor, Council, and Cleveland Clinic are pushing to close the hospital and to accept a "done deal." Ms. Harkness charged that the City is willing and eager to demolish its largest asset without compensation. She charged that the City is letting Cleveland Clinic steal service lines, personnel, expertise, and equipment bought by patient revenue. She declared that the City has failed to supervise LHA and that LHA has failed miserably. She criticized Huron consultants and the questioned the validity of the report. She accused Council of not doing due diligence. She described how she thought the process should have been conducted. She referenced the work done by Save Lakewood Hospital to uncover facts and expressed disappointment that Council has not welcomed this input but has instead mocked Save Lakewood Hospital. She expressed concern about the loss of jobs. She stated that none of the Councilmembers are expert enough with numbers to understand the damage that will be caused by closing the hospital. She said that time would have been better spent trying to save the hospital and that she believes it can be done.

Councilmember Juris replied that Council has hired professionals to help understand the financial impact of the decision. He stated that the steps Ms. Harkness suggested Council take are similar to what actually happened. He stated that Council convened and reviewed the Charter, the lease, and the definitive agreement. He stated that the descriptions in the community of what those documents contain are inaccurate. He applauded citizens for getting engaged and wanting to share their ideas. He referenced a long conversation he had with a resident who wants to save the hospital. He felt that the resident wanted Council to push the hospital over a cliff and hope that someone is there to catch it. He remarked that there is only one tangible proposal at the moment. He objected to the characterization of the issue as a done deal. He explained why he

thought the economic loss to the community will not be as catastrophic as is being claimed by Save Lakewood Hospital. He expressed full trust in the City Hall professionals that Council is working with to understand the issues. He remarked that not everyone can be satisfied. He remarked that the City has an opportunity to build something that's great. He challenged the assertion that the ER will be equivalent to an urgent care center. He stated that a freestanding ER is something to build upon. He advocated building something that makes sense for tomorrow not for the past.

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:55 PM.

Approved: \_\_\_\_\_

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
PRESIDENT