



CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF TUESDAY, JANUARY 19, 2010

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:20 p.m.

Edward Kelley, presiding

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

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

Council Member Tumeo moved to adjourn into Executive Session at 7:08 p.m. Second by Council Member Caplan.

Edward Kelley, presiding

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

Topic of discussion litigation and personnel.

Executive Session concluded along with Committee of the Whole at 7:36 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:43 p.m.

Edward Kelley, presiding

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

The correction of the minutes of the Regular Council Meeting held Monday, January 4, 2010 were noted and signed by Mayor Kelley along with the resolutions passed at that meeting.

“Mayor Kelley, Members of City Council, City Employees and Residents. My name is Mary Dunbar, 2880 Fairfax Road. I learned a lot by running for Cleveland Heights City Council and I'm following up on a couple of projects that may be of interest to City Council and residents. For one, I'm working with Kara O'Donnell, our Historic Preservation Planner on an application to gain historic district recognition on the National Register of Historic Places for the part of Cleveland Heights that I live in. One of our strengths of our community is our wonderful historic homes. That strength is being recognized formally as more and more of our city is included in the National Register of Historic Places. The area I'm working on is mostly between North Park and Fairfax Road with Lee Road on the east and Coventry on the west and with a few other tracts added in, probably. We're still working on the boundaries and exactly how to pitch this. I've got a wonderful committee to help including Bill Collins, Marjorie Kitchell, Jack Sulak and Chris Roy. Leslie Marting and Diane Christ did a lot of work gathering information already and we'll be building on their work. And also we've gotten help from others as well. So, I would like the application to be completed by the end of May and it'll go from there over a considerable time.

Secondly, I'm working with Richard Wong of our Planning Department on submitting an application to have Cleveland Heights recognized as a bicycle-friendly community by the League of American Bicyclists. With a growing number of bicycle lanes and other projects in the works, I believe that Cleveland Heights is moving in the right direction. We have a comparatively large number of residents who ride their bikes to work and have some other strengths as a bicycle-friendly community. For example, we're in the top ten percent of communities in the United States in terms of bicyclists riding to work and we also have had a Safety Town since 1961. So far, I have been gaining input from Sally Hanley who is the Bicycle Transportation Planner with the Northeast Ohio Areawide Coordinating Agency, Chief Lentz and Richard and I'm contacting others to fill in the blanks. Once, I've got it all done, Richard should be able to complete it fairly easily. There is a deadline for applications by mid-February and we're going to try to make that deadline if we can. We'll see.

I expect our application to serve as a benchmark of where we are and that we will get good feedback from the cyclist organization that will guide further developments, assuming we want to move forward with this. So, you can judge for yourselves. I've brought some copies of the Bicycle-Friendly America yearbook, which I'll give to Council. But, you see it puts us in good company. So, I believe that achieving this designation would help us in the future in attracting some great residents to our community. So, both of these projects are intended to continue to position Cleveland Heights in a positive light and as the excellent community that it is. That's why I'm doing them. If you have any questions or comments or feedback for me I would welcome it.”

Mayor Kelley stated, “Thank you, Mary. Thank you for staying involved. A lot of people after a campaign do not stay involved. Thank you, Mary.”

“I am Susie Kaeser. I live at 1554 Compton Road. I'm here as a member of, “Step It Up”. I'd

like the other members, if you could please stand up? I get to speak for them. Thank you, thank you all for being here. We are here to congratulate the newly elected members of City Council and to thank all of you for your desire to serve and lead our city. We wish you well as you do this important work. "Step It Up" is an informal group of residents who got together last summer to think about ways we could have a positive impact on our city and its future. Our efforts centered on the citizen agenda we drafted and circulated, that outlines issues needing a creative attention of the community and our elected officials. Like you, our residents care deeply about our community and have high aspirations for our future. This is confirmed by the many residents, including all candidates for City Council who endorsed the agenda and started to talk about it. The involvement and commitment of our citizens is vitally important to moving our city forward. We urge the Council to capitalize on the interests and considerable expertise of our citizens as you seek out new ideas and strategies to address our five core concerns: Environmental and Financial Sustainability; Close and Supportive Relationships with the Public Schools; A Plan for the Community's Future; Collaborative and Creative Approaches to the Housing Foreclosure Crisis; Engaging and Valuing our Diverse Community; Lively Discourse, Broad Thinking and added Citizen Engagement can invigorate commitment and action for the City. Those of us who are involved with "Step It Up" will continue to foster citizen involvement to help Cleveland Heights become the best suburb in the nation. We thank you again for being here to do this great work."

"Mark Chupp, 2924 Edgehill Road. It's good to be here tonight and also as a member of "Step It Up" I'd like to build on what Susie had to say. As "Step It Up" moves forward, we'll seek to engage citizens in ways that will advance the goals of our citizen's agenda and with all of the vacant homes and literally thousands of jobs moving into University Circle, "Step It Up" believes it's timely to step up promoting our community as a desirable place to live and raise a family. Cleveland Heights has a fantastic story to tell and a community to promote. This is primary for citizen involvement and one that "Step It Up" will encourage. In addition, "Step It Up" will provide supporters and others to brainstorm ways that citizens can be informed about critical issues facing our community and more involved in making the city the best suburb in the nation. Something we're all passionate about. We're eager to partner with you and the cadre of community non-profits that are one of our city's premier assets as we work together on advancing the agenda.

Finally, we realize the city government holds responsibility for a number of the areas identified in our citizen's agenda and we stand ready to support you and city departments as you work on these matters. So, thank you."

Mayor Kelley added, "If you want to stay, you're more than welcome to stay, but if you're here just to make a statement and you want to go, feel free to go, you don't have to - you know, we won't be hurt. We do have a light agenda, though, so it may not be that long."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. It doesn't hurt my feelings. I understand. Your Honor, we would request authority to advertise for bids for the purchase of sand, gravel and limestone, and for the utility billing services."

Mayor Kelley made it a matter of record and referred it to the Municipal Services Committee of Council.

Council Member Caplan moved that the City Manager be given the authority as requested.

Second by an emergency repair. As the original ordinance was written, you couldn't go to that same list where all those renovations were to do the emergency repair, because we had not made it clear that when we meant renovations it also included emergency repair. So, this Ordinance amends that Code and adds to the end of that section a sentence that says: As used herein the term "renovation" shall include emergency repairs. So, this is a little cleanup, making sure that it's clear that we meant emergency repairs is included in the sentence of "renovation".

So, I would like to introduce Ordinance No. 7-2010(F), also for passage tonight."

Mayor Kelley accepted Ordinance No. 7-2010(F).

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

Nays: None

Ordinance passed

Council Member Tumeo continued, "Thank you, your Honor. I'm sorry that the "Step It Up" people left. But, one of the things that I think that's very important and I want to highlight. One of the things that we're looking into on Council and this is being led right now through Councilwoman Caplan and the Municipal Services, we're looking at establishing an ad hoc technical advisory committee. So, you'll be hearing more about this in the future. I'm sure that Bonnie Caplan will be talking about it. What we want to look at is how can we better use the electronic services: Facebook, the social networking media, as well as the web to communicate better both from the city to our residents and from the residents back to the city. So that these ideas that we all want to explore and generate and work on together can be done more effectively. So, that's a commitment that I think that all of us have and have been working on and I'm very excited that, that's moving forward under Councilwoman Caplan's leadership. That ends my report, your Honor."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. And, I'll just follow up on what Councilman Tumeo talked about so that if somebody who's listening is really technologically more advanced than we are and might like to participate a little bit, if they would either call me or send me an e-mail and you can easily find my e-mail on our website and that of course would be the homework assignment before we have a committee meeting is to really look at our website to tell us where we need to tweak it and some of the things we need to do with it. So, if you're interested, in the next week or so, if you would contact me and we're going to put together a little meeting to talk about how we can use your expertise and how we can sharpen up what it is that we do. So we would be grateful for that.

There is no legislation from this committee tonight, but I do have several other announcements. One, probably the most important in some ways and that is because Martin Luther King Day was yesterday and City Hall was closed, this Friday is a double pickup day for the people who usually have their garbage on Thursday. Your garbage will be picked up on Friday. Try not to put it out Wednesday night, put it out Thursday night instead and the Friday people, your garbage will be picked up Friday, not on Saturday. I'm reminding you. The people whose garbage is usually on Monday, they all forgot and it didn't look nice. So, just try and remember that. That Thursday and Friday will both be picked up Friday.

There will be on Sunday, January 31st, a free H1N1 vaccination clinic. It is open to all. It is Sunday, January 31st at the Community Center between the hours of 9:00 a.m. and 12:30 p.m. The Community Center will be closed and will not open until 1:00 p.m. The County Board of Health is the organization that is administering the vaccine and it is free. You don't need to be a member of our

community. You can be a member of the Greater Cuyahoga County community. We encourage you to pre-register so that the whole thing will go a little more quickly. If you would do that, pre-registration is at www.ccbh.net and then follow the link under H1N1. It is also a good time if you have children or grandchildren that have been vaccinated they need (the children under ten) to have a booster and this is a great way to get their booster. It's free. My grandchildren, for example, had their first in Shaker and now they can come and get the booster here. They will have had to have had their first shot or first nasal spray prior to January 10th. You may register that day, but if you do it beforehand that would be great. We encourage you to do this. This is really a public health community-wide push and it's important for us all to really not get H1N1 so that we don't spread it to anybody. I encourage you to participate in this.

If you think it's been cold and if you've been slipping and sliding this morning, think warm and think about Cain Park. The Arts Festival is going to be July 11, 12 and 13. And we've already sent out notices to those artists who want to participate and it's kind of fun to think about that.

Cleveland Heights is now on Facebook. Log onto Facebook and enter the City of Cleveland Heights and register as a fan. Information about the city's up and coming events will then be available to you throughout the year. And you know, of course, if you go to our website and register there are links that you want to get notified about various things and if you register on that you also will hear about things that are important to you and Cain Park is also on Facebook and you can become a fan there too.

Last, but certainly not least, is that last week we had a Martin Luther King Day program. It was wonderful. There was a contest of essays, poetry and posters for the children in all the schools and many of the public schools participated and the children who were the award winners in those three categories: essay, poetry and posters, came in and read their essays. So, we had children from kindergarten through tenth grade who read their essays and it was amazing about how they felt about living in this wonderful, diverse community. Actually, there was one young man who was in tenth grade that the audience stood up and cheered because it was such a moving experience. And then others read poetry and described what they had done in their posters. If you really want to see what you missed you can see it on Channel 20 at 2:00 and 7:00 everyday and it is really wonderful. It was a privilege to be there. It made us all proud to see the children in our community and they all came with their families and there was picture taking. It was really quite wonderful. I think that's all of my little announcements. Thank you."

Mayor Kelley added, "Thank you and the other thing that was very nice about that night is the principal from Oxford School was there and many of the teachers were there to support their kids on an off day for them and it was nice to see them, because they really work well with the kids and they were there from almost every school that was represented. Rest assure that your teachers and your principals were working a little bit extra on our program night after a hard day of work and they spent the night with us and it was great to have the *Barbershoppers* under the direction of Craig McGaughey again perform and really set the program up as they do at the beginning part and the song - it's unbelievable. So tune on Channel 20 as soon as you can."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you. There is one Resolution from this committee tonight. This is Resolution No. 8-2010(PD), authorizing an amendment to an agreement with the Board of Cuyahoga County Commissioners for funding through the Cuyahoga Housing Consortium's HOME Program for the City's Deferred and No-Interest Loan Programs to extend the contract period; and

declaring an emergency. Council has previously authorized the City Manager to enter into agreements with the Cuyahoga Housing Consortium for funding through the Consortium's HOME Program for the City's No-Interest and Deferred Loan Programs; and it is necessary to amend one of the agreements to extend the contract period through December 31, 2011. The Resolution authorizes the City Manager to execute an amendment to extend that contract through December 31, 2011. I offer Resolution No. 8-2010(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 8-2010(PD).

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Thank you. Along with programs such as the Deferred and No-Interest Loan Programs, the city has a number of housing programs that we utilize to maintain our housing stock, to improve our housing stock and one of the things that this committee discusses during our committee meetings is what to do about foreclosed homes and vacant homes in the city as well. At our last meeting last week, one of the agenda items was to go through an update on our Neighborhood Stabilization Program and you heard some legislation read on that tonight as well as our HUD Dollar Home Program. As you recall, the city did reach out several years ago and with HUD, to purchase a number of homes that were foreclosed and we were able to get those for a dollar a piece from HUD. To follow it up with that, with the Neighborhood Stabilization Program that the federal government enacted and through the Ohio Department of Development we were able to obtain over two million dollars of funds to address foreclosed and vacant homes in our city. We got an update and a report and congratulate staff for hard work in terms of obligating these funds and committing these funds for specific houses in our city. And just to give you that update now, we have thirteen homes and funds obligated of almost 1.6 million dollars now that will be renovated through this program and hopefully we can do that in short order, hopefully this year to start getting those homes back on the market. These will be renovated homes that we were able to do through this program. In addition, there are eight additional homes that we've committed \$226,000 of that money to demolish and quite frankly, we have criteria now - we look at the homes very carefully and if they do not meet criteria where renovation makes sense under federal guidelines they will be demolished. So thirteen renovated and eight demolished through that program. In addition, we have, as I mentioned, the HUD Dollar Homes. Some of these are in the areas where we purchased HUD Dollar Homes, but some of the HUD Dollar Homes are in areas where NSP money would not be utilized and there are eleven of those homes that we are monitoring that we have and four of those have been renovated by non-profits in the city or in the process of being renovated and we're obviously looking for the other seven to try to - they are available for non-profits. So we continue to work on those. I just wanted to let you know that this Council continues to focus very much on our foreclosure crisis and try to address these issues. We should thank our federal government and the state government for making these dollars available to us because, quite frankly, we couldn't do that without that help. That concludes my report."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Montlack stated, "Thank you, your Honor. There is one Resolution from this committee tonight. It is Resolution No. 9-2010(PSH), declaring January, 2010 as *Fibromyalgia Awareness Month*; and declaring an emergency.

As I read a few of these basic facts right along with you, I learned a few things about this terrible condition.

It is estimated that ten million people in the United States – six to eight percent of our population and millions of people worldwide have been diagnosed with this chronic disease, for which there is no known cause or cure. Fibromyalgia is a chronic disorder which is now increasing at alarming rates, causes fatigue and debilitating pain, sleep disorders, stiffness, and for those of you who simply think I'm reading off my daily symptoms, this affects all folks of both genders, of all ethnicities. It doesn't seem to have any specific target. So it is a pretty awful condition that we should be aware of. The Northeast Ohio Fibro Friends ("NEOFF"), a member of the National Fibromyalgia Association, and pursuant to this Resolution it and we join with that organization urges that we, the citizens, support a search for the cure and assist individuals and families in dealing with this devastating disorder on a daily basis. Resolution No. 9-2010(PSH) is introduced on first reading for passage."

Mayor Kelley accepted Resolution No. 9-2010(PSH).

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

Nays: None

Resolution passed

Council Member Montlack continued, "Thank you. As I'm sure everybody sitting in this room tonight knows and probably most of those watching the video rebroadcast understand, Cleveland Heights is a City Manager form of government in which the City Council is elected, of course, and holds forth on policy and then it is the City Manager's responsibility to operate the city on a day-to-day basis and among other things to do hiring, to be in charge of personnel and to carry forth the policies of the City Council. Of course, our City Council meets in general twice a month and about one week ago Robert Downey, our City Manager, was celebrated in effect or commemorated [for] his 25th year as the City Manager of Cleveland Heights. I've been privileged and observed Bob Downey for most of that time while I've been on City Council. What I've seen is that the reason for this long tenure is that Bob Downey has shown consistently the capacity to interact successful with vastly different City Council members and vastly different City Councils. Just as our way of doing business, as it were, has grown from a city council and a general municipal operation that started out, at least from my view, started out more as top down - often a buttoned down Council and staff organization, to a much more open management set of values and this continues. Bob Downey has shown the capacity to lead in this way also and to work with these vastly different persons and entities. Through the years he has hired, promoted and maintained a staff that has been diverse, talented and absolutely committed to public service. I could name all of those individuals, but it would take quite a while. But, if you look around and think around-about the folks who are out there in every one of our branches working and their departmental leaders, I think you'll agree that they all do meet that standard and we have to give credit to the individual who for twenty-five years maintained this terrific staff. Personally, one of the reasons I appreciate Bob Downey is that he treats everyone, Council, staff, and the public with respect and of course for those who know him you'll find him personally modest. He's not one who thrusts himself into the limelight and tries to observe his role and the other roles that he deals with. I will not take the next hour or days to list all the accomplishments of the city during the last twenty-five years, but I will say that everyone of those accomplishments, every time we have met, the great challenges that we have met and are meeting, the imprint of our City Manager on his twenty-fifth anniversary in that position is there. I think that another reason why he has been successful is that he is committed to Cleveland Heights. He does love this community. For that reason he has overcome and helped the City overcome challenges, that frankly, would have been fatal to other communities. So, personally, I'd like to congratulate Bob Downey and to thank you, Bob, for twenty-five years of excellent service as our City Manager. That concludes my report."

Mayor Kelley asked Mr. Downey to stand for the applause.

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Stephens stated, "I'd like to do a commercial for the city at this point in time. Our boards and commissions only work well if community residents volunteer to participate on everything from Planning Commission to the Administrative Services Commission, so we need for folks to check in to our website and look for the link that provides you with an application to throw your hat in the ring and join one of our boards or commissions. The lists of them are on our application itself and we welcome you to do that. That's it, Mr. Mayor."

REPORT OF THE MAYOR

Mayor Kelley stated, "This meeting will be adjourned at 8:18 p.m. Our next meeting will be Monday, February 1, 2010. Thank you for coming tonight."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc