



## CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF MONDAY, JANUARY 4, 2010

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:15 p.m.

Edward Kelley, presiding

Council Members present: Caplan, Evans, Kelley, Montlack, Stephens, Tumeo, Wilcox

Council Members absent: None

Staff present: Carter, Czaga, Downey, Gibbon, Malone, Mannarino, Niermann  
O'Neil, Wagner, Wong

Topic of discussion included general information pertaining to the City Manager's weekly memo.

Committee of the Whole adjourned at 6:54 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:04 p.m.

Edward Kelley, presiding

Mayor Kelley called on Mr. Malone to report the results of the November 3, 2009 election.

Mr. Malone reported, "I would like to report that the result of the election held on November 3, 2009 of which Bonita Caplan, Edward J. Kelley, Cheryl Stephens and Mark Tumeo were elected as Council Members."

Mayor Kelley stated, "Give them a round of applause. Before we begin our Oath of Office I would like to introduce the Young Family, who is here tonight to sing the National Anthem for us. So, would you please rise."

After completion of the singing of the National Anthem, Mayor Kelley continued, "Thank you very, very much. What a nice tone to start the meeting. We are also blessed tonight to have a number of Heights High School students who are here with us tonight, that are here to offer greetings to this Council. Mr. Zucker, are you just starting? Please come to the podium, state your name and address and why you are here tonight and we certainly welcome you and thank you for coming in this storm that we're having."

Eric Brock stated, "Hello, we're here to represent Cleveland Heights-University Heights City School District. We are all Heights High seniors, live in Cleveland Heights."

Lena Console stated, "We're here to congratulate you, Mayor Ed Kelley, on your re-election and congratulate the newly elected council members."

"We thank all of you for your service to this terrific community. I'm Matt Zucker and over the next two months I'll be auditioning for music schools to study cello performance."

"My name is Quinna Charles. Thanks to growing up in Cleveland Heights and attending our public schools along with my hard work I have been accepted and will be attending Hampton University in the fall, studying biology pre-med to become a pediatrician."

Mayor Kelley continued, "Thank you. Thank you for coming tonight. Now what we are all here for is the Oath of Office and we begin with Bonnie Caplan. Bonnie, before you go up do you want you to say who is going to be swearing you in tonight and who is here with you and members of your family, so everybody will know who is with you."

Council Member Caplan stated, "Well, my husband, Arnold Caplan, is going to be swearing me in and with us will be our daughter, Rachel Uram, my son and daughter-in-law Tammy and Aaron Caplan and three of my grandchildren Joshua, Andrew and Brian. I can't resist telling you that they were all really instrumental in my campaign. They walked door-to-door with me, including Rachel's baby who couldn't be here tonight and she is home with her daddy. She is only four months old, but everybody went door-to-door and everybody stood at different polls and said, "Vote for my grandma, my mother, my wife," and clearly it worked. So I am very grateful to them and we're going to do this together."

Dr. Caplan stated, "Please raise your right hand and repeat after me."

Council Member Caplan repeated, "I Solemnly Swear That I Will Support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland Heights; and That So Long as I Continue to Hold a Position as Member of Council, I Will Honestly, Faithfully and Impartially Discharge the Duties of That Office to the Best of My Ability."

Mayor Kelley continued, "We're going to move onto Councilman Mark Tumeo. Mark, why don't you tell us who is here tonight to swear you in and who is here in support of you."

Council Member Tumeo stated, "Tonight, I've asked Robert Rivera to swear me in and my husband, Jeff Stark who is here with me. I've asked Robert because he is President of the Stonewall Democrats as well as a good friend and if it weren't for the Stonewall Democrats and their efforts, me and several other openly gay and lesbian officials would not be serving today. And so this is definitely a big thanks to them. Jeff is there with me through this and as anyone knows who serves in elected office, family is important. My in-laws couldn't make it. They are out in Geauga County and they are snowed in."

Mr. Rivera stated, "Please raise your right hand."

Council Member Tumeo repeated, "I, Mark Tumeo, Solemnly Swear That I Will Support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland Heights; and That So Long as I Continue to Hold a Position as Member of Council, I Will Honestly, Faithfully and Impartially Discharge the Duties of That Office to the Best of My Ability."

Mayor Kelley asked for Council Member-Elect Stephens to come forward and tell us who is here with you tonight and who is swearing you in.

Council Member-Elect Stephens stated, "My election was a team support. My dad is a big sports fan and so growing up I was one of those girls who knew how to play baseball, football, soccer, basketball and so this was a team support and so "Team Cheryl" got Cheryl elected. So holding the bible for me this evening, there's not enough bible, but there's enough spirit, will be my father, Michael Montlack, my treasurer, my brother Timothy, and my Aunt Sylvia and William, my oldest godson, Beard. Out in the audience a team of people will stand who helped me get elected by giving me money, giving me encouragement, saying kind words to me and they were a very valid team. So, if Dad and Aunt Sylvia and Tim and Michael and William will walk to the center and everybody else who is "Team Cheryl" stand, that would be great."

Council Member-Elect Stephens added, "And I forgot my Auntie Barbara Smith, too."

As the oath was administered by State Representative Barbara Boyd and she repeated, "I, Cheryl Stephens, Solemnly Swear That I Will Support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland Heights; and That So Long as I Continue to Hold a Position as Member of Council, I Will Honestly, Faithfully and Impartially Discharge the Duties of That Office to the Best of My Ability, so help me God."

Mayor Kelley stated, "It is now my pleasure to be sworn in. My mother Pat Kelley is here. My son Patrick will be holding the bible, my son Sean, my wife Mary Beth will be swearing me in, my daughter Erin, who typed my speech at 5:45 tonight in record time - reading my handwriting was certainly a trip, my son Ryan who probably put up 5 or 600 of my thousand signs during the campaign and my son Eddie who is home on his break from John Carroll University. My sister Susan is here with me tonight also. So it is my turn and I will step up."

As the oath was administered by Council Member Kelley's wife Mary Beth Kelley he repeated, "I, Edward J. Kelley, Solemnly Swear That I Will Support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland Heights; and That So Long as I Continue to Hold a Position as Member of Council, I Will Honestly, Faithfully and Impartially Discharge the Duties of That Office to the Best of My Ability."

Mayor Kelley requested Mr. Malone to call the roll call of all Council Members.

Council Members present: Caplan, Kelley, Montlack, Stephens, Tumeo, Wilcox

Council Members absent: Evans

Mayor Kelley excused the absence of Vice Mayor Evans.

Staff present: Carter, Czaga, Downey, Gibbon, Malone, Mannarino, Niermann  
O'Neil, Wagner, Wong

Mayor Kelley stated, "We now move to the request for nominations for the Office of President of Council/Mayor of Cleveland Heights. Are there any nominations?"

Council Member Wilcox stated, "Thank you, your Honor. It is my pleasure and I do hereby nominate Edward J. Kelley as President of Council and Mayor. This will be for a 7<sup>th</sup> term as Council

President and Mayor. Over the last two years, in particular, Ed has faced the difficulties that the economy and the housing crisis have brought to our city with his typical leadership style. Rather than complain about the situation, we just tackle the issues and work even harder to find solutions. Although Councilman Kelley was recently elected to his 5<sup>th</sup> term on Council, he did not take his election for granted and in fact campaigned as hard as ever and ended up being the highest vote getter by a wide margin. The voters of Cleveland Heights have spoken and I believe Ed has earned another term as Mayor. Ed continues to have an inclusive leadership style and one that is responsive to our residents. His continued service on RTA has led to the design of a new University Circle Rapid Station at the bottom of Cedar Hill, which will hopefully become a reality in the near future. We can expect more regional cooperative efforts with University Circle and other institutions in the years to come with Ed's leadership. No one can doubt that Ed Kelley is committed to Cleveland Heights and its residents. I look forward to working with him to make Cleveland Heights an even greater city in the future."

Mayor Kelley thanked Council Member Wilcox and asked for a second.

Council Member Stephens stated, "I would like to second that nomination. I find that the Mayor is someone that we can depend on, work with and get the job done and those are the categories that I always vote for, so I want to support to continue to support you in that way."

Mayor Kelley thanked Council Member Stephens and asked for any more nominations. Seeing none, Mayor Kelley asked for a motion to close nominations.

So moved by Council Member Wilcox.

Seconded by Council Member Tumeo.

Roll Call: Ayes: Caplan, Kelley, Montlack, Stephens, Tumeo, Wilcox

Nays: None

**Motion passed**

Mayor Kelley called for roll call for President of Council / Mayor.

Roll Call: Ayes: Kelley, Montlack, Stephens, Tumeo, Wilcox, Caplan

Nays: None

**Kelley elected**

Mayor Kelley stated, "Now we'll have the oath of office. It is my pleasure to have Brendan Ring, the owner of Nighttown to swear me in. I can't think of a better person. Usually this is a role for my father or my brother or one of the many judges I worked for over the years, but I feel that close to you, Brendan, that tonight is a special night for me and I wanted it to be a special night for you also. This time I think my son Ryan will hold the bible for me as he was my head campaign manager."

Mr. Ring had Mayor Kelley repeat the oath of office, "I Solemnly Swear That I Will Support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland Heights; and That So Long as I Continue to Hold a Position as Mayor and President of Council, I Will Honestly, Faithfully and Impartially Discharge the Duties of That Office to the Best of My Ability."

Mayor Kelley continued, "Before we move to the Office of Vice President I just want to recognize a few people here, our State Representative Barbara Boyd is here who swore in Cheryl Stephens.

Let's give her a round of applause. We're blessed to have Cleveland Heights' resident and the Chief Operating Officer of the Cleveland Clinic facility at Huron Road Hospital, Dr. Gus Kious with us tonight. Certainly one of our two favorite County Commissioners, Peter Lawson Jones is with us tonight. Former Cleveland Heights Mayor Alan Rapoport is in the back, another member of "Team Cheryl". Judge Sandra Walker from the City of East Cleveland is here with us tonight. Mayor-Elect, I think you've been on the job for about 2 1/2 days, 3 1/2 days, Gary Norton from the City of East Cleveland. Any other elected officials or wants to be an elected official that I didn't recognize? You never know with this county reform. Did I miss anybody? Now we're going to proceed with the nominations for the Office of Vice President of Council."

Council Member Caplan stated, "It is with a pleasure and an honor that I nominate Phyllis Evans for the office of Vice President/Vice Mayor of City Council of Cleveland Heights. Phyllis has been working for Cleveland Heights for eighteen years, she's been on City Council. She brings a particular point of view. She's calm, but that doesn't mean that she is not passionate. She has strong opinions and she represents a broad spectrum of our community in a most insightful and fair way. She listens to all of the issues. She presents her ideas and then she's resolute in making sure that those ideas come to fruition. She's a good friend. She's loyal to the members of our community. She stands for them wherever the problems are and wherever our strengths are. She's a good friend and so it is my pleasure to nominate Phyllis Evans for Vice Mayor of Cleveland Heights."

Council Member Tumeo stated, "I am honored to be able to second the nomination of Phyllis Evans for Vice Mayor. Four years ago when I was first elected and sat in the position that Cheryl Stephens is now sitting in I had the honor to nominate Phyllis Evans for Vice Mayor. For the past two years she's served in and has been wonderful in that position. It is important to recognize that it's not just a ceremonial post, the Vice Mayor is responsible for leadership when the Mayor is not available and we turn to the Vice Mayor to get a sense of leadership at all times on the committees. Phyllis has been a steady, honest and caring individual serving in that position. She insures that everyone gets a view. She does have her strong views and everyone knows, of course, I don't have strong views and that goes along very well when we get together in our meetings. But, she always, like Ed, ensures that everyone has their say, everyone is heard and everyone is listened to. That's the kind of leadership that this council has looked for. We have [it] in the mayor and we have it in the vice mayor (hopefully to be elected) and I'm very proud to be the individual to second the nomination."

Mayor Kelley asked for any other nominations, seeing none he called for the vote to close nominations.

Moved by Council Member Montlack.

Second by Council Member Caplan.

Roll Call: Ayes: Montlack, Stephens, Tumeo, Wilcox, Caplan, Kelley

Nays: None

**Motion passed**

Mayor Kelley for roll call for Vice President of Council/Vice Mayor.

Roll Call: Ayes: Stephens, Tumeo, Wilcox, Caplan, Kelley, Montlack

Nays: None

**Evans elected**

Mayor Kelley stated, "Phyllis Evans is elected to the Vice President/Vice Mayor of this council. She will be sworn in at a later date, probably by our law director, due to an illness she is dealing with right now.

We now move to Number 13, which is the Committee membership for each standing Committee of Council. It is my pleasure to announce the following:

**Administrative Services Committee of Council**

Cheryl Stephens, Chair  
Bonnie Caplan, Vice Chair  
Phyllis Evans, Member

**Community Relations and Recreation Committee of Council**

Phyllis Evans, Chair  
Cheryl Stephens, Vice Chair  
Mark Tumeo, Member

**Finance Committee of Council**

Mark Tumeo, Chair  
Dennis Wilcox, Vice Chair  
Kenneth Montlack, Member

**Municipal Services Committee of Council**

Bonnie Caplan, Chair  
Kenneth Montlack, Vice Chair  
Dennis Wilcox, Member

**Planning and Development Committee of Council**

Dennis Wilcox, Chair  
Phyllis Evans, Vice Chair  
Cheryl Stephens, Member

**Public Safety and Health Committee of Council**

Kenneth Montlack, Chair  
Mark Tumeo, Vice Chair  
Bonnie Caplan, Member

We now move to approval of the minutes of the Regular Council Meeting held Monday, December 21, 2009 (Number 14 for those of you who are following on the agenda). Seeing no changes I will sign the minutes of the December 21, 2009 Council meeting and the ordinances and resolutions passed at that meeting.

We now move to Council Members comments, but before that I do want to recognize Cleveland Heights resident Harriet Applegate, Secretary of AFL/CIO who is with us here tonight. Please stand and be recognized. Welcome.

Now it is usually time for Council Member comments, but Barbara Boyd, our State Representative who served on this council and left us as the Mayor of this Council a few years ago, I am going to ask you to come to the podium and she has some comments for us and then we'll get into the Council comments and then we'll have a break for some cake and cookies downstairs."

State Representative Boyd stated, "Good evening. As I stand here this evening and I look at some of my former colleagues, *The Ken and Barbie Show*, that was Ken Montlack and my theme when we ran for council. He was Ken and I was Barbie, a little trumped up - nevertheless we did a good job. As your State Representative, I stand here tonight saying to you and asking you to understand that I understand what Council is going to be going through in the next coming four years. It is going to be difficult [in the] days ahead and I'm not a doomsayer. We will work it through, but with all the issues that we're being confronted with at the state level it has to trickle down to the municipal level. You have a wonderful governor who has been working and working the House. I'm in the majority and I'm so pleased to be there - in the majority and I chair the Health Committee as well as sitting on various other committees. I say to you as you stand and you sit here today, as you congratulate them, you're going to be needed for the next two to four years because we are going to have those difficulties. I know that as we're also congratulatory, be sure to let them know when they need an opinion, because when my friend Cheryl Stephens came to me and asked me about running for Council and I said, "Are you sure you really want to do it?" I said, "We're talking potholes, leaves, we're talking streets, sewer bills. All the things that you'll get calls on and you will say, 'What am I supposed to do?' Well, you're family now. You have to look at each other like you're family. You have to work together. Work together for resolution, for solving the problems of this very wonderful community that I proudly support and have always been there as a public servant. And that is what you are. You are not a politician, you are a public servant and never forget that. I'm not going to go any further because I know my brother and my friend Commissioner Peter Lawson Jones should have some remarks to present. I've either had to follow him or he follows me. Well it seems like he is going to follow me this evening. But, again, congratulations. You know where I live. You know how to get in touch with me. Everyone knows where I live and how to get in touch with me - as my daughter I hear her laughing - understanding my husband is sitting somewhere over there is also saying the same thing, they know the doorbell, right. Please continue to work with Council. Take all that you can. Give all that you can and we will have a better Cleveland Heights, we will have a better State of Ohio and we will have a better United States of America. Thank you."

Mayor Kelley stated, "Before Commissioner Jones starts speaking, I do want to say hello to Mike Ungar who is the Chair of our Planning Commission and Russell Baron a long-time member of our Planning Commission and a long-time acting judge in Cleveland Heights. Let's give them a warm welcome. Commissioner Jones, please, a lovely Christmas card."

Commissioner Jones replied, "Well, thank you. You received it today?"

Mayor Kelley responded, "Yes, I did."

Commissioner Jones continued, "Actually, we call it a New Year's card since it came a few days after the holiday season. Mr. Mayor, Honorable Members of Council, including one of the newest members, Councilwoman Cheryl Stephens, to the new Mayor of East Cleveland, to my good friend of so many years State Representative Barbara Boyd and to the wonderful Cleveland Heights' residents who are assembled here today. First, Happy New Year.

You know it's not at all serendipitous that you find here today representatives from our local level, our county level, our state level here in Cleveland Heights this evening and it's not serendipitous, because number one we all recognize that Cleveland Heights is one of the sterling communities in all of Cuyahoga County indeed throughout the State of Ohio. So we wanted to be here to show our support to those who lead this extraordinary community moving forward in 2010 in this new decade. The other reason that it's not a mere accident that we should all be here is that we recognize that particularly as we move forward given the fiscal and other challenges that we face cooperative and collaboration

are absolutely essential. Whether it's the City of Cleveland Heights working with the City of East Cleveland to address problems and challenges of mutual interest and mutual concern or whether it's the City of Cleveland Heights working with Cuyahoga County and working with the state government to undertake those challenges, we know that they can only be achieved and the best outcomes for Cleveland Heights' residents and all of us if there is that kind of coalition, intergovernmental coalition, it's absolutely necessary in these times. As you are probably well aware, this will be the last year for Cuyahoga County government as we've known it probably almost 200 years, I would think. But, I can assure you that during the next year and I will let you in on a little secret, I will be serving as the President of the Board of County Commissioners. This won't be made official until next Monday. Many of you, of course, have heard, 'The Last King of Scotland', the movie of Idi Amin, I guess I'm going to be the last President of Cuyahoga County."

Mayor Kelley continued, "Congratulations."

Commissioner Jones continued, "I would like to assure that on the agenda for this next and critical year are three very important things that the county: Number 1, to ensure the passage of the Health and Human Service Levy. This May, we know the least of these our brothers and sister, an quite frankly many in middle class and wealthy and affluent residents in this county depend on that Health and Human Service Levy, so we will all be coming together as a team, hopefully as effectively as "Team Cheryl" to make sure that the Health and Human Service Levy passes. We will also be doing everything we can to ensure that before the end of 2010 there is a ground breaking for the Medical Mart Convention Center. That is another pledge of this current board of county commissioners and finally to make sure that the transition to the new form of government occurs seamlessly without any hiccups, without any obstacles, without any hindrances so that we turn over to those who will lead us forward into 2011 and beyond a stable budget and programs that are effective and working. So, we do have a little work to do at the county level and we look forward to collaborating with the fine officials here in Cleveland Heights and with our friends in the state legislature and the state house and our friends throughout the community in making sure that this happens. I want to spot out of one of the truly gifted elected officials in our community [and] also a member of the Ohio General Assembly, representing this community as well, State Senator Shirley Smith.

So, thank you for allowing me, of course, I do whatever my big sister, Barbara Boyd tells me. She said I had to speak. I knew I had to, but I won't tarry any longer because I know that punch and cake await. God bless you all in this new year."

Mayor Kelley stated, "We're going to begin with council member comments. We're going to begin with the dean of this council, Council Member Montlack."

Council Member Montlack stated, "Thank you, your Honor. I'll try and keep the speechifying short. I often say that Cleveland Heights, warts and all, is the promise of America come closest to fulfillment. I think that if each of you look around this room and look at your neighbors you will get some understanding of how it is that between the east coast and the west coast this most diverse community not only survives but prospers because of that strength. Certainly, congratulations are in order to the elected and re-elected members of our City Council; Bonnie Caplan, Ed Kelley, Cheryl Stephens and Mark Tumeo and of course to the re-elected Mayor and Vice Mayor Ed Kelley and Phyllis Evans. As one who more or less has an objective view of those folks and the other council members I can certainly tell you that this is a highly intelligent group. This Council group is also committed to working together. Certainly folks who go through elections and all the other local political efforts need to be folks with big egos, but by and large when we sit together and when we work we put those egos aside and work for the betterment of Cleveland Heights.

The other speakers have well alerted us to the tremendous and I would even say grave challenges facing us. I believe that two great challenges that will continue are our fiscal situation and the absolute need to keep Cleveland Heights safe and secure. If we can stay on top of those two great challenges we will have done quite a job.

Amidst all this and addition to the justified compliments about my Council colleagues I would be remiss if I didn't say that this city has the finest staff that I have ever seen, whether it is the executive staff that sits with us from the City Manager on down and helps us in every way, the folks that are out walking the beat as police officers, the safety forces, our public works' department. You may have seen some of the public work's department out and about over this weekend, day and night and if you ever wondered how that garbage you put out magically disappears from your lawn in this kind of weather, you've seen some indication of that. But, I promised you I would try and restrain myself on speechifying and I will only say this - with your highly intelligent votes and the results of this election - we all will continue to work hard for Cleveland Heights and all of you. Thank you."

Mayor Kelley added, "And to that point we have 85 years of experience on this City Council, 85 years and one day. Council Member Wilcox, please."

Council Member Wilcox stated, "Thank you. I'd like to congratulate my colleagues from Mayor Kelley on his re-election and being sworn in tonight again and Councilwoman Caplan, Councilman Tumeo and Councilwoman Stephens. I'm really looking forward to working with my colleagues over the next two years. Councilwoman Stephens, congratulations on a well-run campaign and your first term on Council. I've known Cheryl for many years and she is extremely well-qualified and knowledgeable about government and the needs of our city and she will be a welcome addition to our Council. I also want to extend my congratulations to the recently re-elected School Board Members Kal Zucker and Ron Register and to our newest School Board Member Karen Gorman Jones. I always like to remind everyone how important it is for us to cooperate with our public schools. I was glad to see some of our students here tonight. I'm looking forward to working with our schools in many efforts including from the Planning and Development Committee perspective, reuse of some of our elementary school buildings in the city, including the Music Settlement at Coventry.

This is a night for our newly elected Council people to make their speeches so I'm not going to say much else other than although we do face some very difficult challenges and have in the last couple years, I feel optimistic as we move forward that we will be able to meet the needs of our residents and improve our city and that with our staff and our Council in place I know we will be up to that challenge."

Mayor Kelley added, "Thank you, Councilman Wilcox. In the absence of Vice Mayor Evans, Councilwoman Caplan has a letter that she would like to read to us on behalf of Vice Mayor Evans."

Council Member Caplan stated, "This is a message from our new Vice Mayor/Vice President, Phyllis Evans. "I sincerely regret not being at the first Council meeting of 2010. It is always a terrific meeting to attend with additional friends, family members and residents. It is a time when the re-elected and newly re-elected are formally congratulated and most importantly sworn in. I'm extremely proud of Mark Tumeo's re-election. He ran a strong race and it is quite apparent that he chooses to live here because he believes in our city's values and understands what it takes for our city to maintain its vitality, with struggling to maintain a balanced budget. Bonnie Caplan, thank goodness our voters are a smart astute bunch, because she certainly deserved to be reelected (gee, I love reading that). I am thrilled Councilwoman Caplan will be around another term. She is very committed to our quest of continuing to do what is needed to preserve our city and always has time to work towards those goals.

Ed Kelley ran a great campaign. I think Ed must love to campaign as evidenced by his enthusiastic campaign style. In addition to all that he does in our city, he works tirelessly throughout the county serving on poignant organizations in the county to ensure our city is adequately represented and that our voice is heard. Our city is very lucky to have three experienced incumbents to continue on Council. Last, but certainly not least, is newly elected hard campaigning Cheryl Stephens. I almost referred to her as the newcomer, but that's not the case. Cheryl is probably the most experienced person to be elected to this body. She knows our city very well in numerous ways and I whole heartedly look forward to serving with her. Again, congratulations to Ed, Mayor Kelley, on being elected as the leader of Council, I know you will continue to serve us well. I look forward to serving as Vice Chair another term. And my sincere gratitude to all of you for maintaining a trust level of my ability to serve our city. Thanks so much."

Mayor Kelley stated, "We're going to continue with Councilwoman Caplan. Please."

Council Member Caplan stated, "Well, there's not a whole lot to say after everybody has - and we haven't even finished saying what they said about being on Council. First of all I want to thank all of you and all of the voters in this community for electing me for - this is my fifth term. I could hardly believe that. And I will say, that when I started being on Council it was in some ways more fun. There was a lot of money and we spent it and we had fun spending it and the school board used to say how much money we had that we should be doing things for the schools. We continued to do things for the schools and we continued to do things for the whole school system and we continued doing things for the whole community, but it has become very challenging. In the past two years, in particular, have been enormous challenges to be able to balance keeping Cleveland Heights the wonderful special place that it is and not running out of money. We had to cut 3 million dollars out of the budget last year in order for us to continue plowing the streets, picking up the garbage, doing the leaves in such a manner as we have and maintaining the thing that we call Cleveland Heights. Cleveland Heights is really a special city. It's not like other places. Most places people live there and they say where do you live, they live in whatever their town is. People love being here. They love being part of it and that's part of the real joy of being a council member, because it's a collaborative affair. It's not only collaborative with my fellow council people and congratulations to the newly elected and it's collaborative with all of the citizens. Whenever there's a hard issue, people come here and they talk about what we should do - how they feel about it and everybody talks on both sides of the issue and that's what makes it special. People are comfortable in voicing their concerns and they care enough to voice their concerns. And so it is my privilege, really, and my honor to serve again for another four years. I'm confident that the economy is going to get better. It needs to get better. Maybe we'll have some fun in spending some money again, but meanwhile we will do our job together you and we in working toward keeping us this special place that we enjoy calling home. So, thank you. Thank you for this opportunity again."

Mayor Kelley stated, "Councilman Tumeo, please."

Council Member Tumeo stated, "I want to congratulate Bonnie and Ed, Cheryl. Cheryl, you gave me a great gift. I'm no longer the new kid on the block."

Mayor Kelley added, "You won your last rookie of the year award."

Council Member Tumeo continued, "I'm no more rookie of the year. Four years ago when I was in your position and took that oath of office, it's very, very difficult to tell you how much that means when you stand there and raise your hand and repeat those words. It really is important that the person breaks it up slowly, because it really - it really takes a great deal of emotion to stand there and the commitment you make and I'm deeply, deeply honored to have been given the opportunity to

serve another four years. It was fun the first four years. I learned a lot, but most importantly what I learned is that this group constituted as it was and constituted as it now is, actually does function as a family and I think, Representative Boyd, you had it exactly correct. It takes sometimes some patience, because there is no one sitting at this table that doesn't have their opinion and know how to state it very clearly, very concisely and extremely strongly. And we listen to each other and sometimes we get a little ticked at each other and sometimes we bristle at each other, but we always end up working together and trusting each other. And the main reason that is, is because of you, you work that way with us. There is no shortage of people telling us when we're wrong, when we have problems, but at the same time you put us back in office and we're deeply, deeply grateful. I, personally was touched by the opportunity, by the statement of trust that those votes represent and I recommit to work hard on that. There are several things we're working on. I'm especially excited to have Cheryl sitting here next to me. You'll get to whisper some during the Council meetings, but she brings with her such a strength in planning and seeing things through in a different way. Her experience with the county in terms of the land bank is going to be invaluable to this Council and this City. I don't want to spend too much [time] between you and the refreshments downstairs and as Ken said speechifying can get a little old, but I want to say once again, thank you so much for this great honor and I again commit to serve you to the best of my ability. Thank you."

Mayor Kelley stated, "Councilwoman Stephens, please."

Council Member Stephens stated, "Thank you, Mayor Kelley. After years of saying, 'Oh no I'd never serve'. When I was told that I should run and I said, 'No, I won't run'. Last year it became my time. And so I talked to a series of my close friends, Barbara Boyd, Judy Walker, Miles and Bruce Hennes and began to think about what I wanted to do. Then I began to announce and people like Ed Kelley said, "I will support you in January." Then I called my legal counsel Inajo Chappell who is also a member of the Board of Elections and she was here earlier and her colleague Michael Ungar and the two of them immediately agreed to have my first fundraiser. That tells you that once I committed, my friends all committed too. So it began to roll. Instead of a campaign committee or the 'Friends of', it became a team. That team ranged from people who lived here and had been previous mayors, at one point in time there were like three previous mayors in my campaign room, giving me advice and focus and direction. There were my friends who also wanted to run and serve and so I got the chance to cry on Gary Norton's shoulder one Saturday afternoon. He commiserated and supported and said he was ready to do anything he could, but he had his own race to run and I didn't want to stop him from that. That relationship is what I bring. I build a team. I always have - I always will. I'm committed to believing that this is one of the best communities I've ever lived in and I will tell you I've lived in twenty-one of them, because my dad is retired air force, so Uncle Sam was a fabulous or horrible tour guide, depending on your perspective. We got to see the world and I got to make friends with a fabulous number of people. I'm lucky in that even though I'm opinionated and have a strong personality some of my first friends like the Pascuui's who met me when I first walked into Cleveland and decided I wanted to do development and make this world a better place have continued to support me thoroughly, yet a number of years later. When I won I got calls from extended family, like my roommate from college, Loretta and her husband, they called and they flew in today to be here when I took my oath and my aunt and my cousins who sang the national anthem for us, because they sing at every family event and this was a family event.

More than my family, Cleveland Heights, represents what my mother and father Cato and Francis Stephens raised me to believe in, that diversity makes us stronger not weaker and as we traveled the globe under Uncle Sam's orders we met a variety of people. I didn't know that people didn't have mothers who were Thai and fathers who were from Alabama or people whose mothers were Filipino and whose fathers were from New Hampshire. I mean, it just happened that way because GI's married

people from all over the world. This was the place that most represented the acceptance and tolerance and belief in the future. Then I was able to reach out and have friends who were from one way or another way and all those people I will bring to the table to make sure that Cleveland Heights is a stronger, better place in the future. I will share with them what we learned here so that they also become stronger and better. In fact, on Thursday morning I'll be spending time with Gary. So we begin the work early and both Gary and I worked for Peter for a number of years and in that way we became friends and allies and have a strength to trust each other even when we have differences of opinions to come back to the table just like the family of Cleveland Heights City Council. And so I want my team to stay with me and support me and give me your opinions when I don't understand and I don't agree, because one of the things I learned through this campaign is after all I don't know everything, but with your assistance I get the right kind of experience. I'm going to be dedicated and I'm going to be committed, involving all of your ideas. What someone in this room told me you don't know that, Cheryl, let me explain it to you. I'm publicly announcing that I don't know everything, but I can learn a bunch and I will be committed to making sure that this community is better as I serve my term. Thank you."

Mayor Kelley stated, "It's a tough act to follow, but I'll do the best I can. We're almost there for the refreshments. Give me about five or six minutes and we'll wrap up and go downstairs.

I would like to thank the voters of Cleveland Heights for re-electing me. I do appreciate the vote, I don't take anybody's vote for granted. I'd like to thank my family for all their support during the last campaign and the last sixteen years on this City Council. Without your love and support I could not serve on this City Council. Thank you very much. To my wife Mary Beth, thank you for your continued support and guidance on my journey. To my friend and lifetime supporter Brendan Ring, thank you for swearing me in tonight. But more importantly, thank you for your sage advice and the use of Nighttown Restaurant as my office and my home away from home. I want to thank you Dennis Wilcox and Cheryl Stephens for nominating me. I do appreciate it. To my colleagues in City Council, specifically Bonnie Caplan, Mark Tumeo, and Cheryl Stephens. Congratulations on your outstanding election victory in a crowded field of ten. To Vice Mayor Phyllis Evans, Councilman Ken Montlack and Councilman Dennis Wilcox, I look forward to working with you again for at least another two years.

These two years that are ahead will set the course for Cleveland Heights for many years into the future. As a new decade begins, we as a city council and every city employee must be prepared to meet our challenges head on, and give an effort of two hundred percent. We must be proactive and not reactive. The status quo is no longer good enough and should not be accepted as we move forward. Some of our challenges for the next two years are:

Financial - we must continue to focus on our financial situation. Revenues and expenditures must be monitored weekly. Our block grant funding needs to continue and cannot afford to be cut or eliminated.

Public Safety - we must continue to support our police and fire, and make sure they have the proper equipment and training to do their jobs. We must make sure that we have the full complement of policeman to serve our city and we did that back in December when we returned five officers to our staff and we're in the process of doing that as we speak. More importantly, our residents (young and old) must step up and call the police when things do not seem right in our neighborhoods, business areas, on our streets, and in our parks. We need our residents to join together with our police, with this City Council and other key city personnel to take back our streets. Finally, we need a zero tolerance with respect to crime in Cleveland Heights. Criminals need to know that criminal activity in any form is not acceptable in Cleveland Heights. If you commit a crime in Cleveland Heights, you will be caught, you will be prosecuted and you will be found guilty and trust

me we will lobby the judges to have you get the most extreme sentence possible. It's time to take our streets back here in Cleveland Heights. Continue to make Cleveland Heights the most diverse community in the United States. More importantly, we as a city need to hold our Juvenile Court and its Judges and Magistrates more accountable. We need to get involved. Councilman Montlack is already involved, but we need to do more. Too many things are slipping through the cracks and our juvenile court and juvenile justice is not serving Cleveland Heights well. We need to make Cleveland Heights the most diverse community in the United States.

Economic Development - it is time to review our development department to see how they can be more user friendly. We need to reach out to our merchants, property owners, the SIDS and others and help them through these tough economic times. We must also look to help locate new business opportunities for our city. It's definitely time to meet with the owners of Severance Town Center to improve the look and feel of Severance, and discuss opportunities to fill some vacancies, but we must explore other opportunities here at Severance Town Center. There are other opportunities that are crying out for us to get involved with the present owners of the mall.

Housing - we must continue to support housing programs that support our housing stock (both old and new). We must successfully compete to bring new residents into Cleveland Heights with the new job opportunities available in University Circle Inc., especially from the Cleveland Clinic, University Hospitals and the soon to be finished new VA facility.

We must also work with those people from the Federal Government handling our census. Surely residents of Cleveland Heights need to be counted. Every resident of Cleveland Heights should be counted in the census. We should not have problems like we had ten years ago with our census. It is not appropriate.

Recreation - we must continue and expand our recreational opportunities and the use of our parks and our community center for our children, our families, and our seniors.

Municipal Services - we must develop capital plans for equipment and infrastructure. More importantly, every pothole in town needs to be filled immediately after this winter season.

Technology - our technology needs a complete overhaul. Our award-winning web site, the way we conduct business such as selling recreation passes, income tax payments, water and sewer bills, needs to be brought into the 21<sup>st</sup> century. We must become more user-friendly. The hardware and software is available and it should be purchased and implemented for all departments. Mr. Downey, our City Manager, this needs to be one of your first priorities.

Regionalism - instead of being a buzz-word, we must explore and develop other additional opportunities with other cities, our schools, the arts community, our nonprofits, and our churches, synagogues and temples. There is no reason that our fire services cannot be merged with other cities to provide maximum service to all in need. We already have joint dispatch and mutual aid. This makes good sense.

To our friends at University Circle, we need to continue to collaborate and grow together in this new decade. We appreciate, and we are proud to have the Cleveland Clinic, University Hospitals, Case Western Reserve, and other nonprofits from University Circle as our neighbors. But there is no reason that we can't do more together for the benefit of all.

To our schools: public, private and parochial, to the arts community, to our local nonprofits, to

our churches, synagogues and temples, the City of Cleveland Heights stands willing and able to assist you during these tough economic times. The economy is improving, and we need to stand ready and able to provide and expand services to those we serve. Let us all work together for strong positive results.

Cleveland Heights in 2010 continues to be one of the most desirable cities in the State of Ohio. I am grateful and humbled to be re-elected mayor of our city for the seventh time. I was born and raised in Cleveland Heights. I have watched Cleveland Heights grow and evolve. I feel privileged to be able to play a part in the continued success of our great city. I promise to you that I will continue to work hard for you as your mayor. I will continue to serve all the residents of Cleveland Heights with passion, dedication and commitment. The best is yet to come! Thank you very much."

Mayor Kelley continued, "Now we are going to adjourn the meeting [8:07 p.m.] and go downstairs and have some refreshments. I want to thank everyone for coming tonight, friends and family. Let's all go down and get to know each other a little bit better. Thank you for coming."

Mayor Kelley called the meeting back to order at 8:45 p.m.

"Good evening. My name is Jonah Weinberg. I live at 2399 Euclid Heights Boulevard. Although, I am a resident of this fine city I am not here tonight as a resident, I'm here on behalf of the Ohio Department of Health representing the Healthy Ohio Project. The Healthy Ohio Project has put forth a program called "ButtOut Ohio" which focuses on tobacco education and diversion amongst lesbian/gay/transgender and bisexual youth. They're going to be kicking off or I should say we're going to be kicking off a pilot project here in Northeast Ohio next week and I understand that a resolution has been brought before the Council to recognize next week, the 13<sup>th</sup> as ButtOut Ohio Day and I wanted to extend the appreciation of the members of the Ohio Department of Health, the Healthy Ohio Program and the Tobacco Control Program. I actually came tonight straight here from the City of Lakewood where they made a similar proclamation to that which I anticipate coming forth from this Council and later this week we're going to be getting a proclamation from the City of Cleveland as well. We really appreciate the Councils forward thinking on this. I don't know how much you're aware of the statistics, but LGBT youth have a smoking percentage that is upwards of sixty (60) percent higher than the general population. We just conducted a survey of LGBT youth in this region and found that those statistics match very much on what's going on here and it's very important for us to nip that in the bud, to raise awareness, to provide them with resources to quit so that we have a population that is healthy and productive here in Northeast Ohio. Again, I just wanted to thank the Council in advance for supporting this project and putting forth this resolution."

"I'm Vicki Knight. I reside at 1519 Crest Road in the Millikin neighborhood. Members of Council, fellow citizens, it was reported in the Sun Press on December 31<sup>st</sup>, the last issue, that according to the headline, CH-UH no longer in need of Millikin. The school board is likely to sell former school property via public auction. I'll read that article in case you haven't seen it."

Mayor Kelley added, "Thank you. You know everybody on Council faithfully reads the Sun Press every Thursday."

Ms. Knight continued, "Well, I saw it by chance and that's one of my concerns, because the school board plans to vote on this issue tomorrow evening and I don't believe there's been sufficient public notice. It's true that a school board can discuss the property behind closed doors and without hearings if it's for a public purpose, but I don't believe that raising revenue if it's for a private - if it's sold for commercial purpose will bring this to a public - will raise this to a public purpose. I'm

urging that what remains of the woods and wetlands around the perimeter of commercial Severance be preserved for future generations. We're at a turning point in world history and all must act to conserve wooded areas to reverse green house affects. The woods take carbon dioxide out of the atmosphere. Destruction of the woods will put carbon dioxide into the atmosphere. The woods and marshland - and there is genuine wetlands there. It no longer has federal protection because during the Bush Administration wetlands that are not connected with oceans lost their federal protection. However, there are still agreements - regulations of the Northeast Ohio Sewer District, of the state, EPA, and with the Army Corp of Engineers that govern the destruction of wetlands. Paving over the woods and streams accelerates the water runoff, spoils downstream quality and aggravates flooding, which neighbors already suffer. The woods give surrounding residential areas protection from heat coming off the paved surfaces of Severance. When a much larger area of woods was destroyed for the Severance, then mall development in the late 60's, a little over 40 years ago, old-timers in my neighborhood say that the temperature in the summer rose 10 degrees as this huge estate was paved over. At the creation of the Severance Special District of Development, the neighbors were promised a 150-foot buffer zone of woods. This zone has been breached many times, almost disappeared on the Taylor Road and Severance and Mayfield sides and was breached once again for the federal post office. All the wildlife that had now been contracted to another 10 acres that became Severance Courtyards condo development and the federal post office has now contracted and huddled to this tiny 10.9 acres of wilderness strip between the commercial monster and the neighborhood.

I'm asking first that people would join me in asking the school board to convene public hearings with some notice, at least a couple weeks, such that they could hear testimony concerning this unique habitat and community resource and become familiar with the many agreements including the Ohio EPA and the Ohio Department of Natural Resources that pertain to this property. The school board members, at least not the newer ones, the newer ones at least, are not familiar with the unique aspects of this resource nor with the legal agreements. Now, I don't for a moment imagine that this city has an extra dime in its budget nor that the school board doesn't need money, but there are several sources of funds to preserve such land. Ohio Bill 3 passed in 2001 provided for funds to create, from such areas, passive parks. And Governor Strickland has committed his administration to preserving natural resources and to ecological public development using renewable resources - such as that spot would be ideal for wind generation which could save the city [a] tremendous amount of money.

I'm asking that the school board hold hearings and that you join me in urging them too. Eventually, in addition to federal and state funds for such purposes, the city could issue tax deductible municipal community peace bonds for such a project. That the monies that citizens put into it would be exempt from that portion, for example of their work taxes. I know you're aware that Cleveland Heights is full of peace activists."

Mayor Kelley interjected, "Victoria, if you could, you're going on about ten minutes, if you could wrap it up. Go ahead, I don't want to cut you off. But, if you'd wrap it up, I'd appreciate it."

Ms. Knight concluded, "I'm pretty much done. I have a petition from some of my neighbors. I really just started. I've gotten lax because the school board had declared it an abandoned building and [had] taken it off the market and I didn't know it was back on. This is just the beginning - there are about 25 residents and I'll continue to collect them and I hope that I'll have the support of Cleveland Heights for the preservation of this land one way or another. Thank you."

Mayor Kelley added, "As you're aware of, the next school board meeting, I believe, is tomorrow night at 7:00. They have a 6:30 reception. I would encourage you to begin this same type of dialogue with all the members of the school board. They will be having their swearing in, as we did tonight, so

it'll probably be a long night also. They will be electing a president and vice president also. So, I think it's important for you to go there and state your views. I know you've been there before with other school boards on this issue, so this isn't the first time this has come up in this type of fashion or form. So, some of us will probably be there tomorrow night to support the new members of the school board and the possible officers that are there. We'll be there at least in spirit. I can't tell you where we'll be at, because this is all new to us also, reading about it in the Sun Press in the last edition of the year."

"I'm Sam Richmond. I live at 1519 Crest Road and it's been a pleasure to be here tonight and for those of you re-elected and, Mayor Kelley I thank you again for the great democratic spirit of this Council."

Mayor Kelley thanked Mr. Richmond.

Mr. Richmond continued, "And the opportunity to speak to all of you and to the citizens of the City of Cleveland Heights. I want to start by thanking the council/administration. When Severance was redone, a lot of trees were planted in the parking lot and that's a good thing to do. I want to point again to our flag, which has that tree on it and the entrance to our building that has a nice big tree there in the lobby as well and the importance of trees. I'm here to urge you to save the trees. Now there is no global policy to save the trees, there is no national policy to save the trees, there is no county policy to save the trees. Around the world a hundred thousand cities are making decisions about trees and it's only at this very local level that trees can be saved. The trees in Cuyahoga County are in the cities, they are in the cities' parks, in the county's parks and in the state parks. When you leave those protected areas the trees aren't there. We can do it. I urge you to find ways to do it. There are ways to help out here that don't cost a lot of money. Be tough on that zoning. The City of Cleveland Heights has sometimes in the past listed the area back there as an area for potential development and I urge you not to do that for this period of time. Once those trees are gone, that land doesn't come back and it looks like the trees are big and strong. They've been there for a long time, but even more important is the soil and the roots and the bio-mass that's underground there. Once that's destroyed we never can rebuild that. We have future generation for whom we want to save and protect that. I'm sure we can. Thank you."

"I'm Allyson Robichaud and I reside at 3324 Meadowbrook Boulevard. I just purchased the property last year. Congratulations to all this evening, I echo Sam in seeing the democratic process at work. It was moving in moments, I must say. I have on the back of Meadowbrook Boulevard a little piece of wilderness. It's as though I'm living just inside the river that was there geologically many, many years ago. It's on both sides, to get this nice arching and I, too, would just like to echo and give support for the notion of trying to maintain green space in cities. I think people are really missing the boat in not recognizing the potential that those small biospheres are going to have in the next twenty to thirty years, when on my view, things really start to crumble. It's now that the time is ripe for looking towards the future in these kinds of preservations. More buildings are not going to help us as things continue to contract, if that's the way things go and it certainly seems as though, globally and environmentally. We're heading in that direction and I, too, would urge Council - try to keep these things in mind when making decisions about these sorts of situations, where possible. Thank you."

"Good evening. Happy New Year. Harriet Applegate. I live at 1522 Crest Road. It's good to be here. I just want to echo what's previously been said. Eleven and half acres is a lot of land and I'd really hate to see that developed. It's really nice and I think the whole look of the city, especially since City Hall is right here in Severance Circle, I think it would just make a huge - it would make a big eyesore, a big blot and I think we've done a lot of development both inside and outside the circle and really enough is enough and 11 1/2 acres of trees is a wonderful thing. It certainly buffers Crest and makes

it a really beautiful street to live on and I think it would really dramatically change it. So, I urge you to do what you can to the school board and I guess we'll be directly urging the school board. It would be great if the city could acquire that property and that carriage house is just a gem. If someday some neighbors could get together and work with the city to acquire that and make it a - who knows what - it could be anything - a great place for kids, an artists's colony. It could be anything. There's just a lot of potential back there and I'd hate to see it developed. Thanks."

Mayor Kelley stated, "I just want to say. We've been down this road before with this property. Anything that's going to happen there will be completely scrutinized by most, if not all of our boards and commissions, including our Planning Commission [and] if there are zoning issues our Board of Zoning Appeals, Architectural Board of Review and City Council. So, having said that, there is nothing on our plate. We have not talked to a developer. We have not talked to the school board about this, but I encourage you, all of you, your friends and neighbors, your voices need to be heard on Miramar Boulevard in University Heights, Ohio. And furthermore, the five school board members need to hear from you loud and clear, not just as neighbors, but as concerned Cleveland Heights' citizens that have been through this before, what you think should happen there. Okay? Thank you."

Council Member Tumeo added, "I also want to follow up. This council and, I personally, work very hard to be aware of trees in the city. It sounds like a little thing, but over the past two years we actually put funds aside in the limited budget time to ensure that we're planting more trees than are taken down in any given year because of their age or storm damage or those kinds of things. We are a unique city in that you can move outside of the protected areas on our streets and our boulevards. We have some beautiful trees and we're replacing the ones that are coming down at a greater rate than they're coming down. It is a policy of this city to do that. I just want to tell you that, so we're there with you."

Mayor Kelley continued, "We've been Tree City USA, I want to say thirty plus years and moving close to our fourth decade and we will continue to be Tree City USA and I think I speak for every member of this City Council, unless they changed or unless the Republicans get back in- -. No, don't print that, don't print that. Thank you. You can stay if you like, but if you'd like to leave, because I know you were here for the meeting, feel free to go, you won't offend us and some of us will probably see you tomorrow night at the school board meeting. Thank you for coming tonight."

#### **REPORT OF THE CITY MANAGER**

Mr. Downey stated, "Thank you very much, your Honor, I have no formal report this evening."

#### **REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL**

Mr. Malone stated, "Your Honor, I have no report."

#### **REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE**

Council Member Stephens stated, "Thank you, Mayor. I have Resolution No. 1-2010(AS), authorizing an agreement with Arthur J. Gallagher & Co. for continuation of its protected liability self-insurance program for the City; providing compensation therefor; and declaring an emergency.

Annually, the City has to review its processes for alternate property and liability providers in an effort to be cost effective and to insure our activities and our properties After careful evaluation of over five or six responses that came in, we finally decided to go with Arthur J. Gallagher & Co. They

will be providing us through their services, Caitlin Specialty Insurance Company will provide the liability insurance. Federal Insurance Company, which is a member of the Chubb Group, will provide insurance on property insurance coverage and through the services of this company, this coverage will actually provide all the same benefits as previous and we will be saving approximately Six Thousand Dollars. I move that we pass this Resolution and declare it an emergency."

Mayor Kelley accepted Resolution No. 1-2010(AS).

Roll Call: Ayes: Tumeo, Wilcox, Caplan, Evans, Kelley, Montlack, Stephens

Nays: None

**Resolution passed**

### **REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE**

Council Member Stephens stated, "Thank you, Mr. Mayor. Community Relations and Recreation Committee has no report this evening. Our Chair is out ill, we will have a report in the next couple of weeks when she returns. Thank you."

### **REPORT OF THE FINANCE COMMITTEE**

Council Member Tumeo stated, "Thank you, your Honor. I have one Resolution tonight. Resolution No. 2-2010(F), recognizing January 13, 2010 as "ButtOut Ohio" Tobacco Prevention and Cessation Day in the City of Cleveland Heights; and declaring an emergency.

We had a speaker from the public section that pointed out that we have a serious problem with smoking among youth and a very serious problem with smoking among lesbian, gay, bisexual, and transgender (LGBT) youth.

Today, in the United States approximately 43.4 million adults and 4.5 million adolescents smoke. Despite, the known health risks nearly 6,000 youth under the age of 18 start smoking each day, with 2,000 actually becoming regular smokers. In the gay and lesbian community that rate is forty to sixty percent (40- 60%) higher.

As you heard, a recent survey in Cuyahoga County in Northeast Ohio, confirmed that there are extremely high incidents of smoking among gay and lesbian youth. So, the Ohio Department of Health is kicking off this program called "ButtOut Ohio" and there is of course the "Out" part being emphasized since it is for the gay and lesbian community.

Under this Resolution, the City of Cleveland Heights, Ohio would proclaim and recognize January 13, 2010 as "ButtOut Ohio" Tobacco Prevention and Cessation Day and supports the efforts of the Ohio Department of Health and other entities to reduce tobacco use among all youth and especially among lesbian, gay, bisexual and transgender (LGBT) youth. I'd like to introduce Resolution No. 2-2010(F) for passage tonight."

Mayor Kelley accepted Resolution No. 2-2010(F).

Roll Call: Ayes: Wilcox, Caplan, Kelley, Montlack, Stephens, Tumeo

Nays: None

**Resolution passed**

Council Member Tumeo added, "Thank you, your Honor. I will be attending the kick-off ceremony on the 13<sup>th</sup> at John Marshall High School. If you would like, on behalf of the Council, to present this proclamation?"

Mayor Kelley replied, "Absolutely. I'll sign it and get it framed and get it for you prior to the 13<sup>th</sup> so you can take it with you to the meeting."

### **REPORT OF THE MUNICIPAL SERVICES COMMITTEE**

Council Member Caplan stated, "Thank you. I have one piece of legislation and it's Resolution No. 3-2010(MS), authorizing the City Manager to enter into an agreement with Mackay Engineering & Surveying Company for engineering and surveying services for the replacement of waterlines in Runnymede Boulevard and a portion of Quilliams Road; providing compensation therefor; and declaring an emergency. It is necessary to replace waterlines in Runnymede Boulevard and a portion of Quilliams Road, especially, since I might add, that they have the worst break ratio of any road in our town. So we really need to take care of this. Mackay Engineering & Surveying Company has submitted a proposal to provide the necessary engineering and surveying services for this Project, the terms of which are reasonable and competitive. Such services are professional services for which no bidding is necessary. Therefore, be it resolved that the City Manager is authorized to enter into an agreement with Mackay Engineering & Surveying Company for their services for the replacement of these waterlines. The scope of services shall be as set forth in the Engineer's proposal dated December 16, 2009, a copy of which is on file with the Clerk of Council. Compensation for such services shall be at the Engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Thirty-four Thousand Dollars (\$34,000.00). The agreement and any related documents shall be approved as to form by the Director of Law. Notice of passage shall be given and I offer Resolution No. 3-2010(MS) for passage tonight as an emergency measure."

Mayor Kelley accepted Resolution No. 3-2010(MS).

Roll Call: Ayes: Caplan, Kelley, Montlack, Stephens, Tumeo, Wilcox

Nays: None

**Resolution passed**

Council Member Caplan continued, "I have one announcement and that is mark your calendars, details will follow. On January 31<sup>st</sup>, Sunday, there will be an H1N1 clinic here in Cleveland Heights. It will be at our Community Center. We will have the details out in the media very soon, as soon as they are all ironed out with the Department of Health. If you have not been vaccinated as yet, we encourage you to pay attention so you can do that. Also, my understanding is that the vaccinations will be free.

The only other comment I have is that I do wish our new Vice Mayor Phyllis Evans a speedy and healthy recovery and I wish everybody a healthy and happy new year. Thank you. That's all I have."

### **REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

Council Member Wilcox stated, "Thank you. There is one piece of legislation Resolution No. 4-2010(PD), authorizing the City Manager to enter into an agreement with American Building/Kitchen Products for emergency repairs to a City-owned property at 1062 Allston Road; and declaring an emergency. Previously, Council authorized the City Manager to participate in the United States Department of Housing and Urban Development's \$1 Home Sale to Local Governments Program ("Dollar Home Program"); and we participated in that several years ago and actually purchased 26 homes for

a dollar from HUD with the thought of either demolishing or rehabilitating those homes. Last year the City was awarded money through the Ohio Department of Development under another federal program called the *Neighborhood Stabilization Program* ("NSP") which provided for funding for the renovation or demolition of certain homes. We designated certain areas of the city where this funding could be used. The house on Allston Road is in one of those areas. The house on Allston Road was actually determined to be one of those houses that could be rehabilitated and renovated and in the meantime a severely deteriorated roof and a collapsed chimney occurred and required us to perform emergency repairs to this property that would then bypass the normal procedure we had set up to be able to use the NSP money. The City staff solicited bids for the necessary work on the Allston Property from three reputable companies; and, pursuant to Chapter 171 of the Codified Ordinances and State law, the City Manager authorized the award of the contract for emergency repair work to the lowest bidder, American Building/Kitchen Products, who performed the work in a competent and professional manner. This Resolution is to authorize the repairs on an emergency basis to provide essential governmental services. The Council hereby approves an agreement entered into by the City Manager on behalf of the City of Cleveland Heights with American Building/Kitchen Products for emergency repair/rehabilitation work performed at City-owned property at 1062 Allston Road and hereby authorizes payment for said work in accordance with an invoice dated December 12, 2009, in the amount of Seventeen Thousand Four Hundred Dollars (\$17,400.00), to be paid from *Neighborhood Stabilization Program* funds that I mentioned before. I offer Resolution No. 4-2010(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 4-2010(PD).

Roll Call: Ayes: Kelley, Montlack, Stephens, Tumeo, Wilcox, Caplan

Nays: None

**Resolution passed**

Council Member Wilcox continued, "It is my understanding that we will then continue to do the rehabilitation and repairs to this house and hopefully get it back on the market this year. That concludes my report."

## **REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE**

Council Member Montlack stated, "Thank you, your Honor. There is one piece of legislation from this committee, Resolution No. 5-2010(PSH), to suspend enforcement of Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights for the period ending December 31, 2010, or at such earlier time as Council may subsequently prescribe, on the following-described streets; providing for on-street overnight permit parking on specified portions of Kensington, Hillcrest, Belmar, Glenmont and Eddington Roads; and declaring an emergency.

This Resolution or one similar to it is read every year, mostly because the Law Director likes to see us go through this every year. It basically sets out an exception to the rule which is set forth on the signage as everyone enters into the City of Cleveland Heights which advises that there is no parking permitted on almost all the streets between 3:00 a.m. and 6:00 a.m. The exception to that is a very quaint exception of a physician making an emergency call. If anybody ever sees such a thing I want to hear about it immediately, although I used to go on those calls with my dad, but that was a few decades ago. At any rate, there are a few parts to this. First under, Section 1, the enforcement is temporarily suspended for the period ending December 31, 2010, or at such earlier time as Council may subsequently prescribe, on the following-described streets in the City of Cleveland Heights.

I think those listening it may be helpful to go over it.

Mayfield Road from the Westerly line of Eddington Road west to Coventry Road.

Euclid Heights Boulevard from Coventry Road to Edgehill Road.

Derbyshire Road from Euclid Heights Boulevard to Norfolk Road.

All of Surrey Road.

Bellfield Avenue from Cecil Court southerly to North Park Boulevard.

Middlehurst Road from Mayfield Road to Hampshire Road.

Hampshire Road from Hampshire Lane to Coventry Road.

Grandview Avenue from Cecil Place south to West St. James Parkway.

Superior Park Drive from North Taylor Road to South Compton Road.

A portion of Yorkshire Road from Lee Road east on the south side to a house that's known as 3220 Yorkshire Road, in a westerly direction on the south side of Yorkshire Road to the property line of the first single-family home on Yorkshire Road west of Lee Road.

A new addition to this resolution representing a response to a need brought to us by the residents of this area: Norfolk Road between Cedar Road and Derbyshire Road.

Also in Section 2, the City Manager is authorized to sell permits to residents and owners of property on Kensington Road (that's where there are a lot of two-family houses) between Lee Road and Cottage Grove Road (going west) allowing the permit holders to park either in Municipal Lot No. 16 or overnight on Kensington Road in the area that I just described. The permits are available for sale for a period from January 1, 2010 through December 31, 2010, at a cost of Thirty Dollars (\$30.00) per month. Section 3, the City Manager may sell permits to residents and owners of property in North Coventry on Hillcrest, Belmar, Glenmont and Eddington Roads between Mayfield Road and Avondale Road to park overnight on the owner or resident's street in the area between Mayfield Road and Avondale Road. Again, those permits are available at Thirty Dollars (\$30.00) a month. That essentially is Resolution No. 5-2010(PSH) presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 5-2010(PSH).

Roll Call: Ayes: Montlack, Stephens, Tumeo, Wilcox, Caplan, Kelley

Nays: None

**Resolution passed**

Council Member Montlack continued, "Thank you. One of the obvious reasons for the ban to which these few areas are exceptions, of course, has to do with the appearance of the neighborhood. A lot of people don't always realize that it also has - the ban in general, has a very positive impact on law enforcement and keeping neighborhoods safe and secure in ways that the Chief of Police has often described to us. In other meetings and other committee meetings we're going to try and explore other ways in addition to hiring police and putting police out there which is certainly an essential effort, but in ways also other than that working through every department and every effort that we can keep the community safe and secure. Because, even if we doubled or tripled the police force it wouldn't be enough if the residents weren't 100% involved in these efforts and if we didn't think of other ways, perhaps outside the box to working on that. That completes the report of this committee."

## **REPORT OF THE MAYOR**

Mayor Kelley stated, "I just want to remind everybody that our award-winning annual Dr. Martin Luther King Day celebration will be on Wednesday, January 13, 2010 at our Community Center

at 7:00 p.m. It is probably the best event in the city in the space amount of time - about an hour. The youth of the community is involved, the singers from the high school. There are a lot of awards. It is very emotional, very uplifting and if we just took all the power and energy in that room we could melt all the snow on the whole east coast in here. Please, if you've been here before, please come again. If you haven't been here before, wander into our beautiful Community Center. Again, it's Wednesday, January 13<sup>th</sup> at 7:00. Come in and enjoy the evening. We'll have you in and out of there and you'll be home by 8:30 the latest. It's a great event. It's really uplifting and it's probably, as I said, one of the most positive things we do in this city and it's not about this City Council, just as a Memorial Day celebration isn't about council. It's about our community, the children and in this case the life and legacy of Dr. Martin Luther King, one great American.

I also want to say to Vice Mayor Phyllis Evans, you are in our thoughts and prayers and we wish only the best for you in the days to come and hopefully, you'll have a great outcome and a speedy recovery and we welcome you, we cannot wait, we welcome you back with open arms when the time is appropriate.

Thank you for coming tonight. Our next meeting will be on Tuesday, January 19, because Monday, January 18<sup>th</sup> is Martin Luther King Day officially, so we will meet Tuesday, January 19<sup>th</sup> at 7:30. Thank you for coming and those of you who are watching this whole thing from cover to cover, it's 2 1/2 hours of fun and excitement. The legislation was a little bit drab, but it'll pick up as the year moves on. Thank you for coming tonight. We are adjourned at 9:26 p.m."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc