

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
MAY 18, 2015  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:40PM by President Madigan.

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

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Also Present: Mayor Summers, Law Director Butler, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Director Siley, Human Resources Director Yousefi, Approximately 120 members of the public, members of the media.

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Reading and Disposal of the minutes of the Regular Meeting of Council held May 4, 2015. Motion made by Ms. Madigan and seconded by Mr. Nowlin, to adopt the minutes without the necessity of a reading. Motion adopted. Six members present voting yea. Mr. Bullock abstaining.

{Without objection from Council; item 5 was placed first in the agenda order}

**\*\*\*\*OLD BUSINESS\*\*\*\***

1. Reports regarding Committee of the Whole Meetings on Letter of Intent re: Hospital and Committee of the Whole meeting of 5/18/15 to include Resolution 8803-15. (To Be Provided). Chair; Madigan.

Ms. Madigan submitted the following report:

Committee of the Whole met this evening, Monday May 18th to discuss a portion related to the Letter of Intent. At this meeting were members of Lakewood Hospital Association (LHA) who came to report out on the meeting LHA held on Wednesday. At that meeting they discussed financial losses among other things. Three of the members who were present spoke to Council about the accelerated financial decline and the consequences associated with the staffing at the hospital. That is a brief description. I will have a more thorough write up at some point.

Council then went into exec session to consult with our attorney and members of the staff on the motion that allowed us to discuss the potential purchase of property and/or sale of real estate.

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

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2. **RESOLUTION NO. 8803-15** –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 Clean Water Integrated Planning Task Force for the purpose of assisting in the development of solutions to address Lakewood’s wet-weather management needs through community engagement and to advise municipal officials on transformational improvements that will maximize social, economic and environmental benefits to the city, its residents, businesses and institutions for development of the EPA Integrated Wet Weather Improvement Plan. (REFERRED TO THE COMMITTEE OF THE WHOLE 5/4/15) (Pg. 4)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to defer action on Resolution 8803-15.  
Motion adopted. All members voting yea.

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3. Public Works Committee Report regarding Resolution 8804-15. Chair; Juris (To Be Provided)

Mr. Juris submitted the following report:

Tonight Public Works met to discuss one item, Resolution 8804-15, which would authorize a permanent easement agreement with the Commodore Apartments located at 18915 Detroit Extension. Present were myself and Committee member O’Leary as well as Councilwoman Marx and later joined by Councilmember Anderson, and Director Beno and Director Butler.

The easement would be necessary in order to continue the city’s obligation to EPA under the Integrated Wet Weather Integration program (IWWIP). Essentially this is another piece of the puzzle in addressing our storm sewer overflow issues. It will create a tunnel, a new sewer pipe, to address our sewer conditions. As it happens, it cuts through a small portion of property at the Commodore Club, making the easement necessary. After some discussion of other alternatives and if there are other options, the Committee made a motion to recommend adoption tonight.

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

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4. **RESOLUTION NO. 8804-15** – 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 a permanent access easement agreement with Commodore Club Apartments, LLC, an Ohio limited liability company, governing the rights of the parties relative to a parcel located at 18915 Detroit Extension, Lakewood, Ohio 44107 which grants the City access to the parcel for ongoing maintenance of the underlying water and sanitary lines for a payment of \$6,300. (REFERRED TO THE PUBLIC WORKS COMMITTEE 5/4/15) (Pg. 6)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8804-15.  
Motion adopted. All members voting yea.

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

5. Annual Historic Preservation Awards Presentation (To Be Provided)

**Historic Preservation Awards**

Rick Sicha, Chair of the Lakewood Heritage Advisory Board (LHAB) presented nine awards to Lakewood property owners for their work to respect the architecture, design, and craftsmanship of their buildings.

The following properties were recognized:

- Marjorie Building – 15100-16 Detroit Ave for commercial revitalization
- First Federal of Lakewood - 14806 Detroit Ave for rehabilitation
- 13980 Lake Ave. for sustained maintenance
- 13909 Lake Ave. for sympathetic addition
- 1224 Edwards Ave for new garage construction
- 1446 Mars Ave for rehabilitation
- 17822 Lake Rd. for historic rehabilitation
- 13985 Lake Ave. for historic rehabilitation

Jim Dolce was awarded the Founders Award for his work to set the course of LHAB and twenty years of service on the board.

President Madigan thanked Mr. Dolce for his twenty years of service and inspirational vision. She also thanked the Detroit Shoreway and Lakewood Alive for their partnership to benefit Lakewood.

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6. Communication from Councilmember Nowlin regarding Appointment of William Barmann to the Citizens Advisory Committee. (Pg.10)

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

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7. Communication from Finance Director Pae regarding 2015 2<sup>nd</sup> Quarter Transfers. (Pg.11)

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

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8. **ORDINANCE NO. 20-15** – 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 transfer and advance of certain funds. (Pg. 12)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 20-15 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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9. Communication from Planning & Development Director Siley regarding Sale Ordinance. (Pg. 14)

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

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10. **ORDINANCE NO. 21-15** – 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 and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 2126 Plover Street, 1615 Alameda Avenue, 2147 Dowd Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (Pg. 15)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 21-15 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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11. Communication from Mayor Summers regarding Fiber Network Proposal. (Pg. 17)

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

Motion adopted. All members voting yea.

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12. **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. (Pg. 18)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution 8805-15 to the Committee of the Whole.

Motion adopted. All members voting yea.

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13. Communication from Planning & Development Director Siley regarding Modification to Lakewood's Sign Ordinance (Chapter 1329). (Pg. 21)

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

Motion adopted. All members voting yea.

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14. **ORDINANCE NO. 22-15** – AN ORDINANCE to amend various sections within Chapter 1129, Signs, of the Codified Ordinances of the City of Lakewood in order to update the code. (Pg. 22)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 22-15 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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15. Communication from Law Director Butler regarding submerged lands lease, 12550 Lake Avenue. (Pg. 28)

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

Motion adopted. All members voting yea.

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16. **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. (Pg. 29)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution No. 8806-15 to the Public Works Committee.

Motion adopted. All members voting yea.

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Announcements:

Maureen Bach, Legislative Liaison provided the following update on the County Board of Health Creating Healthy Communities Grant:

Members of Council,

On May 12th Director Gelsomino and I participated in a stakeholder engagement meeting as part of the Creating Healthy Communities grant.

To refresh your memory, the County BOH applied for the CHC grant with support from the city in fall 2014 and received notice of the grant award in November. The grant will support five years of program activities in Lakewood. The four components of the grant are to:

- Complete a community assessment
- Explore shared space/ open use agreements
- Implement the Ohio Healthy Program at child care centers
- Implement a Tobacco Free Campus Policy at one worksite

Most of the meeting focused on discussing the first component – community assessment. The grant staff need to identify 3 schools, 3 worksites, and 3 community organizations or institutions to guide through the assessment process.

Participating organizations will use the results of the assessment as a basis for making changes for which grant funds may help to implement. A re-assessment will be completed at the end of five years to track progress.

There are a number of ways in which Council can be involved. You could:

- work with the Mayor to volunteer City Hall as a worksite to be assessed
- work with the Mayor to have at least one City worksite implement a Tobacco Free campus policy
- Help grant staff identify other worksites and community organizations to complete the assessment process

If you have any further questions about the meeting or the grant I can put you in touch with the grant staff. They have also made themselves available to attend a meeting.

Councilmember Marx announced the Memorial Day parade in Rocky River and invited everyone to attend.

President Madigan announced the Birdtown church walk on June 14th.

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## Public Comment

Thomas Monahan – 1487 Waterbury

Mr. Monahan presented petitions opposing the Letter of Intent (LOI) on behalf of the Committee to Save Lakewood Hospital. He spoke about the activities of the Committee. Some of the activities he mentioned included research, scrutiny of the LOI, tour of another wellness center, and public records requests, among other things. He remarked on the decline of patient volume at Lakewood Hospital and stated that it is due to a breach of contract by a systematic reduction of services. He stated that the Clinic has participated in unlawful restraint on trade. He asked Council to put LHA and the Clinic on notice that they are in breach of their lease and to initiate a legal process of default. He asked that Council demand LHA restore services to the level under terms of the lease. He asked Council to seek proposals from other providers that may be interested in operating the hospital. He criticized the original RFP process, stating that the Clinic received preferential treatment. He asked for reforms in the governance of LHA.

Donna Kolis - 17983Lake Rd.

Ms. Kolis questioned the assumption that Lakewood doesn't need a hospital with beds. She stated that MetroHealth has a proposal to keep Lakewood Hospital a full-service hospital. She referenced a preliminary letter from MetroHealth regarding a hospital proposal. She praised the Metro model and its ability to deliver top care and break even. She remarked that the decision is being forced on the community by outsiders. She indicated there was a public characterization of the way in which the MetroHealth proposal was handled and that she did not agree with it and indicated that MetroHealth is willing to step into the shoes of the Cleveland Clinic.

Ryan Essi – 15306 Edgewater

Mr. Essi stated that the damages to Lakewood Hospital are self-inflicted by LHA and the Clinic. He stated that the public discourse about the hospital assumes that it will close which creates unfair pressure on Council. He asked Council to have the trustees stop pressuring Council to close the hospital. He questioned why the Clinic and Metro proposals both contained information about building a recreation center. He urged Council to reject the LOI and to instruct LHA and the Clinic to retract the LOI and stop the damage to the hospital. He stated that discussion about a rec center should be open to the public.

Dean Dilzell – 1276 French

Mr. Dilzell argued that the Clinic was intentionally making Lakewood Hospital fail. He pointed out the discrepancy between its ranking and the top ranking of the main campus. He questioned whether the Clinic is invested in our community. He stated that the \$34 million it is offering is less than what it would cost them to carry out the terms of the current lease. He stated that the Clinic has not provided a specific cogent vision for the family health center it is proposing. He questioned whether the community health center benefits the Clinic or Lakewood. He urged Council to reject the LOI.

Edward Graham – 1286 Chase. Mr. Graham spoke as a former Councilman of 12 years. He had previously sent an open letter to Council. He stated that the minimum criteria of the RFP called

for an acute care hospital with inpatient services. He stated that MetroHealth has offered a proposal that provides for a full service hospital. He remarked that the Clinic plan should have been rejected from the start because it does not comply with the RFP's minimum criteria. He pointed out conflicts of interest between Subsidium and Cleveland Clinic. He urged Council to reject the LOI.

Coletta Graham – 1286 Chase

Ms. Graham remarked that the Clinic purposefully stripped the hospital of all revenue making.

She complained that when the City recently flushed the fire hydrants it ruined a load of her laundry. She asked to be compensated for the loss. She stated that public notices used to be provided.

She complained about potholes on Chase Ave.

Ginger Coughlin - 2021 Wascana

Ms. Coughlin lives a few doors down from Angelos Pizza. She expressed concern about traffic on her street worsening as a result of the Madison Ave repaving. She asked if something can be done.

Councilmember Bullock indicated he wanted to acknowledge the devotion of time and energy the members of Keep Lakewood Hospital have made toward the issue and indicated that Council was addressing the very issues that have been brought to them from the public. He provided an overview as follows:

Since Council received the Letter of Intent that the Council and Administration have been working diligently in good faith and with all deliberate speed to understand and assess the proposed plan and the efforts included 20 meetings of City Council with representatives of Lakewood Hospital Association, Lakewood Hospital Foundation, Cleveland Clinic, Subsidium, Human Services organizations, and other community organizations as well as members of the public present, as well as an analysis of the Definitive Agreement and the lease that are in place today and govern the current hospital operations with the assistance of outside Counsel. The City has also issued an RFP to Healthcare Financial consultants to assist with the review of Subsidium's analysis and other financial; relevant information. Mr. Bullock indicated that it was anticipated that a healthcare financial consultant would be engaged as early as that week and that several colleagues were working on that. He indicated that the questions being raised are being taken seriously; indicating that sometimes Executive Sessions are involved to do an effective job of being representatives not just from a legal sense but a substantive sense.

Mr. Graham asked how many of the meetings referenced were held with MetroHealth and the response was none so far.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn.  
Motion adopted. All members present voting yea.  
Meeting adjourned 9:06 PM.

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

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CLERK

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PRESIDENT