



## CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF MONDAY, FEBRUARY 1, 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, 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.

Mayor Kelley moved to adjourn into Executive Session at 6:55 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: Downey, Niermann O'Neil

Topic of discussion included personnel.

Executive Session concluded at 7:35 p.m. and adjourned into Committee of the Whole ending at 7:40 p.m.

Following the conclusion of the Regular Council meeting at 8:27 p.m., Committee of the Whole consisting of all Members of Council present and staff meet with Dr. Susan Barnes and members of her MBA class from the Nance School of Business from Cleveland State University. Committee of the Whole adjourned at 9:30 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:47 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 minutes of the Regular Council Meeting held Tuesday, January 19, 2010 were signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

Mayor Kelley stated, "Before we move to personal communications from our citizens tonight, our pleasure tonight is to say a great big thank you to Betty Nelson. Betty has served on our Board of Zoning Appeals from 1991 to just her last meeting in January, I believe. She has been with us over 19 years, two decades with solid progressive work for the city, missed very few meetings, but gave up her third Wednesday every month for 19 years - somewhere in the neighborhood, if my math serves me right, give or take about 240-250 meetings. We really value your service. It's great you live in the community on Washington Boulevard and I have a plaque for you, but I'm going to let Council speak about you a little bit. I'm going to have Councilman Wilcox, who served with you on the Board of Zoning Appeals and you helped cut his teeth and you set him up for this great role he has on Council, so I'll let Councilman Wilcox begin."

Council Member Wilcox stated, "Thank you. It was really a pleasure serving with Betty on the Board of Zoning Appeals. I learned a lot about how to treat the citizens of this city when they come before this Board from the way she conducted herself at the meeting. I think every citizen who came before the Board of Zoning Appeals appreciated her fairness, her interest in the case, her questions and I can say as one zoning board member and later on Council I always paid attention to her comments and questions. Whenever I would get a Board of Zoning Appeal [resolution] to come to Council to approve, if she had voted a certain way on it that was different from the rest of the Board I would want to know a little bit more why she did that, because she really had a way of getting to the heart of the issue that came before the Board of Zoning Appeals. The other thing that I think that's important to remember is that when you are on the Board of Zoning Appeals you are balancing the interest of an individual citizen, a homeowner usually or a business versus the general welfare of the community. I think she did a very good job of that. Nineteen years of service to our city - that's why Cleveland Heights is such a great place to live, because we have people like Betty Nelson. Again, it was my pleasure to serve with you and thank you for your great service to the city."

Council Member Montlack stated, "There are so many adjectives that could be used, positive adjectives, to describe Betty Nelson and her service. Here are just a few: scrupulous, grounded, intelligent, and most certainly honest and committed to the highest ideals of Cleveland Heights. With Ms. Nelson, you always knew and always know what you're going to get and it is these attributes and far more. I have to say in a personal sense, that it has been my honor to serve with you in a slightly different capacity for all these years. Thank you for being such an important part of Cleveland Heights."

Council Member Caplan stated, "Thank you. For many years I used to go to the BZA meetings and I would sit in that box and listen to the members of BZA give their thoughts, their opinions and eventually their vote. It is a quasi-judicial process, so that it matters a lot what the decisions are and how they are rendered. I could always count on Betty looking at the issue in a full way and being fair,

having done her homework - which really does matter. Some of these issues are a little complicated - did her homework and brought common sense, in addition to fairness and integrity to the whole proceedings. What a joy it's been for the citizens of Cleveland Heights to have had you sitting in this position for all of these years, because they knew that they were going to be treated in a just, fair, equitable manner. You have provided a fabulous service to all of us. So, really, thank you. I don't know how we're going to do without you and I want to know how you're going to do without us on Wednesday nights. So, thank you so much for all the service that you have given to all of us."

Council Member Tumeo stated, "I want to add my thanks. When I was Administrative Services chair I had the opportunity to go through your file when we were looking at reappointments. We do go through those files very carefully, especially for BZA which is a very, very important commission. I have to say that when we read through what you've been doing and I actually followed up on it, you probably win the medal as one of the wisest, most dedicated individuals I've ever had the honor to nominate and get reappointed to a commission. We are going to miss you. Thank you very, very much for your service."

Council Member Stephens, "Mrs. Nelson, it is an honor to say you get it. You got it in every way, shape and form. It is was rare that we had to coach you on anything at the Board of Zoning Appeals and sometimes people don't understand all the nuances of the Zoning Code, which is a law, and the practical application to residents who want to make their homes in the community better. But, you got it and for that we really appreciate it. Thank you so much."

Mayor Kelley added, "Thank you, Betty. I did want to add my sixteen years on Council, you served nineteen years. I never received a complaint about the way you treated people. I received many compliments, which as we know up here very rarely happens. I want to thank you for the class and the compassion and the dignity you treated our residents with - and you showed it every time. So if you would, I'd like you to come up here for the plaque. We'll give you some time. If you'd like to address us and say whatever you want to say, now is your time. We'll brace for anything. Stand up and give Betty Nelson a round of applause. Take as much time as you want."

Mrs. Nelson stated, "After hearing all of that I'm not sure this is me. I think you were probably talking about someone else. Honorable Mayor, Council Persons, Mr. Gibbon, and staff, it was a joy to serve on the Zoning Board. It was an education for me. I knew absolutely nothing about variances and housing codes and all of that. But people I served with were wonderful. We all were able to talk, we were able to disagree, because we didn't always agree, but we could disagree to disagree and that's a hard thing to do a lot of times. I'd just like to say thank you, thank you."

Mayor Kelley continued, "Betty, just so you know, you do not have to stay for this meeting. If you'd like to gather your things, feel free, we will not be offended."

Mrs. Nelson added from the audience. "Oh, no. I want to say goodbye to my friends. There are so many people I want to say goodbye to."

"My name is Fran Mentch. I live at 1413 Lynn Park. I'm here representing Severance Neighborhood Organization. I'm the president of that organization and the treasurer of the organization, Teresa Cizmada is also here. Oakwood Country Club has a proud history. For over 100 years members kept it alive, through two world wars and the great depression. They recently made the difficult decision to sell this wonderful and historic 144 acre property. The sale of Oakwood Country Club will be a real loss to those who enjoyed and cared for it. Such as life that we lose the things we care about. However, this loss is one that can be transformed into a new life. This beautiful property, Oakwood

Country Club, can become a public green space, a passive park, that means that it will be returned as much as possible to its natural state. Severance Neighborhood Organization is hosting a community meeting this Wednesday, February 3<sup>rd</sup> at 7:30 p.m. in the Cleveland Heights Community Center. We are gathering the community, we are asking the members of Oakwood Country Club and the rest of the community in Cleveland Heights and South Euclid and whoever else is concerned, we're asking them to gather to talk about the possibility of purchasing Oakwood Country Club and turning it in to a public green space. There are many conservation and water quality agencies that can help the cities of Cleveland Heights and South Euclid with this wonderful project. If we do not take advantage of this opportunity, we do so at our own peril. This is our generation's chance to leave something for generations to come. This is our generation's Cain Park, the pride, cultural amenities that we have in our community.

Why a park? Why a passive park? We have no need for more development. I did a search this afternoon on the internet for properties valued at over \$300,000 that are in the Cleveland Heights-University Heights School District. There were fifty listings for those properties. Two of them, at least two of them were on the Oakwood Golf Course. So, there is no need for development in this way.

Why a park? Why a passive park? This will be a wonderful recreation opportunity. It will also be an educational opportunity. I would venture to say every private independent school has purchased or does own property in its natural state and they use that to teach their students about biology and the environment. This would be our students' opportunity and to have that educational experience and there are grant monies attached providing those kinds of opportunities to students. Third, it would have a wonderful impact on the watershed, because the Cleveland area we have a combined sewer system, meaning that when the water runoff all goes down to the water treatment plant - the sewage and the water runoff when it rains, because it's overwhelmed, we then release sewage into the lake. Cleveland has the dirtiest beach of any place in Lake Erie. This would help eliminate that problem. Fourth, it would contribute to economic prosperity and fifth it would be a very large 144 acres' oasis in the dense urban setting.

Additionally, experts say that as we move from a post-consumer culture, we will no longer seek meaning in objectives and possessions. Instead we will seek value in experiences and people turn to nature for those kinds of experiences.

So, I am asking you, asking the members of the Oakwood Country Club, all the members of the communities; South Euclid, Cleveland Heights, everybody interested or cares about green space to join us to convince City Council to work with these many agencies that are out to turn this into a wonderful passive park. It's important that people express their opinion at this time or we will lose this opportunity. Make a phone call to the City Manager and any member of council, e-mail them. If you can, please come to the meeting. If you can't, please you can show your support - someone established a Facebook page for us called *Save 144 Acres of Green Space in Cleveland Heights and South Euclid* or visit the Severance Neighborhood Organization website: [heightssno.org](http://heightssno.org) and Teresa and I hope to see you there on Wednesday."

## **REPORT OF THE CITY MANAGER**

Mr. Downey stated, "Thank you very much, your Honor. I just have one item this evening. As you know, pursuant to Ordinance No. 65-2009, which authorizes the City Manager to purchase vacant, abandoned and foreclosed homes for the purposes of demolition or rehab and sale to an owner/occupant, I would like to report and make a matter of record that the City has entered into an agreement for the purchase of property at 1035 Helmsdale Road, 3199 Sycamore and 950 Dresden. Your Honor, I would request this be made a matter of record."

Mayor Kelley made it a matter of record.

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

Mr. Malone stated, "Your Honor, I need to notify Council that two resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following: BZA Calendar No. 3209 Jacob and Rachel Koval, 3708 Severn Road, accessory use regulations; and, BZA Calendar No. 3210 Cleveland Real Estate Development Group, LLC, 3738 Woodridge Road, accessory use regulations. Your Honor, I need to make these a matter of record."

Mayor Kelley made them a matter of record and referred them to the Planning and Development Committee of Council.

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

Council Member Tumeo stated, "Thank you, your Honor. I have a piece of legislation tonight. I would like to introduce Resolution No. 10-2010(F), authorizing the reprogramming and reallocation of Community Development Block Grant Funds; and declaring an emergency.

As you know, we get block grant funds from the federal government. The Citizens Advisory Committee goes through an extensive process to help us allocate those funds. One of the things we do with that money is every so often the government requires that we do an Analysis of Impediments to Fair Housing. We have gone through the process of selecting a contractor for that and we came up with a bid that was \$1,500.00 more than the money that had been allocated by the CAC. So, the staff went back to the CAC and asked them if they would reallocate \$1,500.00 more from Contingency into the Fair Housing Activity. The CAC has approved that and this is the legislation to make that appropriation. So, I would like to introduce Resolution No. 10-2010(F) for passage tonight."

Mayor Kelley accepted Resolution No. 10-2010(F).

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

Nays: None

**Resolution passed**

Council Member Tumeo continued, "There is a second piece of legislation that's on the agenda from my committee. I'm going to defer to Councilwoman Caplan of Municipal Services because she has been selected by the Council and the City as the new representative to the Doan Brook Watershed Partnership, stepping in to fill the shoes of Nancy Dietrich and so that piece of legislation will be introduced in her committee tonight.

I would like to also take a moment and publicly introduce a class that we have present. Professor Barnes is here. It is an MBA class from Cleveland State University and at my request and we're going to be discussing this tonight after the council meeting with them. They have agreed to take on, as a class project, an analysis of a business analysis of Cleveland Heights comparing us to some of our sister cities, looking at our efficiency and effectiveness. As you can see, we have some of the greatest minds of the city gathered here to help us with that and I'm very excited and want to thank you for taking your time to come tonight and talk with us. That concludes my report, your Honor."

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

Council Member Caplan stated, "Thank you. I have Resolution No. 11-2010(MS), authorizing an agreement with the Doan Brook Watershed Partnership, a non-profit corporation, for partial funding for operating expenses of the organization for the time period of April 1, 2010 through March 31, 2011; providing compensation therefor; and declaring an emergency. The cities of Cleveland, Cleveland Heights and Shaker Heights, along with interested organizations and individuals, previously formed the Doan Brook Watershed Partnership, a non-profit corporation, to develop and implement a watershed management plan for the preservation and improvement of Doan Brook. The organization has achieved significant progress in its years of operation, with significant funding now received from the Northeast Ohio Regional Sewer District as well as private donations and other sources; and it would be in the best interest of the City and its residents to contribute partial funding for operating expenses of the organization for the time period of April 1, 2010 through March 31, 2011. Therefore, be it resolved by this Council that the City Manager be authorized to enter into an agreement with the Doan Brook Watershed Partnership. The agreement shall provide for funding in the amount of Eighteen Thousand Dollars (\$18,000.00), and shall be approved as to form by the Director of Law. Notice of passage shall be given and I offer this Resolution as an emergency measure for passage tonight. So it is Resolution No. 11-2010(MS)."

Mayor Kelley accepted Resolution No. 11-2010(MS).

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

Nays: None

**Resolution passed**

Council Member Caplan continued, "Thank you. I'm excited about being the council representative to the Doan Brook Partnership and I know you're all going to be interested in hearing reports back, because certainly you're going to get them.

This past Sunday, at the Cleveland Heights Community Center, the county health department presented a H1N1 clinic. I must say it was very impressive. I went and over 600 people went to get free shots for H1N1 and it was the first time we had participated in the county health department's foray into providing public health care. It was fantastic. Over a hundred people volunteered from Cleveland Heights to usher people through our wonderful facility and it took only a very few minutes and everybody was really rather impressed with how it ran, how it was and got those shots for free and now what - in two weeks it'll take hold and we'll all be healthy and won't share this awful virus.

The only other thing I wanted to comment on, because I haven't talked about this for a while and I'm going to put it into a different context and that is Valentine's Day is coming and so I think we should all think about having a bigger love affair with our environment and what we can do to keep our environment clean. I often talk about recycling and I haven't talked about it for a while. It's time for you to do your part. When you open up boxes of cereal and it has that little paper thing inside, throw the paper thing away and recycle the box. Recycle the tubes that are inside of paper towels and saran wrap and all of those kinds of things and most of all when you open your mail, open it over a paper bag, so you can recycle all that mail. Do you know that most of the mail you get is really junk mail. Don't throw it away, recycle it. It really matters. It's really easy in Cleveland Heights, you put it out in a bag on your garbage day and the recycling vehicle comes along and picks it up. Most of us are pretty good about cans and bottles, somehow we get stuck on that paper. I will tell you, once you start with the paper, you will see that your trash is diminished by about fifty percent. Do try. Give the environment, give this earth a little love and do it for yourself and do it so you can participate in your own way and really it makes a difference. So, I am encouraging you and I'm going to challenge you one of these days to do this in a bigger way. It's time to step up and do something for the environment. That's all I have and thank you."

## REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you. There is no legislation from this committee, but there are two resolutions from our Board of Zoning Appeals from the meeting of Wednesday, January 20<sup>th</sup>. Councilwoman Stephens was at that meeting and I believe she is going to read these resolutions into the record."

Council Member Stephens, "Mr. Mayor, my colleagues. The first Resolution is BZA Calendar No. 3209 is a motion that the Board of Zoning Appeals made to City Council that a variance for Jacob and Rachel Koval, 3708 Severn Road, in an 'A' single-family district, be made allowable. It is a variance from the accessory use regulations of the Zoning Code, to permit a one-story addition to the rear of their home which would reduce the size of their rear yard and result in (a) a rear-yard coverage by the existing garage of 25.1%; (b) total rear-yard coverage of 82.2%; and (c) a distance of eight feet between their house and their garage which is less than is required by Code. The Board of Zoning Appeals studied this carefully and recommends approval by City Council."

Second by Council Member Tumeo.

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

Nays: None

**Resolution confirmed**

Council Member Stephens continued, "Mr. Mayor and to my colleagues, BZA Calendar No. 3210 has been requested by the Board of Zoning Appeals for approval by City Council. A property located at 3839 Woodridge Road in Cleveland Heights is owned by Cleveland Real Estate Development Group, LLC. It is located in an 'A' single-family district. They have made a request from the accessory use regulations of the Zoning Code, to permit a two-car garage set back 1.1' from the westerly property line. After careful consideration by the Board of Zoning Appeals and additional evaluation by staff to see if the garage could be configured in any other manner on this site, it was found there is only one way to do it and conform in most ways to the Code. Therefore, the Board of Zoning Appeals recommends approval of this variance request to City Council."

Second by Council Member Wilcox.

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

Nays: None

**Resolution confirmed**

Council Member Wilcox concluded, "I just have one announcement. Early last summer there was a meeting at the Coventry School, the now closed Coventry School, and at that meeting the Music Settlement announced plans to redevelop that site. The school board and the Music Settlement have reached a tentative agreement whereby the Music Settlement would expand their programs with a new building on the Coventry School site that would keep the playground and it's actually a very exciting development for the Coventry area, the Coventry neighborhood. The Music Settlement promised that they would now go in to the planning and the fundraising stage of that project and they are coming back for a report to the community on where they stand on that project. So, the Music Settlement will hold a meeting on their current status of the project at our community center on Wednesday, February 17<sup>th</sup> at 6:30 p.m. and everyone is invited to attend. Hopefully, we'll hear some good reports on the progress of that particular project. That concludes my report."

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

Council Member Montlack stated, "Thank you. There is one piece of legislation from this committee, Ordinance No. 12-2010(PSH), authorizing an agreement with Statewide Ford Lincoln Mercury, Inc. for the purchase of nine (9) new 2010 Ford Crown Victorias for the Police Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring an emergency. The Ohio Revised Code provides that a city need not go through its formal bidding procedure when purchasing supplies, equipment and services through this Ohio department. In this case, the Police Department requires nine (9) new cars.

I'm sure anybody who has traveled the streets of Cleveland Heights has seen the blue and red signals coming from many police cars along the way and we do use a lot of police cruisers.

The Two Hundred Fifteen Thousand Dollars (\$215,000.00) that will be spent for these nine (9) vehicles, which is a little less than \$24,000.00 a vehicle, represents less in our estimation than would be spent comparably in a bidding procedure. This represents most of the capital of the police capital line in its budget for the year. But, as I said before, these cars, of course, are vital.

So, therefore, under Section 1, the City Manager would be authorized to enter into such an agreement at the Two Hundred Fifteen Thousand Dollar (\$215,000.00) level, not to exceed that, for the purchase of those nine (9) vehicles. Ordinance No. 12-20110(PSH) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 12-2010(PSH).

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

Nays: None

**Ordinance passed**

Council Member Montlack continued, "You know I can't resist myself since Councilwoman Caplan did speak again about recycling and I will acknowledge that my figures are a few months old, but the last time I checked our recyclables brought in something like \$25.00 a ton. So that is for city revenues, which as everyone has been paying attention knows are still a continuing challenge. At the same time, the landfill, the rubbish, etc., going to the landfill is costing something like \$35.00 a ton. I might be off a dollar or two, but you can see that if you add the revenues with the recyclables to the funds saved by not sending that tonnage to the landfill this is a critical part of the city's budget. So, when you look up and down your street on garbage day, chances are you'll either see most of your neighbors doing recycling or you'll see that none or almost none of your neighbors, perhaps even yourself, are doing recycling. This is a word to anybody who has ever said or thought, "Gee, the city ought to save money, the city ought to provide services, cut taxes, blah, blah, blah" This starts with you and I - each citizen. I didn't mention the environment once. I'm just talking about our pocketbooks and the responsibilities of citizenship. I think that Councilwoman Caplan's way of approaching it is a much more fun approach, but I thought I'd throw that in. That completes this report."

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

Council Member Stephens stated, "Mr. Mayor, I have nothing to report this evening."

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

Council Member Stephens stated, "This evening, Mr. Mayor and my colleagues, I have the pleasure of introducing Resolution No. 13-2010(CRR), proclaiming February, 2010 as American Heart Month; and declaring an emergency. Because, cardiovascular disease is responsible for approximately 1 in 4 deaths in the United States and is the leading cause of death among both men and women, I ask that everyone in this community identify risk factors, look at ways to reduce their risk by eliminating or reducing smoking, working in ways to reduce high blood pressure, high cholesterol, obesity, increase their physical activity, and pay attention to family history and age that are indicators of a negative impact of heart disease on their lifestyles and on their families. So, be it resolved by this Council that we proclaim February, 2010 as American Heart Month in the City of Cleveland Heights and promote education and awareness, the goals that will reduce cardiovascular deaths in our community and nationwide."

Mayor Kelley accepted Resolution No. 13-2010(CRR).

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

Nays: None

**Resolution passed**

Council Member Stephens continued, "Mr. Mayor, I also would like to introduce Resolution No. 14-2010(CRR), recognizing February, 2010 as National African American History Month; and declaring an emergency. Cleveland Heights is a city that is rich in its diversity of cultures and races; and the citizens of Cleveland Heights take great pride in the harmonious relationships that exist among all the members of our community. In recognizing our richness and understanding the cultural differences and the spiritual heritage of the City's various ethnic groups, we try to foster and encourage an understanding among all these groups. At this time, however, we'd like to recognize the African American piece of history in our community and to honor it and hope that other folks will honor the accomplishments and contributions of African Americans in the United States. Therefore, be it resolved that the City Council of Cleveland Heights recognizes and honors the month of February, 2010 as National African American History Month in this city and hopes to honor all accomplishments and contributions of African American citizens in this community and our country."

Mayor Kelley accepted Resolution No. 14-2010(CRR).

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

Nays: None

**Resolution passed**

### **REPORT OF THE MAYOR**

Mayor Kelley stated, "This meeting will be adjourned at 8:27 p.m. Our next Council meeting will be Tuesday, February 16, 2010. Thank you for coming tonight."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council