

**MINUTES OF THE
SPECIAL MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CONFERENCE
12650 DETROIT AVENUE
DECEMBER 14, 2015
6:00 P.M.**

Special Meeting of the Lakewood City Council called to order at 6:08 p.m. 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, Human Resources Director Yousefi, Approximately 75 members of the public, members of the media.

ORDINANCE 49-15 – 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, authorizing the execution and delivery of an agreement by and between the City of Lakewood, Ohio, a municipal corporation and political subdivision and of the State of Ohio (the “City”), the Lakewood Hospital Association, and Ohio nonprofit corporation (“LHA”), and the Cleveland Clinic Foundation, an Ohio nonprofit corporation (the “Clinic”); and authorizing and approving related matters. (placed on 1st reading 12/7/15 and referred to Committee of the Whole)

President Madigan made opening remarks and expressed sympathy and support for the family of Planning and Building Director Dru Siley.

President Madigan made remarks expressing support for Ordinance 49-15.

Councilmember Bullock made remarks expressing support for Ordinance 49-15.

Councilmember Anderson made remarks expressing support for Ordinance 49-15.

Councilmember O’Leary made remarks expressing support for Ordinance 49-15.

Councilmember Marx made remarks expressing support for Ordinance 49-15.

Councilmember Juris made remarks expressing support for Ordinance 49-15.

Councilmember Nowlin made remarks expressing support for Ordinance 49-15.

Motion by Ms. Madigan, seconded by Mr. Nowlin to substitute Ordinance 49-15 for the version containing the full master agreement.

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

Nays: None

Motion adopted. Ordinance 49-15 substituted

Motion by Ms. Madigan, seconded by Mr. Nowlin to place Ordinance 49-15 on second reading.

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

Nays: None

Motion adopted. Ordinance 49-15 placed on second reading.

PUBLIC COMMENT

Kathleen McGorray – 1077 Maple Cliff

Ms. McGorray expressed support for Ordinance 49-15 and urged Council approve the proposed master agreement.

Jim Kenny – 1554 Elbur Ave.

Mr. Kenny identified himself as a member of Build Lakewood and read a letter of appreciation from members of Build Lakewood to Council.

Tom Monahan – 1487 Waterbury Rd

Mr. Monahan spoke in opposition to Ordinance 49-15 and the proposed master agreement. He remarked that the agreement is worse than the LOI. He remarked that Council is racing to pass the agreement. He objected to the presence of Lakewood Police officers in the room.

President Madigan responded, remarking that Council has not rushed to a decision. She remarked that Council refuses to kick the can down the road. Ms. Madigan stated that the presence of police is not intended to be an insult and that police are there for our protection.

Thomas Gable – 14519 Detroit

Mr. Gable recapped the process that LHA went through and the recommendation it made. He remarked on the merits of the new agreement and the proposed family health center.

Jeanne MacKay – 13428 Lake

Ms. MacKay read pretend Christmas cards that she imagined Cleveland Clinic had sent to Council, LHA, the Mayor, and others. She suggested that the deal inappropriately favors Cleveland Clinic.

Jay Carson – 13938 Lake Ave

Mr. Carson thanked Council for its work on the new master agreement. He remarked that the deal is an improvement over the LOI and the best deal the City could get.

Nancy Vaughan – 14909 Clifton Blvd

Ms. Vaughan remarked that it is unconscionable for Council to pass the deal through. She argued that the meetings about the deal have been held in secret.

Marguerite Harkness – 1585 Riverside

Ms. Harkness asked that members of the administration, which she called out by name, refrain from cell phone use.

Ms. Harkness and Councilmember Bullock exchanged words about the appropriateness of such commentary.

Ms. Harkness argued that Council's first reading of Ordinance 49-15 is invalid because the full master agreement was not included. She made remarks critiquing the master agreement. She expressed concern that the new agreement leaves the City with an empty building.

Councilmember O'Leary responded to Ms. Harkness's allegation that the first reading of the ordinance is invalid. He explained that it is not a requirement of Council's rules all documents be included with each reading.

Councilmember Anderson stated that he was assured that there was no substantial difference between the outline provided last week and the full master agreement published today. He explained that the assets that are part of the current Lakewood Hospital Foundation are not part of the existing deal. He stated that the valuation of the hospital's assets were independently evaluated by auditors.

Director Pae explained that she was on her phone dealing with a family situation. She replied that the City will not be left with an empty building and the \$7 million the City will receive for demolition will prevent that. She called into question the premises of Ms. Harkness's economic impact numbers.

Councilmember Anderson explained that there is not a line item in the master agreement that details the exchange of assets. He highlighted some areas in which the current proposal is different and better than the original LOI.

Therese Buckley – 1278 Jackson Ave

Ms. Buckley expressed concerns about the management of the sign in sheets and the use of cell phones at the meeting.

Bill Grulich – 1596 Onondaga

Mr. Grulich relayed personal health experiences in which the proximity of Lakewood Hospital saved his life. He objected to the non-compete clause in the deal. He urged Council to reject the ordinance.

Councilmember Bullock pointed out that the current deal provides an ER and 94% of the hospital's services will be continued.

Councilmember O’Leary explained the narrow constraints of the non-compete clause – that it only pertains to the 5.7 acres across the street from the new family health center.

Director Butler clarified the use restriction on the 5.7 acres.

Vivian Murray – 1238 Nicholson

Ms. Murray argued that Lakewood Hospital was intentionally made to fail. She asked Council to respond to citizens and not to bow down to big business.

Councilmember Bullock responded, explaining the merits of the deal.

Tom Fahey – 12506 Edgewater

Mr. Fahey provided an analysis of hospital beds in the community. He remarked on what he believes to be the outsized corporate influence of Cleveland Clinic in the community.

Bonnie Sikes – 1673 Arthur Ave.

Ms. Sikes spoke in opposition to the ordinance and the new master agreement. She argued that Council has been unduly influenced by Cleveland Clinic. She asked Council to reject the deal.

Councilmember Juris responded that Cleveland Clinic officials were never present in executive session. He refuted the suggestion that Council has been under Cleveland Clinic’s influence. He detailed the due diligence performed by Council.

Councilmember Bullock highlighted the guarantees secured in the new master agreement. He explained why a list of guaranteed services was not included in the deal.

Trudy Hutchinson – 2091 Lincoln

Ms. Hutchinson spoke in opposition to the ordinance and the new master agreement. She expressed concerns about the City’s low-income populations. She criticized the process

Councilmember Madigan responded, stating that Council has had 11 months of a full and fair process.

Barbara Coleman – 14916

Ms. Coleman spoke in opposition to the ordinance and the new master agreement. She criticized the process and complained that there was no public forum to oppose it.

Councilmember Madigan responded, stating that there has not been a lack of opportunity to speak.

Councilmember O’Leary addressed the use of executive session. He explained that there are exceptions under the Ohio open meetings law that allow for executive sessions and that the hospital issue falls under one of those exceptions. He explained why this benefits the City’s negotiating position.

Councilmember Bullock responded to the public's concerns about the naming rights and transportation. He explained that naming rights are only to be granted to programs funded directly by Cleveland Clinic contributions. He acknowledged that the challenges of transportation have not been fully solved by the master agreement but that the agreement sets future transportation planning as a goal.

Councilmember Marx added that the City already provides senior transportation via cab vouchers to all seniors within a set geographic boundary.

Bernadette Juszczak - 1371 Nicholson

Ms. Juszczak expressed thanks for Lakewood Hospital. She relayed a personal experience in which she received good care at the hospital. She expressed concern that the new family health center might not meet her health needs.

Tara Peppard – 1278 Edwards Ave.

Ms. Peppard spoke in opposition to the closure of Lakewood Hospital. She stated that the City has not been honest with the community and that there is no integrity.

Councilmember Madigan responded that the public has not been lied to. She remarked that she can't believe that most of Lakewood wants to live in the past. She pointed out that people are talking about their own personal experiences.

Tim Miller - 1530 Woodward

Mr. Miller expressed concern about the cost of being transferred from the new Lakewood Hospital ER to another ER. He expressed concern about long wait times at Fairview as a result of Lakewood Hospital's closure.

Councilmember O'Leary responded highlighting that over the past few weeks the region's major hospital systems reached an agreement with respect to transport protocols. ERs will not be put on deferred status and will not refuse patients coming in.

Councilmember Madigan made laudatory remarks about Lakewood Fire/EMS.

Coletta Graham – 1286 Chase Ave

Mrs. Graham spoke in opposition to the closure of Lakewood Hospital. She read a letter that she received from Cleveland Clinic soliciting her for a donation.

Councilmember Madigan thanked Mrs. Graham for the back and forth that she inspires.

Tim Collingwood – 1259 Cranford

Mr. Collingwood spoke in opposition to the ordinance and the closure of the hospital.

Dean Dilzell – 1276 French Ave

Mr. Dilzell spoke in opposition to the ordinance and the closure of the hospital. He charged that the deal is all about the money.

Councilmember Madigan corrected Mr. Dilzell's reference to one of the city's attorney's as a "young lady."

Tom Wagner – 1483 Lewis

Mr. Wagner remarked that the debate and election have made it clear in which direction the City must move on the hospital. He expressed support for approval of the new master agreement.

Jack Curtis – 1584 Onondaga

Mr. Curtis spoke in opposition to the closure of Lakewood Hospital.

Kevin Young – 1598 Elbur Ave

Mr. Young spoke in opposition to the closure of Lakewood Hospital. He remarked on changing demographic trends that will make a hospital more important for the millennial generation.

Councilmember Madigan expressed appreciation for Mr. Young's use of the phrase "pivot from the past" and stated that the new master agreement will do this.

Councilmember Bullock identified with Mr. Young's description of demographics and sprawl. He addressed public comment charging that Council has not followed up with viable hospital providers. He stated the Surgical Development Partners did not make a concrete proposal and that some of the public automatically assumes that any alternative proposal would be superior. He rejected this idea. He asked the public to redefine success of medical care in the community.

Brian Essi – 15306 Edgewater

Mr. Essi spoke in opposition to the closure of Lakewood Hospital. He provided documents that were distributed to Council. He discussed alternative scenarios.

Judy Gillespie – 23003 Chandler's Lane, Olmsted Falls

Ms. Gillespie spoke in opposition to the new master agreement. She read the oath of office and suggested that members were not living up to their oaths.

Councilmember Bullock remarked that it would be a violation of the oath of office to allow all health care to leave the city and to allow employees to be thrown into doubt and expose taxpayers to risk.

Pam Wetula – 11813 Clifton

Ms. Wetula spoke in opposition to the new master agreement and the closure of Lakewood Hospital.

Bill Call - 14713 Lake Ave

Mr. Call spoke in opposition to the new master agreement and the closure of Lakewood Hospital. He urged Council to reject the deal because Cleveland Clinic can't be trusted.

Councilmember Madigan stated that Council has acted honestly.

Marguerite O'Donnell – 1535 Wayne Ave

Ms. O'Donnell spoke in opposition to the new master agreement and the closure of Lakewood Hospital.

Councilmember O'Leary remarked on the non-compete clause and clarified that the proposal doesn't constrict any entities from providing health care and deals exclusively with the site adjacent to the new family health center.

Sandra Welder – 14306 Detroit

Ms. Welder spoke in opposition to the new master agreement and the closure of Lakewood Hospital.

Douglas Fisher – 2234 Olive Ave

Mr. Fisher spoke in opposition to the new master agreement and the closure of Lakewood Hospital. He asked Council to find a means to preserve Lakewood Hospital.

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

Motion adopted. All members voting yea.

Meeting adjourned 9:39 PM.