

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JULY 20, 2015
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:36 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 60 members of the public, members of the media.

Reading and Disposal of the minutes of the Regular Meeting of Council held July 6, 2015. Motion made by Ms. Madigan and seconded by Mr. Nowlin, 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 of 7/20/15 meeting. Ms. Madigan; Chair (To Be Provided)

1. COW Report

Committee of the Whole met this evening at 6:00 p.m. We began with a report from members of Lakewood Hospital Association who came to discuss the most recent financial statement that also contained comparison up to a year ago. In addition Mr. Haber, Mr. Gable, and Mrs. Bryztwa shared with Council patient statistics that took us back a year and also gave us a consolidated summary of financials. The information we received will be put online and available to everyone. For those that did not receive copies of the charts they will be online as well.

We heard news tonight that was not necessarily new but what we heard was that there was an acceleration of loss to the hospital. We heard that Lakewood Hospital Association will be meeting monthly rather than quarterly to address the issues before them. We had questions from Council, a number of questions that were answered as best as any of the LHA representatives could answer them.

We re-committed to going back and reviewing everything we had because we know we have a decision before us and that time means money in this case. Your Council is working hard and we will continue to work and we will get there. I'll remind people that the report from the consultant

the City hired, Huron Consulting, will be before us soon and that will be phases 2, 3, and 4. The first phase of the report which is already online which we reviewed last week has already been shared and many of you may already have seen it.

In addition to the hospital review we moved back down the hall and then got an overview of the Rockport Square proposal, and an updated agreement and an updated resolution which Council reviewed with Director Siley. Questions were asked for City representatives that were there. We received the information and voted to recommend approval to the full Council to move forward with that resolution. That is good news for the east end. The empty space that is on Detroit near the Beach – Hopkins part of Newman – those blank spaces which have been fenced off – will see development. They will see action and movement perhaps as early as this fall. It is really good news for the City and it's been a lot of time. It's been a tenacious series of meetings over many years. Thanks largely to the Department of Development and all the volunteers on ARB and Planning Commission have done to see it through. So that is some good news. In addition, we were going to consider an agreement which we are going to defer and that will be on the agenda tonight and we did an agenda review.

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, DEFERRED 7/6/15) (Pg. 5)

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, DEFERRED 7/6/15) (Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Anderson, to substitute Resolution 8809-15.
Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Leary
Nays; None
Motion adopted. Resolution substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8809-15 as substituted.

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

Nays; None

Motion adopted. Resolution substituted.

4. Finance Committee Report regarding Resolutions 8811-15 & 8812-15. (To Be Provided)
- Mr. Nowlin; Chair.

4. Finance Committee Report

Tonight the Finance Committee met. Present were Councilmember Bullock and myself. We were later joined by Councilmembers Juris, Madigan, O'Leary and Finance Director Pae. Two resolutions we considered tonight were fairly routine items that are regularly brought before us.

Resolution 8811-15 requests that the County Fiscal Officer to advance to the City certain taxes and assessments that we would otherwise have to wait for until a later time prescribed by law. Advances help us with cash flow and it is something we have to annually request the Fiscal Officer to do. That was recommended for adoption by full Council without opposition.

Next we discussed Resolution 8812-15. This directs the Budget Commission of the County to accept the property tax rates as we submit them to the Budget Commission. The rates are set by law and indicate the amount of taxes to be levied by the City. This was also recommended for adoption by the full Council without opposition.

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

Motion adopted. All members voting yea.

5. **RESOLUTION NO. 8811-15** – 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, requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real; personal property; estate taxes and special assessments collected in the year 2016 in such amounts as may be requested and available. (REFERRED TO THE FINANCE COMMITTEE 6/15/15) (Pg. 11)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Resolution 8811-15.

Motion adopted. all members voting yea.

6. **RESOLUTION NO. 8812-15** – 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, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. (REFERRED TO THE FINANCE COMMITTEE 6/15/15) (Pg. 13)

Motion by Mr. Nowlin, seconded by Mr. O'Leary, to adopt Resolution 8812-15.
Motion adopted. All members voting yea.

7. Public Works Committee Report regarding Resolution No. 8806-15 (To Be Provided).
Mr. Juris; Chair.

7. PW Committee

Public Works met tonight at 5:45 p.m. present were all members of the Committee as well as Councilmembers Madigan, Marx, and Nowlin. Also with us were Director Beno, Engineer Papke, and Director Pae. Tonight we had our third hearing regarding resolution 8806-15 which is a resolution which would approve a submerged lands lease at 12550 Lake Ave. Before the Public Works Committee were two questions – whether or not there were any other current projects that would be in conflict with this proposal and whether or not there were any other plans for future projects, which would be a conflict. After some discussion and due deliberation we determined that both those answers were “no” and therefore that we could approve the resolution approving the submerged land lease. The Committee eventually recommended full adoption and voted unanimously in support of that. Move to receive and file.

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

8. **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, DEFERRED 7/6/15) (Pg. 15)

Dr. Gabriela Kaplan – 12700 Lake Ave

Dr. Kaplan voiced objection to Resolution 8806-15, stating that the condo association’s bylaws do not grant power to the board to request the permit. She explained why she believes that the condo board obtained the permit illegally. She remarked on the value of the great lakes and discussed the threats to them. She blamed sea walls and revetments for causing harm to lake environments and explained why. She listed states that have strict regulation on approval of sea wall permits. She called for action to preserve lakes, marshes, wetlands and shores.

Motion by Mr. Juris, seconded by Ms. Madigan, to adopt Resolution 8806-15.
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, REPORTED OUT ON, PLACED ON 2ND READING, RECOMMENDED FOR ADOPTION 7/6/15) (Pg. 18)

Motion by Mr. Anderson, seconded by Ms. Madigan, to adopt Ordinance 25-15.
Motion adopted. All members voting yea.

****NEW BUSINESS****

10. Communication from Councilmember Anderson regarding appointment of Jerry Gubani to Clean Water Integrated Planning Task Force. (Pg. 20)

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

11. Communication from Councilmembers Anderson, Marx, O'Leary, and Bullock regarding Clifton Road Extension. (Pg. 21)

Communication re: Clifton Road Ext.

There was discussion among Councilmembers Madigan, Bullock, Juris, and Anderson over the most appropriate committee to which the communication should be referred.

Mayor Summers provided an update on the Clifton Road Extension project, process, timeline and funding.

It was clarified that Director Siley will be working on cost estimates to inform Council's future budget deliberations.

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

Motion adopted. Six members voting yea.

Mr. Bullock voting nay.

12. Communication from Mayor Summers regarding 2015 Grand Marshal of the 4th of July Parade (Pg. 23)

Mayor Summers presented the awardees with plaques

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

Motion adopted. All members voting yea.

13. **RESOLUTION NO. 8815-15** – A RESOLUTION thanking Lakewood Catholic Academy for participating as the 2015 Grand Marshal in the City of Lakewood 4th of July Parade (Pg. 24)

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

14. Communication from Mayor Summers regarding revision to the Clean Water Integrated Planning Task Force (Pg. 25)

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

15. **RESOLUTION 8803-15A** – A RESOLUTION to amend Resolution 8803-15, adopted June 1, 2015, increasing the number of members and to appoint members to the Clean Water Integrated Planning Task Force (Pg. 26)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to adopt Resolution 8803-15A.
Motion adopted. All members voting yea.

16. Communication from Finance Director Pae regarding 2015 Third Quarter Transfers (Pg. 29)

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

17. **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. (Pg. 30)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance NO. 26-15 on 1st Reading and refer it to the Finance Committee.
Motion adopted. All members voting yea.

18. Communication from Public Works Director Beno regarding a 20 year zero interest loan in the amount of \$676,500 from the Ohio Public Works Commission to partially fund the 2016 Watermain Project (Pg. 32)

President Madigan asked Director Beno to explain how it is that Council just became aware of the project. She asked for an explanation of costs to the City.

Director Beno replied that the City had applied for a loan from Ohio Public Works Commission for this project and that its application was initially rejected. Subsequently, the City decided to move forward by fully funding the project. Design has already been started. Recently OPWC contacted the City to let them know that funds have become available. The loan is planned to come from the water fund and covers half of the project amount.

In response to Council questions Director Pae explained the nature of the loan stating that the City would make repayment twice a year. It is a 20 year no-interest loan. She explained that receiving such a loan helps with cash flow. The funds cannot be used for any other purpose. She remarked on the process of partnering with OPWC. Before word of the loan, \$1.2 million was budgeted to come out of the water fund in 2016. Council had not yet appropriated the funds because it was for 2016.

In response to Council questions, Director Pae explained that this loan does not count against the City's debt capacity because it is enterprise based and does not go through a bond-rated process. It is a type of debt that is exempted from overall general obligation debt calculations.

Councilmember Anderson remarked on the merits of borrowing to fund this project.

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

Motion adopted. All members voting yea.

19. **RESOLUTION NO. 8816-15** – 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 Director of Public Works to enter into an agreement for a loan with the Ohio Public Works Commission for the 2016 Watermain Replacement Project in the amount of \$676,500. (Pg. 33)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8816-15.

Motion adopted. All members voting yea.

20. Liquor Permit Application for D1, D2, D3 and D6 Transfers to Voyage Cider House; 12401 Madison Avenue. (Pg. 57)

Motion by Mr. Bullock, seconded by Ms. Madigan to this liquor permit.

Motion adopted. All members voting yea.

PUBLIC COMMENT

Ellen Bryztwa - 1025 Nicholson Ave (Council-appointed LHA trustee)

Ms. Bryztwa described her work as a volunteer member of LHA. She urged Council to accept LHA's recommendation and to pursue the Cleveland Clinic proposal. She explained why she feels this way. She remarked on the national need to transform how we look at healthcare and how we receive healthcare. She described trends outlined by the Robert Wood Johnson Foundation about the future of healthcare as less about acute inpatient and more about prevention. She recommended a book, *The Patient Will See You Now*. She described the book and the author.

Dean Dilzell – 1276 French

Mr. Dilzell read a letter written by an employee of Lakewood Hospital. The letter expressed concerns about future employment should Lakewood Hospital close. The letter commented that Cleveland Clinic is not following through on their commitment to Lakewood Hospital employees. The employee expressed concern that the jobs offered to displaced employees will be lower paying, without benefits, and/or not in their chosen field.

Mr. Dilzell raised questions about the management of finances at the hospital.

Trudy Hutchinson - 2091 Lincoln

Ms. Hutchinson asked questions about how the hospital proposal will impact the community's less fortunate population. She asked for consideration of those who live in poverty, those who take public transportation, those without access to technology, those without language proficiency and those without family care options.

Bill Call - 14713 Lake Ave

Mr. Call questioned the closure of Lakewood Hospital in relation to Cleveland Clinic's investments in other communities. He suggested that Cleveland Clinic will close Lakewood Hospital regardless of Council action or inaction. He accused Cleveland Clinic of breaking promises. He asked Council to not take action before the election.

Constance Mansell – 18127 W. Clifton Rd.

Ms. Mansell spoke about the Clifton Road Extension project. She asked that the City hold off on striping the road or that it stripe to reflect the recommendations of NOACA and ODOT.

Laura Little - 18105 Clifton Rd.

Ms. Little remarked on the Clifton Road Extension project. She stated that eliminating lanes will create an inviting and safe road for pedestrians, cyclists, and drivers. She observed that during road repaving, when traffic was restricted to one lane in each direction that delays were not significant.

Crystal Smith - 13223 Hazelwood

Ms. Smith has owned her home on Hazelwood since 2007. Despite enjoying a positive community atmosphere on the road, her and her neighbors have been impacted by crime. She discussed the cases that have impacted her neighbors including a police chase through her yard, overdoses at nearby apartment buildings, robberies, break-ins, speeding. She asked how residents can be more effective in remediating these issues. She inquired about the nuisance law and how it can be used to help.

Chief Malley responded. He acknowledged that the street experiences a disproportionately high amount of crime this year. He stated that detectives are working on the recent burglaries. He noted that problem buildings are in the nuisance process.

Holly Rushton – 13300 Hazelwood Ave.

Ms. Hustin is a Block Watch Captain on Hazelwood Ave. and spoke about the problem of crime on the street. She suggested increased night patrols and cameras as solutions. She stated that neighbors are considering moving out of the area because of the situation.

Coletta Graham 1286 Chase Ave.

Mrs. Graham spoke about her granddaughter who was recently injured playing soccer. She expressed disappointment that there was no trauma unit at Lakewood Hospital to care for her. She spoke about neighbors who contracted infections while patients at Lakewood Hospital. She questioned the cleanliness of the facility and asked about inspections.

Christine Adams - 1086 Forest Cliff

Ms. Adams is a Cleveland Clinic nurse. She remarked on the trend of treating patients on an outpatient basis and commented on the health and safety advantages of doing so. She spoke about the rapid technological and pharmaceutical advances related to treating blood clots. Whereas this condition used to require a five day hospital stay, it is now being treated on an outpatient basis. She encouraged the community to embrace changes in healthcare and explained why she feels this way. She warned against squandering the opportunity to have a facility in Lakewood.

Chief Gilman made a point of order that pediatric trauma cases would always go to Metro or UH – not Lakewood Hospital.

Dr. Georgane Vartorella – 14701 Detroit

Ms. Vartorella expressed support for LHA and the Cleveland Clinic proposal. She is an independent medical practitioner. She explained that the great care at Lakewood Hospital and the community caused her to choose to make her career in Lakewood. She recommended looking at the Cleveland Clinic proposal as a new opportunity for Lakewood. She remarked on the changes in healthcare delivery and provided examples of the shift from inpatient to outpatient models. She stated that Lakewood has a unique opportunity for redevelopment that other communities would not have if their local hospitals closed. She asked Council to vote for the proposal.

Tom Monahan - 1487 Waterbury

Mr. Monahan referred to the RFP written by Subsidiary which called for proposals that maintain the operation of an inpatient hospital. He stated that Cleveland Clinic's proposal fails to meet this standard. He stated that two proposals of MetroHealth's were ignored. He questioned the dual roles of leadership at the hospital. He said that Cleveland Clinic is causing losses by transferring services out of the Hospital.

Mayor Summers responded and explained the RFP process.

Dr. Terrance Kilroy - 15431 Edgewater

Dr. Kilroy stated that LHA has a fiduciary responsibility to the people of Lakewood. He criticized the financial rationale for closing the hospital. He criticized the decline of the hospital and suggested management factors. He provided examples of his patients who could be receiving

care at elsewhere when they could be at Lakewood Hospital. He stated that LHA and CCF conspired to rapidly damage the hospital.

Councilmember Bullock asked Dr. Kilroy to share the specifics with him in writing so that he may follow up. He stated that it is irresponsible to suggest a conspiracy and stated that instead it is the responsible thing for LHA to keep Council and the public updated about the hospital's financials on a timely basis. He expressed open-mindedness to working with Save Lakewood Hospital on realistic remedies.

Rachel Vuyancih - 1517 Lincoln

Ms. Vuyancih took offense to a public statement that referred to citizens as impediments. She spoke of the strengths of Lakewood and its volunteers. She expressed dissatisfaction with the way in which the hospital issue is unfolding. She stated that the situation would be contained if taxpayers were incorporated into the decision. She said that Cleveland Clinic has spread itself too thin and has not upheld its promises. She urged Council to make Lakewood Hospital a viable hospital.

Judy Gillespie – 23003 Chandler’s Lane, Olmsted Falls

Ms. Gillespie criticized the Mayor’s letter in the water bill. She stated that decisions about LWH should be made by the residents. She criticized the multiple roles of the LHA members.

President Madigan made remarks about the role of Council and summarized the night’s work.

Councilmember Bullock remarked on the importance of civil discourse and the roles of LHA members.

Councilmember O’Leary shared his perspective on the hospital issue. He stated that it is difficult to see a future in which Lakewood Hospital is sustainable for the community. While he acknowledges the changing health care trends that are making inpatient care less frequent, he suggested that a densely populated destination like Lakewood would be a more appropriate place for a hospital than an ex-urban area.

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

Motion adopted. All members voting yea.

Meeting adjourned 9:47 PM.

Approved: _____

CLERK

PRESIDENT