

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 8, 2015
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by President Madigan.

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

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Representative, Fire Representative, Human Services Director Gelsomino, Planning & Development Director Siley, Approximately 35 members of the public, members of the media.

Motion by Ms. Madigan, seconded by Mr. Bullock, to excuse the absence of Mr. Nowlin.
Motion adopted. All members present voting yea.

Reading and Disposal of the minutes of the Regular Meeting of Council held July 20, 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 present voting yea.

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

1. Committee of the Whole Report. Ms. Madigan; Chair (To Be Provided)

Ms. Madigan submitted the following oral report:

Committee of the Whole met this evening for a short time to do an agenda review as well as a discussion, a presentation really, from Director Siley. Committee of the Whole has the Director of Development, Dru Siley or the Director of Public Works, Joe Beno, come in regularly to update us on projects and allow us to ask questions. So, we heard an update from Director Siley. That concludes the Committee of the Whole report.

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

2. **ORDINANCE NO. 26-15** – 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, authorizing the transfer and advance of

certain funds. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/8/15)(Pg. 5)

Motion by Ms. Madigan, seconded by Mr. Anderson, to place Ordinance No. 26-15 on Second Reading.

Motion adopted. All members present voting yea.

3. Communication from Planning & Development Director Siley regarding Zoning Code – Modifications to Building Height and side yard setback requirements. (Pg.7)

Motion by Ms. Madigan, seconded by Mr. Anderson, to receive, file and refer the communication to the Housing Committee.

Motion adopted. All members present voting yea.

4. **ORDINANCE NO. 15-15** – AN ORDINANCE amending “Section 1121.07, Minimum Yard Requirements for Principal Buildings 1123.07, Minimum Yard Requirements for principal buildings, and 1127.07 Minimum Yard Requirements for Principal buildings OF the Codified Ordinances of the City of Lakewood to adjust the necessary variance required for air conditioning units located in a side yard. (**PLEASE SUBSTITUTE FOR ORDINANCE NO. 15-15 PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 3/16/15, 2ND READING 4/6/2015, (Pg.8)**)

Motion by Ms. Madigan, seconded by Mr. Bullock, to refer Ordinance 15-15 to the Housing Committee.

Motion adopted. All members present voting yea.

5. **ORDINANCE NO. 16-15** – AN ORDINANCE to amend Section 1103.02 Definitions, and 1133.07, Measurement of building Height, of the Codified Ordinances of the City of Lakewood to further define roof height within the code. (**PLEASE SUBSTITUTE FOR ORDINANCE NO. 15-15 PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 3/16/15, 2ND READING 4/6/2015, (Pg. 11)**)

Motion by Ms. Madigan, seconded by Mr. Bullock, to refer Ordinance 16-15 to the Housing Committee.

Motion adopted. All members present voting yea.

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

6. Communication from Councilmembers Bullock, Madigan and O’Leary regarding Resolution authorizing the Director of Law to enter into negotiations with the Cleveland Clinic Foundation, Lakewood Hospital Association and Lakewood Hospital Foundation regarding Lakewood Hospital and future healthcare delivery in Lakewood. (Pg.14)

Councilmember Marx asked her name be added to the communication.

Public Comment

Julie Hogan – 2063 Mars Ave

Ms. Hogan spoke in support of the family health center proposal. She expressed excitement about the potential wellness foundation. She provided background information on the foundation as proposed in the letter of intent. She spoke about the meaningful change that other local philanthropic foundations have brought to the region. She provided examples of the types of services that and programs that a Lakewood foundation could support. She stated that foundations bring people together and that she wants this for Lakewood.

Jay Carson of North Coast Health

Mr. Carson spoke as a Board member on behalf of North Coast Health. He described the work of North Coast Health, providing primary health services to the underserved. He stated that North Coast wishes that Lakewood Hospital could continue to operate as a full service hospital. However, he acknowledged that the shift toward population health makes the former model of care unsustainable. Early in the discussions about the hospital, North Coast's Director expressed support for the family health center proposal. Mr. Carson is expressing on behalf of the Director and the Board the organization's amplified support for the proposal outlined in the letter of intent. He remarked that North Coast is concerned about the impact of healthcare changes on the poor and does not see any adverse impact from the proposal. He stated that a 24-hour emergency department would be a tremendous benefit to the community.

Patricia Russell – 2100 Arthur

Mrs. Russell asked why Council is proposing to negotiate with Cleveland Clinic prior to hearing from the citizens. She referenced the charter amendment which Council unanimously approved.

President Madigan responded. She explained that council approved the charter amendment to go on the November 5th ballot in order to uphold the charter. Tonight's resolution allows the attorneys to enter negotiations.

Director Butler provided an explanation of the ballot question and tonight's resolution. Tonight's resolution allows for conversations to take place and does not authorize any agreement or binding documents.

Councilmember Juris clarified that the charter amendment does not turn the decision about the hospital over to the community. He stated that the charter amendment will have no effect unless council takes action first to close the hospital. The Charter amendment would be a referendum, a response to Council action.

Brian Essi – 15306 Edgewater

Mr. Essi expressed concerns about the poor population of the community. He stated that Lakewood Hospital has cut its charity care by half this year. He expressed concerns about accountability and referred to a decanting plan. He stated that it was a lie that ODH pulled the cardiac catheterization unit from the hospital. He said that the truth was that Cleveland Clinic surrendered the license. He stated that it was a lie that confusion by EMS prevented cases from

coming to Lakewood Hospital. He stated that losses occurred because of these lies. He asked Council to account for this during negotiations. He expressed concern about delays in care by not investing in Lakewood Hospital. He urged that negotiations take into consideration damages that have occurred.

Councilmember Bullock replied that Mr. Essi's use of the term lies is irresponsible and inflammatory. He expressed strong disagreement with Mr. Essi's rendering of the facts.

Marguerite Harkness – 1585 Riverside Drive

Ms. Harkness supported Mr. Essi's statement that the cardiac catheterization unit was voluntarily removed from the hospital. She asked if the resolution required three readings. She asked for more information on the negotiations mentioned in the resolution. She questioned the timing of the resolution. She requested a list of dates, times, and minutes of all meetings in which the Lakewood Hospital issue was deliberated upon, including executive session. She expressed concerns that the public was not properly advised. She criticized the use of executive session, stating that it excluded the public. She requested to receive an email including dates, times, and minutes for every meeting where hospital issue was discussed or deliberated.

President Madigan responded. She explained that no minutes are taken during executive session. She remarked that all meetings were noticed in advance and that discussion during executive session is limited to the topic noticed. She remarked that the resolution allows for negotiations to begin. The ideas from the Letter of Intent will be the starting point plus the contributions of presenters and the public during meetings. She assured Ms. Harkness that the public will receive updates on the topics and progress of negotiations. Law Director Butler and Thompson Hine will conduct the negotiations.

Councilmember Bullock responded to the claim that the Cleveland Clinic voluntarily removed the cardiac catheterization unit from the hospital. He explained that ODH determined that the Hospital's unit was not up to standards. It presented options to Cleveland Clinic and they determined that the most feasible option was to close the unit

Dr. Carl Cully – 17415 Edgewater

Dr. Cully conveyed the concerns about hospital employees. He stated that employees feel anxious about their jobs and are looking for a resolution to the deliberations. He supports negotiations to get the ball rolling toward a decision. He encouraged a speedy conclusion.

Councilmember O'Leary stressed that it is primarily the job of LHA and CCF to allay the concerns of hospital employees. He stated that Council has not been delaying and that it has undertaken an incredible amount of due diligence. He outlined the different roles of LHA and Council related to the hospital issue.

Councilmember Marx took offense to the suggestion that Council is unconcerned about hospital employees. She pointed out that LHA took two years to come to make a recommendation about the hospital. She remarked on the magnitude of the decision. She asked him to please communicate Council's concerns for the employees' employment.

Leo Wetula – 11813 Clifton Blvd

Mr. Wetula stated that Lakewood Hospital employees represent 14% of the City workforce. He stated that Lakewood Hospital already has a foundation. He questioned why a new hospital is being built in Avon at the same time that Lakewood Hospital is planning to close.

Councilmember Bullock made remarks. He stated that the question of hospital placement is best addressed to Cleveland Clinic.

Director Pae clarified that Mr. Wetula's figures of hospital employees is based on the total number of withholdings including employees who began and ended jobs at the hospital during the year.

Pam Wetula – 11813 Clifton Blvd

Mrs. Wetula questioned Director Butler's expertise negotiating in this area. She asked why Council is not negotiating with other hospital systems. She remarked that \$34 million spread over 16 years will not solve the problems of the poor and that laying off 14% of the City's workforce will exacerbate poverty. She expanded on the idea of the hospital as the City's economic anchor. She stated that she does not believe that records of executive sessions are not maintained.

Dr. Kilroy – 15431 Edgewater Dr.

Dr. Kilroy asked for an explanation of Director Butler's position going into negotiations. He asked a number of questions about Council's position related to specific hospital-related matters such as the value of properties and assets, distribution of assets, services to be provided. He asked for deliberations to be transparent.

Council Discussion –

Councilmember Anderson explained his intention to support the resolution. He stated that it is time to allow the team to initiate the negotiating process. He clarified that Council cannot vote on anything in executive session and that no formal decisions can be made in executive session.

Councilmember O'Leary echoed Mr. Anderson's comments about this being a starting point. He expressed his commitment to transparency in the process.

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

Motion adopted. All members present voting yea.

7. **RESOLUTION NO. 8817-15** - A RESOLUTION authorizing the Director of Law to enter into negotiations with the Cleveland Clinic Foundation, Lakewood Hospital Association and Lakewood Hospital Foundation regarding Lakewood Hospital and future healthcare delivery in Lakewood. (Pg.15)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution 8817-15.

Motion adopted. All members present voting yea.

8. Communication from Council President Madigan and Mayor Summers regarding Youth Opportunities Unlimited Summer Youth Employment Program. (Pg.16)

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

9. **RESOLUTION NO. 8818-15** - A RESOLUTION commending the efforts of Youth Opportunities Unlimited (Y.O.U.) for its important work connecting Lakewood teens with Lakewood employers, providing a mutually beneficial arrangement whereby teens acquire job skills and employers enjoy access to an energized workforce. (Pg.17)

Craig Dorn of Youth Opportunities Unlimited thanked the Nord Family Foundation for its \$50,000 contribution which allowed Y.O.U. to triple the number of Lakewood participants in the summer youth jobs program this summer. He thanked Mayor Summers for support. He recognized a member of the Nord Family Foundation in the audience. He introduced John Duncan, manager of Burger King on Detroit Ave. which participated in the program. He expressed appreciation to Burger King for participating and noted that Burger King offered a job to its student participant.

10. Communication Re: Donation Boxes

Councilmember Bullock expressed support for the initiative to regulate donation boxes. He stated that residents frequently complain about these boxes being in poor condition. He remarked that maintenance and accountability is lacking.

Motion by Ms. Madigan, seconded by Mr. O'Leary, to adopt Resolution 8818-15.
Motion adopted. All members present voting yea.

10. Communication from Councilmember Marx regarding Clothing Donation Boxes. (Pg.18)

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

11. **ORDINANCE NO. 27-15**– AN ORDINANCE enacting Chapter 721, Donation Boxes, of the Codified Ordinances of the City of Lakewood, and establishing related fees. (Pg.19)

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

12. Communication from Councilmember Bullock and Mayor Summers regarding supporting grant application to examine cost saving opportunities for fleet vehicle alternative fuel use. (Pg.22)

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

Motion adopted. All members present voting yea.

13. **RESOLUTION NO. 8819-15** – A RESOLUTION supporting the submittal of a grant application to the local government innovation fund by the City of Lakewood in order to fund a feasibility study to examine cost saving opportunities from fleet vehicle alternative fuel use. (Pg. 23)

Motion by Ms. Madigan, seconded by Mr. Anderson, to adopt Resolution 8819-15.

Motion adopted. All members present voting yea.

14. Communication from Mayor Summers regarding Acceptance of 2014 Auditor of State Award with Distinction. (Pg. 24)

Communication – Auditor of State

President Madigan thanked the Finance Department and the Audit Committee for their work to earn this award.

Rebecca Widowski, Northeast Regional Liaison to the Ohio Auditor of State presented the award to Finance Director Pae.

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

Motion adopted. All members present voting yea.

15. Communication from Mayor Summers regarding Youth Opportunities Unlimited Program. (Pg.25)

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

Motion adopted. All members present voting yea.

16. Communication from Mayor Summers regarding National Alzheimer's Disease Awareness Month. (Pg. 26)

Barry Wemyss, Volunteer Supervisor with Division of Aging recognized Bob Becker and Luann Bole-Becker for their community service delivering meals to homebound seniors. He conveyed the Division of Aging's support and solidarity for Mr. Becker and his fight against Alzheimer's disease. He provided statistics on the disease. He described the efforts of seniors and staff to raise funds for Alzheimer's research. He thanked Council and the Mayor for the resolution.

Luann Bole-Becker & Bob Becker - 1914 Maynard Ave

Ms. Bole-Becker described Mr. Becker's career in local radio and TV which included filming City Council meetings. She spoke about Mr. Becker's life and accomplishments. She remarked on the nature of Alzheimer's and the incidence trends. She spoke about the economic threat of Alzheimer's and the lack of preparedness for early onset Alzheimer's.

Motion by Ms. Madigan, seconded by Mr. O'Leary, to receive and file the communication.

Motion adopted. All members present voting yea.

17. **RESOLUTION NO. 8820-15**– A RESOLUTION recognizing the month of November as national Alzheimer’s Disease and Awareness Month. (Pg. 27)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to adopt Resolution 8820-15.
Motion adopted. All members present voting yea.

18. Communication from Mayor Summers regarding County Anti-Poaching Protocol. (Pg.29)

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

19. **RESOLUTION NO. 8821-15** – 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 Mayor to enter into an agreement with the Cuyahoga County Executive renewing Lakewood’s commitment to attract business in a manner comporting with that agreement, and urging the remaining communities in Cuyahoga County to do the same. (Pg. 30)

Motion by Ms. Madigan, seconded by Mr. Anderson, to adopt Resolution 8821-15.
Motion adopted. All members present voting yea.

20. Communication from Public Works Director Beno regarding Ohio Public Works Commission Funding 2015. (Pg. 37)

Councilmember Bullock asked that Council receive periodic updates on these projects.
Motion by Ms. Madigan, seconded by Mr. Bullock, to receive and file the communication.
Motion adopted. All members present voting yea.

21. **RESOLUTION NO. 8822-15** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor of the City of Lakewood to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvements Program, Local Transportation Improvement Program or any other appropriate Ohio Public Works Commission program that these projects qualify for and to execute contracts as required. (Pg.38)

Motion by Ms. Madigan, seconded by Mr. Anderson, to adopt Resolution 882-15.
Motion adopted. All members present voting yea.

22. Communication from Police Chief Malley regarding Revision to Chapter 135.05 Traffic Guards. (Pg. 40)

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

23. **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. (Pg. 41)

Motion by Ms. Madigan, seconded by Mr. Anderson, to place on Istreading and refer Ordinance 28-15 to the Public Safety Committee.

Motion adopted. All members present voting yea.

24. Communication from Planning & Development Director Siley regarding Cuyahoga County US EPA Brownfield Revolving Loan Fund – Hilliard Theater. (Pg. 45)

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

Motion adopted. All members present voting yea.

25. **RESOLUTION NO. 8823-15** - 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, supporting he application of the City of Lakewood to the Cuyahoga county US EPA Brownfield Revolving Loan Fund in the City. (Pg. 46)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution 8823-15.

Motion adopted. All members present voting yea.

Announcements

Councilmember Marx announced the Hen Pilot Project Coop Tour on Sunday 9/20 from 1:00 – 4:00. Maps will be available from 1:00 – 3:00 in front of library. The event is an open house to see the chicken coops of the 11 participating families.

Saturday’s Community Festival at Madison Park was announced as well as the 3rd Annual Craft Wine and Beer Festival.

Public Comment

Hildegard Eberhardt – 2163 Waterbury

Mrs. Eberhardt described a dispute with her neighbor. He has dug up plants on her. Most recently he is storing his City refuse and recycling containers on her property even after she has asked him not to. She is unable to remove them herself. She called the police and they advised the neighbor to remove the containers but the problem continues.

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

Motion adopted. All members present voting yea.

Meeting adjourned 9:29 PM.

Approved: _____

CLERK

PRESIDENT