



CITY OF CLEVELAND HEIGHTS, OHIO

MINUTES OF THE CITY COUNCIL MEETING OF TUESDAY EVENING, FEBRUARY 20, 2007

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:25 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

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

Council Member Wilcox moved to adjourn into Executive Session at 6:44 p.m. Second by Council Member Tumeo.

Edward Kelley, presiding

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

Council Members absent: None

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

Topic of discussion included litigation.

Executive Session concluded at 7:02 p.m. and resumed Committee of the Whole adjourning at 7:25 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:33 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Tuesday, February 5, 2007 were signed by Mayor Kelley after one correction was noted and changed along with the resolutions passed at that meeting.

Mayor Kelley continued, "Now, we would normally move to personal communications from our citizens at this time, but it is my great honor to suspend the meeting for a minute to honor one of our board members, one of our esteemed board members, F. David Gill, who is here with us tonight, who spent, I think, a meeting short of twenty years on our Board of Zoning Appeals. I do have a fantastic plaque here but I think before I give it to you I'm going to ask our members of this City Council to honor you with their words of wisdom on your twenty years of service. I am going to begin with our longest running member of this esteemed board of City Council, our Vice Mayor to say a few words."

Vice Mayor Montlack stated, "Thank you. It's been my pleasure to participate in a small way in the meetings that F. David Gill has professionally run and to watch you in so many different ways excel in that position. I could say a lot more about that, but the thing that keeps coming back to me as I think about you and usually the picture I have of F. David is not sitting where the Mayor sits when running the Board of Zoning Appeals but actually sitting out front in a little warmer weather in front of Phoenix Coffee Shop where he also reins as the unofficial mayor of that part of Lee Road. What really occurs to me is that in so many ways, you, F. David, represent the strength of this community. An individual who has invested your life in this community and continues to do so and offers service. We're honored to have you as a neighbor and a member of this community and I say that in the past, present and future tense. Thank you."

Mayor Kelley stated, "I'm now going to turn to Council Member Wilcox who had the privilege of serving with you on the Board of Zoning Appeals for a few years before he became a Member of Council."

Council Member Wilcox stated, "Thank you. I think I'm the only one up here that had the pleasure of serving on the Zoning Board with you. Actually, [I] remember when I was interviewed for the Zoning Board, you asked me, 'what does a Board of Zoning Appeals do?' And, I gave this answer that I thought was very to the point, legal and so forth, and you told me, 'no, we grant variances'. And I always remembered that, because I think you understood the importance of the Zoning Code to the city and the importance of balancing that code and the predicaments that many of our residents find themselves in when they come before the Board of Zoning Appeals. As you know, most of the variances that are submitted and finally heard by the Zoning Board are granted. So, we're accommodating our residents. But, the other thing that you did was you understood the importance of the Zoning Code and what it meant to our community and that's why our community looks as good as it does today."

We really appreciate your service to the Zoning Board. I know my first meeting, I remember, you told me this wasn't going to be too difficult, one meeting a month and etc. I think we had thirteen agenda items and we concluded the meeting something like 1:15 in the morning and I thought, what have I gotten myself into here? But, I also saw the way you conducted yourself during the meetings. You handled the agenda well, you kept the meeting moving along, you gave all the members of the Zoning Board the chance to say their piece before they voted and it really was a pleasure serving with you. You have done great things for this city. I appreciate your dedication and your excellent work and we will miss you, but thank you for coming here tonight and thank you again for all your hard work for the city."

Council Member Evans stated, "Thank you, F., for being on the Board of Zoning Appeals for so many, many years. It seems as though I've known you even longer than that. We go back a long time."

I think your dedication and your devotion to Cleveland Heights becomes really evident when you sit through the Board of Zoning Appeals' meetings, because the way you express yourself and the way you care about the city is certainly reflected with those years of service. I hope to see you. I hadn't been seeing you any place other than those meetings, so we'll have to have coffee at Phoenix someday. Thank you."

Council Member Caplan stated, "Well, I don't know. I feel like I've known you forever, but that's because you're such a wonderful fixture in Cleveland Heights that you're around and you care and the thing about serving on a committee and I really do feel that you feel this way about it. Serving on a committee for the city and being the chair of it for such a long time is sort of a two-way street. And I have the sense that we think you've given an enormous amount, but I really believe you got a lot too. Because, I think that you have loved learning more about the city, being able to hold the community to a standard that you really believe in because you are a resident of the city. And that there is something reciprocal about giving service that I do think that people who do it do get something back in a very rewarding satisfying way and I know that you have loved doing it. Because, you've loved doing it, how - what you've contributed was really in a way a gift of love back to the city. We are really grateful to you and I'm really grateful to you for the caring, the careful attention to detail, the wanting to keep the community at its very highest level and being able to do that. There is something in that, it's that you get the gift and you give the gift and I think you've been fabulous at it and I want to thank you for all of these years of really caring so much and giving us all so much. So thank you and I'm going to see you at Phoenix, too."

Council Member Dietrich stated, "F., I'm so kicking myself that I missed your last BZA meeting as a person that is a frequent liaison from Council to the BZA, I was not at your last one and I read the minutes today - read what you said and it just touched me. It made me sad actually and it made me happy. But, I wish that I had been there to hear that because I have always enjoyed your style of presiding over the meetings. I think that you sort of give the BZA its proper weightiness, like all due respect it belongs to these matters that you're deciding. You let that be known in the way that you do it. The questionnaires that we would get from people who had appeared before the BZA were almost invariably glowing praise for the meetings, for the staff, for the members of the Board and you know a lot of that reflects on the way you led it. I did read in the minutes that you said you had twelve hundred calendar items during your twenty years on the BZA, so it's like sixty a year, five a month, that is so much for a person to have accomplished. So we thank you for that and as Richard called it in the minutes, he called them, 'the F. David years', and I think that's just a wonderful statement. I just want you to know that I've come to regard you as a friend and I will personally miss having you there. So, thank you for everything."

Council Member Tumeo stated, "Well, I had the honor of meeting Mr. Gill tonight for the first time and hopefully we'll be able to meet again perhaps over coffee. Your service to the community on this Board has been an example of what makes Cleveland Heights great and we all are very, very deeply grateful."

Mayor Kelley stated, "F., before I read the proclamation, I want to personally thank you, because the three people that I pattern my leadership style up here are Carol Edwards, Mike Ungar and you, the three people that I learned and watched before I assumed the role of Mayor here. I studied for your style, and how you dealt with people at meetings. Again, it was Carol Edwards, Mike Ungar and you, because you were the three people I watched a lot before I became Mayor. I think if we add in the Board of Control meetings, many of which you and I sat here together and listened to something from antennas on top of buildings for better reception of phones or to the way you reshaped Severance Town Center before me, probably puts you over 250 meetings that you've attended over the twenty years. I

want to thank you because the community is simply a better place for what you did with those twelve hundred calendar items and the items you dealt with here at Severance Town Center. I think I owe you more than a cup of coffee, I'd like to invite you to lunch just to say thank you in a special way and get caught up, because I really do appreciate your style. I remember on my first term on Council when I'd always get a hold of the BZA items, I'd always flip them over to see if F. David voted no and if F. David voted no, I might have voted no also. Sometime it would frustrate Phil Hart, sometimes it would make Phil Hart happy if I would vote that way. You really did have an impact on the community as Richard said, 'The F. David years', and whether it might have been something as simple as a fence variance, something that was more simple or more esthetically looking to the way a building turned out or the Boys and Girls Club or whatever or even the library - you had your hand in it - you were very studious at the meetings - you took control when it was necessary. Quite honestly, the community is simply a better place because of the twenty years you spent with us every third Wednesday of every month here at this seat that I am in tonight. So on behalf of everybody from the community I want to say a big thank you and I want to give you this plaque but I also want to give you an opportunity to speak. I want to give you the plaque, read it to you and then give you an opportunity to speak and say thanks and we want to take a picture with you, if that's okay? The plaque simply says,

In Grateful Appreciation
to

F. David Gill

for his Twenty Years
of Dedicated Service as
a Member and the Chairman
of the
Cleveland Heights
Board of Zoning Appeals

Signed: Edward J. Kelley, Mayor
February 20, 2007

Cleveland Heights Council
Kenneth Montlack, Vice Mayor
Bonita W. Caplan
Nancy J. Dietrich
Phyllis L. Evans
Mark A. Tumeo
Dennis R. Wilcox

Robert C. Downey, City Manager

If you come up, I'd love to give this to you and give you an opportunity to address Council and then we'll take a picture."

Mr. Gill stated, "Mayor Kelley, Members of Council, I had not expected to be deeply moved by anything that anyone said tonight, but I want to assure you that I have been. Twenty years of service to our community was an honor that's afforded to very, very few and I'm deeply appreciative for every moment that I had to give to the community. In the immortal words of Forest Gump, 'that is all I have to say about that'. Thank you."

Pictures were taken of Council and Mr. Gill.

“Good evening, everyone. My name is Sandra L. Madison Walker and I’ve been a resident of Cleveland Heights for approximately 25 years. I live at 2128 Rossmoor Road and I just want to thank these two people over here that helped me get the completion of the renovation done, it was a disaster but they pulled it through and I want to thank Mr. Wagner and Kathleen Ruane, I want to thank them.

My concern on this evening and this is something that I’m sure Ms. Caplan is kind of familiar with. I am an advocate for the Columbus Board of Governors Mental Health and I just want to read basically - matter of fact, I have letters for each of the Council Members –”

Mayor Kelley asked, “Do you want to give them to Council Member Caplan to pass them out and you can keep on reading, whatever is easier for you.”

Ms. Walker asked, “I don’t know if it’s allowed for me to read the letter, but you can have it in front of you?”

Mayor Kelley responded, “Sure.”

Ms. Walker continued, “There are some names that I don’t have on there [council members] which I wrote down, so I’ll just bring up enough copies [letters passed out by Council Member Caplan]. I have other documentation, but I didn’t get enough. First of all I did mention that I am a consumer. The contents in the letter attached is for - actually the Council’s response. Can you hear me?”

Mayor Kelley replied, “Yes.”

Ms. Walker continued, “Okay, one is regarding the percentage of people with mental illness in our prisons and our criminal justice system. Number two, is the percentage of African Americans, Caucasians, Asians and others, etc., with the same illness. Number three, the age statistics haven’t a lot to do *[sic]* - you don’t have this in front of you, I’m just giving you a synopsis of what’s in the letter and then I can read it real quickly. Age statistics have a lot to do with concerning training to alleviate jail time and expense that we have to pay out. CIT, which is Crisis Intervention Training can be obtained in conjunction from the Cuyahoga County Community Mental Health Board. Five, what kind of housing and location is available for inmates upon returning to the outside. Six, is there a place? I think it’s important that we look at a location for those returning to society.

One of the main things that the letter talks about, is trying to encourage that the Cleveland Heights Police Department, as others have been trained, when dealing with those who suffer with the illness. I’ve talked with Bonnie Caplan and addressed this at our Board of Governor’s meeting and her suggestion was for me to write a letter to Chief Lentz. Well, he will get a copy of this, but I thought it would be appropriate if I addressed it to Council since it does involve the City of Cleveland Heights. And not only the concern for Cleveland Heights, it’s for other suburbs. The letter reads as such:

Attention: Cleveland Heights City Council Members: and the meeting date is February 20, 2007.

Dear City Appointed Committee Council Members:

Many people reside in Cleveland Heights. Now you have the letter. Now I can skip over some things and just get to the gist of it because it is kind of lengthily I don’t want to take a lot of your time.”

Mayor Kelley replied, "What ever you feel most comfortable."

Ms. Walker continued, "Okay. Thank you, Mayor. Many people we know live in Cleveland Heights and the statistics show that one in five persons will experience mental illness sometime in their life. The most recent census taken in 2005, the population estimate for the City of Cleveland Heights City is approximately at that year taken was 48,000. Other such factors as mental illness, it pervades all parts of society and presents the second largest burden on our health care system behind cardiovascular illnesses.

And we have the dots about the experts that within the next 15 to 20 years - I won't go through that. All the dots are under the first paragraph gives you percentages of children with the disorder, with children in Ohio's welfare system, how they are diagnosed, the homeless Ohioan's and the 40% of youth in the criminal justice system have a serious mental illness. The solution lies in effective collaboration among mental health consumers, advocates such as myself and service providers and well-developed approaches to serving specific populations.

There is stated (I'm sure Ms. Caplan is familiar with) the Cuyahoga County Community Mental Health Board communication. It was an issue and I have a copy of that. I don't need to read that. That is just going to be too lengthily. I can pass this down, as other information, giving the statistics about the in-time jail imprisonment. It's diverting incarceration.

The main purpose of this letter (I'm going to try to skip through it instead of reading through it) is that I would ask Council if they could actually in combination with Cuyahoga Community Mental Health Board and their training, that Cleveland Heights police officers get the same training. We are a large suburb. Also, Highland Heights is available. I understand that they send out letters among the suburban area where they do training for the police officers to get at least a two-day overview of the training. Now, in conjunction with the county board, which William Denihan is CEO of, there is a five-day training that you get in-depth training to prevent - say someone is acting out of character - well, there are some that can be severely mentally ill - in the middle and at the bottom. But, however, the main thing to focus on is keeping them out of the jails because it is going to cost us more money and it'll be more persuasive to collaborate to get the training so that we will save money as far as putting them in jail and diverting them and sending them to a place for help, an institution or a place that is designated for them to go to without being incarcerated, which in effect will save Cleveland Heights money as well as any other city or suburb, the money it would cost to house prisoners, especially the young. With a lot of things coming up, we have a lot of different people.

This illness is not a disease, it is an illness. At any time in your life, anyone can catch it. It doesn't matter age, economic, race or your income level. Basically, that's what this is about. As it states here, I get concerned about the stigmatized. If we keep promoting that without drugs - the same thing for mental health goes for drug and substance abuse. You can tie them two together - you can't separate them. Why would someone want to stick a needle in their arm? Why? Because it is an emotional problem. So, you have mental health. Those who are afflicted, whether by drug blood transfusion or/ and HIV drugs or whatever, that's still going to have an emotional problem which does cause mental health. So, you look at the majority of the statistics that people who are incarcerated in the jail system that are mentally ill and the hospitals, that they have those that are ill - that's coming out. There are programs and places and help with medication and proper treatment that they can get help instead of us paying costly amounts of money to send them to jail. It costs way too much money to have a person incarcerated for a year, six months or three months then it would be to divert that from going to the jail to going to a hospital or designated area so that they can get the help.

I have different things in here about articles and what not. As you noticed I have different people copied. My concern as being an advocate was to address this to the City of Cleveland Heights. I've seen cases where things were addressed with those who had the illness, some were good, some were not good, some were sent to jail and like I said, as a taxpayer we would rather invest our money somewhere else and have less in jail and more training. The more training, the more knowledge that you have, you can get that so they won't go to the jail, so we can save some money and get them the help that they need.

I didn't read the whole letter. I just kind of briefed it through. I would like to get feedback at some point in time. I thought I should give it to all the council members. I do have other data that I can give you. I have a packet full of stuff here. I think I brought too much. But, I do want to give this to you, Mrs. Caplan, that you can pass down that shows some statistics. It shows the effect of policemen when they get the training of how much it saves and averts trouble from going to different places.

I would like to know, does anyone have any questions? Do you understand what the purpose of me reading the letter? Is it all clear? Thank you all."

Mayor Kelley asked for any comments from Council.

Council Member Caplan stated, "Thank you very much for coming. You came to, I think it was our last Board of Governor's meeting at the Cuyahoga County Community Mental Health Board and I think you are absolutely correct. The more training that the police department has in being able to recognize when somebody is having an emotional problem and being able to separate that out from being a criminal activity is really helpful for the whole community and is certainly very helpful for the person themselves. So, there is certainly no question that it's cheaper for the entire community to put somebody in an appropriate situation whether it is a psychiatric emergency room or divert them to the appropriate place. As you said, we have been doing the training and the training for police officers has been county-wide and has been really amazingly successful. Everybody wins in this thing in so that it was very good of you to have come. Thank you very much for doing that. I haven't talked about it for a while, so thank you. So, I think I'll start talking about it here too."

Ms Walker added, "Thank you for your attention in listening."

Mayor Kelley added, "Thank you, Ms. Walker. Thank you for your commitment to Cleveland Heights. If you find something else you'd like to give to us, we'll be here for a while. Thank you."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. At our last Council meeting I talked to you about Bid Document No. 2007-03, the purchase of plastic refuse bags. The lowest and best bidder was the All American Poly Company. Since then, we have been informed by them of their inability to perform on this bid and therefore, we are awarding this contract to the second lowest bidder, the Central Poly Company, in the amount of \$55,080.00. Your Honor, I would request that the bid tabulation and the award of contract be made a matter of record."

Mayor Kelley made it a matter of record that the bid is awarded to the second lowest bidder and rejected the lowest bidder since they could not comply with the terms of the original specifications.

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that one notice has been received from the Ohio Department of Liquor Control advising that application has been made by the following: Unger's Kosher Bakery, Inc., C2, C2X, D6 permits, premises 1831 South Taylor Road, 44118. Your Honor, I need to make this a matter of record."

Mayor Kelley made it a matter of record and referred it to the Public Safety and Health Committee of Council, the City Manager, and the Director of Law.

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have one piece of legislation and it is Resolution No. 17-2007(MS), approving a Change Order with Fabrizi Trucking and Paving Company for a contract for the Meadowbrook Boulevard Rehabilitation Project; providing compensation therefor; and declaring an emergency. The City had awarded a contract to Fabrizi Trucking and Paving Company for the Meadowbrook Boulevard Rehabilitation Project. Site conditions necessitated an increase in the scope of work.

If anybody of you had been around that site for the past (I think) two years, this was a major project, where it became more major than we had originally planned actually and that's what this Change Order is about.

Fabrizi has submitted to the City a proposed Change Order covering the additional labor and materials, and such proposal has been recommended by the City's Capital Projects Manager. Therefore, be it resolved by this Council, that the following changes from the original specifications for the work performed by Fabrizi Trucking and Paving Company in connection with the Meadowbrook Boulevard Rehabilitation Project are hereby authorized and approved, and the price adjustment in compensation for such alterations is hereby authorized, all as specified immediately hereafter and in the request for Change Order submitted by Fabrizi and approved by the City's Capital Projects Manager. So, the description of work was adjusting the original contract amount by an increase of \$120,368.38 due to additional labor and materials, as set forth in the request for Change Order. The original contract sum (this was a big project) was \$3,155,323.00. There had been other changes [previous Change Orders \$495,644.50]. We had to put in a new storm sewer and the valves were broken and the more work they did, the more work needed to be done and the time kept going on and on, but now it looks fabulous actually and I'm sure the people who live in the community surrounding Meadowbrook are really quite pleased with not only the street but also how the sewer water and the sanitary sewers are functioning. The contract sum prior to this Change Order was \$3,650,967.50. The contract sum increases, as I said \$120,368.38, so the net contract sum will be \$3,771,335.88. Notice of passage shall be given and this Resolution is declared to be an emergency for passage tonight. I offer Resolution No. 17-2007(MS)."

Mayor Kelley accepted Resolution No. 17-2007(MS).

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

Nays: None **Resolution passed**

Council Member Caplan concluded, "Thank you. Probably the only real significant word that we've been talking about for the past couple of weeks is weather. Primarily about snow and I really want to say thank you to the whole public works department, virtually every part of public works had

to participate in clearing the streets, keeping us safe, we looked great. I feel like it's the best year we've had in forever, in terms of being able to safely go where we wanted to go, even when it snowed for 31 straight hours. They did a great job. Everybody pitched in and really thank you. We looked good because public works made us look good, so thank you very much and I hope you say thank you to all the guys.

I was proud to be here because of how we looked and how the city was during the snow storm. We looked beautiful and our streets were clean. It was great. That's all I have to say. Thank you, tonight."

Mayor Kelley added, "Thank you, Councilwoman Caplan, excellent words for our Public Works Department"

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation from this committee tonight, but I did want to remind people that sometime ago Council was able to receive a grant - the City was able to receive a grant and we hired Studio Techne to do some planning on Cedar-Lee's Streetscape design. There is an opportunity for citizen participation this Saturday, February 24th from 9:00 to 11:30 at the main library. So, if you are interested in participating in a Charette that will be sponsored by Studio Techne that would be the opportunity to give your thoughts on what you might want Lee Road to look like. A Charette by the way is just a fancy way of saying, 'thinking outside of the box'. So, if you have some ideas, don't be constrained about what you might think could be done or couldn't be done, just show up Saturday morning from 9:00 to 11:30, that's your opportunity to participate and make your mark on Cedar-Lee.

I also wanted to thank our public works department for their fine work Tuesday, Wednesday, Thursday - I guess all of last week, we had a lot of snow. From a personal experience, coming from downtown that night, I felt if I could just make it to Cleveland Heights I would be fine and indeed that was true, because I almost got stuck in University Circle as I was coming through it at about 9:00 p.m. that night. The minute I hit Cleveland Heights I saw pavement. So, fine work, indeed. My driveway was another matter - but we'll talk about that at another meeting.

I also want to just thank many of our residents for just being civil and being kind and helping out their neighbors. I know somebody on my block, the other day, got a snow blower out and went clear around the block and cleared the entire sidewalk and I've seen that in other neighborhoods as well. Just to all the unsung heroes out there in Cleveland Heights, thank you very much and that concludes my report."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Resolution No. 18-2007(PSH), authorizing the City Manager to accept a grant from the Department of Homeland Security/Federal Emergency Management Agency on behalf of the City of Cleveland Heights Fire Department; providing compensation therefor; and declaring an emergency. The Department of Homeland Security/Federal Emergency Management Agency ("FEMA") has awarded a grant to the City of Cleveland Heights Fire Department under the 2006 Assistance to Firefighters Grant Program in the amount of Nine Hundred Ninety-two Thousand One Hundred Seventeen Dollars (\$992,117.00) for the purchase of emergency communications equipment; and it is anticipated that the remaining twenty percent (20%) of the project costs will be paid by another grant administered by Cuyahoga County; and acceptance of

said grant will be of benefit to the City and its residents. Now, therefore, be it resolved by the Council of the City of Cleveland Heights, Ohio, that: The City Manager is authorized to execute an agreement with the Department of Homeland Security / Federal Emergency Management Agency on behalf of the Cleveland Heights Fire Department for acceptance of a grant for specified emergency communications equipment, and to take all actions necessary for acceptance of said grant including the provision of twenty percent (20%) matching funds in the sum of Two Hundred Forty-eight Thousand Twenty-nine Dollars (\$248,029.00), which are anticipated to be paid by another grant administered by Cuyahoga County. The agreement and all related documents shall be approved as to form by the Director of Law. I'd like to present Resolution No. 18-2007(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 18-2007(PSH). Roll Call

Ayes: Dietrich, Evans, Kelley, Montlack, Tumeo, Wilcox, Caplan

Nays: None **Resolution passed**

Council Member Evans continued, "Next is Resolution No. 19-2007(PSH), declaring the operation of the business known as CVS/Pharmacy #3634 by Revco Drug Stores, Inc. at property owned by J.E.L. Properties at 2160 Lee Road, Cleveland Heights to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. The City Manager, Chief of Police and Director of Planning and Development have reported that various activities occurring on the Premises of the CVS/Pharmacy at 2160 Lee Road, Cleveland Heights (hereafter "Drugstore" or "CVS") constitute a hazard to the health and safety of patrons, neighbors and the public and a nuisance and blighting and deteriorating factor adversely impacting the value of neighboring property and the operation of neighborhood businesses. Such activities are caused either directly by CVS employees or indirectly by the twenty four hour-a-day operation of the Drugstore with inadequate security and lighting in the store and parking lot. Therefore, be it resolved by the Council of the City of Cleveland Heights, Ohio, that: It is hereby found and determined by this Council, pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights, that the operation of the business known as CVS/Pharmacy #3634 by Revco Drug Stores, Inc. at premises owned by J.E.L. Properties located at 2160 Lee Road, Cleveland Heights is a blighting influence and a hazard to the health and safety of patrons, neighbors and the public and is hereby declared to be a public nuisance. The City Manager and Director of Law are authorized and directed to cause the nuisance to be abated in accordance with Chapter 553 of the Codified Ordinances of the City of Cleveland Heights or in any manner determined by them to be appropriate and in accordance with law. I'd like to present Resolution No. 19-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 19-2007(PSH).

Council Member Tumeo stated, "To declare a nuisance is a very large step for Council and I'd just like people to know that it's not taken lightly. The City Manager, the Mayor, the Director of Planning have been trying to work with CVS to get these things addressed and their lack of response has left us very little choice."

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

Nays: None **Resolution passed**

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "I have no legislation tonight, but I do have a great number of

appointments for committees and boards. This is the time of year when we do this. I will run through several. First, for the Architectural Board of Review, I would like to move to reappoint J. Todd Anderson to a three-year term effective immediately and running until December 31, 2009. Mr. Anderson has served with distinction for the past twelve years and is currently serving as chair.”

Second by Council Member Dietrich.

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

Nays: None **Reappointment passed**

Council Member Tumeo continued, “Next, I have two appointments to the Board of Zoning Appeals. One, at the last meeting we actually did appoint George Gilliam, but in stating the appointment I actually misstated the term so I would like to correct that. The two individuals are Thomas Zych who has been a member of the BZA for eight years and has indicated his willingness to serve another term and the other is George Gilliam who I accidentally appointed for a three-year term when it should have been a four-year term. Both appointments are effective immediately and will run until January 31, 2011. So I would like to move these two reappointments.”

Second by Council Member Caplan.

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

Nays: None **Reappointments passed**

Council Member Tumeo continued, “Next, is for one of the more exciting committees, the Cable Television Commission. J. J. Costello was appointed to fill the vacancy on this committee last July. That term ends on February 28 and Mr. Costello has agreed to serve a full four-year term. So, I therefore, would like to move to appoint Mr. J. J. Costello to a four-year term beginning March 1, 2007 and ending February 28, 2011.”

Second by Council Member Wilcox.

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

Nays: None **Reappointment passed**

Council Member Tumeo continued, “Next, is the Planning Commission. We have three individuals who having been serving with distinction and I would like to move their reappointment. They would all be appointed to a full six-year term starting immediately. The three individuals are Leonard Horowitz, Cheryl Stephens and Michael Ungar, who we’ve already noted as one of the people that the Mayor has following in his management style.”

Second by Council Member Caplan.

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

Nays: None **Reappointments passed**

Council Member Tumeo continued, “Next, is the Landmark Commission. There are three indi-

viduals who are up for reappointment. Mr. James Edmonson, who has served on the commission since March of 2001, Ms. Marjorie Helen Kitchell, who has served on the commission since June of 1997 and Mr. Charles Miller, who has served on the commission since 1996. I would like to move all three to be reappointed to three-year terms on the Landmark Commission effective immediately and running until December 31, 2009.”

Second by Council Member Dietrich.

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

Nays: None **Reappointments passed**

Council Member Tumeo continued, “Next, there is a seat open on the Housing Council due to the departure of Jacek Ghosh who was also on the Planning Commission. He also served as the Cleveland Heights Representative to the Tax Incentive Review Council. After consultation with the committee and this council, I would like to move the appointment of Mr. James Cull to the fill the open seat for the remainder of the term starting immediately and running until February 28, 2009.

Second by Council Member Dietrich.

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

Nays: None **Appointment passed**

Council Member Tumeo continued, “And I saved the best for last, in my opinion. Every year the Citizens Advisory Committee members are queried to determine who wishes to continue serving. I had the honor of serving on this commission for six years. Three individuals chose not to seek reappointment and therefore, I would like to reappoint the following representatives for the 2007 calendar year: Marian Morton and KÈba Sylla from the Boulevard neighborhood, Shirley Moore from the Caledonia neighborhood, Carol Staiger from the Canterbury neighborhood, from the Coventry neighborhood Ian Hoffman and Gordon Wean, Rob Fischer from the Fairfax neighborhood, Joanne Anderson, Mazie Adams, Donald Boehm and Stephan Schlegelmilch from the Noble neighborhood, Donalene Poduska from the Oxford neighborhood, Jeffrey Bendix, Jim Cull, Allison McCallum, Keith McCabe and David Shriver from the Roxboro neighborhood, and Tobi Mattes and Thomas Naypauer, Jr., from the Taylor neighborhood.”

Second by Council Member Evans.

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

Nays: None **Reappointments passed**

Council Member Tumeo continued, “I also have two new appointments, since these individuals have not previously served and they will be filling two of the three vacancies on the commission. The two new appointees, I would like to move are Michael McGraw who will be representing the Coventry neighborhood and Althea Cheatham who will be representing the Roxboro neighborhood.”

Second by Council Member Wilcox.

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

Nays: None

Appointments passed

Council Member Tumeo continued, "That ends the appointments. I would like to add my thanks to the public works department. They did do a wonderful job. I have the privilege of driving downtown everyday and going down Cedar Hill is a challenge, but it was never a problem - a wonderful, wonderful street crew and many of my friends who also work downtown and have the privilege of driving through Cleveland Heights noted that getting to Cleveland Heights means you're going to make it faithfully to the other end of the city at least. So, I think we all would like to pass on a thanks to all the people who worked very hard and very late at night and very early in the morning in very unpleasant conditions.

The other thing I would like to say is happy Mardi Gras. This is Fat Tuesday and we're heading into Lent season so enjoy and have fun. Thank you."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, "Thank you, your Honor and I think my committee was much less busy than the Administrative Services Committee, but I do have a couple of things to comment on. First of all, this weekend, starting Thursday, at our Community Center is taking place the U.S. Short Track Speed Skating National Championships. Apolo Ohno will be competing. You do need tickets if you want to go to this. There is a phone number to call if you'd like to call. It is happening all day Thursday, February 22, all day Friday and in the evening and all afternoon Saturday and evening and all day Sunday. It is February 22 through February 25. The number to call if you'd like tickets is 216-621-0600. This is a really exciting thing for Cleveland Heights. We've had it before. We're very, very lucky to be able to host these championships. It'll be a fun thing to go to.

The other thing that I want to comment on - it's also snow-related. And this is a plea to people to shovel your sidewalks, especially if you live on one of the main streets. I am a walker, I used to be a runner, now I'm just a walker so I really do get out and notice. Long streets like Cedar and Coventry, the sidewalks are truly impassable. You can't even get to a sidewalk because people have plowed their driveways up so much, that in order to get across a driveway you have to climb through mounds of snow in addition to the regular amount of snow. There are kids walking in the street on Cedar, on Coventry, on Lee Road, on Taylor on their way to school. I talked to a mother the other day who picked up a child who had no boots on, no long pants just a skirt and she was in fact crying on her way to school. I saw a woman today who was out trying to walk her little short dog and was carrying it from place to place where she could put it down and let it walk. Please, shovel your sidewalks. Especially, please don't leave huge mounds of snow where you've actually paid to have your driveway snow plowed and then you haven't done your sidewalks. It's not just an inconvenience, it really is a danger, especially for children going to school. That is my request to everybody and that's all that I have. Thank you."

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There are two pieces of legislation from this committee, the first is Resolution No. 20-2007(F), authorizing the City Manager to enter into an agreement with Rea & Associates, Inc., Accountants and Business Consultants, with the approval of the State of Ohio Office of the Auditor, for audit services for the four fiscal years ending December 31, 2006, 2007, 2008 and 2009; providing compensation therefor; and declaring an emergency.

The City of Cleveland Heights, like all political sub-divisions of this kind is required to undergo what is truly a severe audit annually. Sometimes, the State of Ohio itself, the Auditor's Office conducts the survey, but very often it gives consent to hiring one of the now limited number of public accountant firms to perform this important and costly task.

Through the State Auditor's Office, Request for Proposals were submitted to a number of such firms and only two responses were received. The lowest and best bid being that of Rea & Associates, Inc. With this authorization, that organization will be engaged to do the audits for the years I talked about. That will consist of examination of the City's financial statements for those fiscal years, to determine the City's compliance with City Ordinances and applicable provisions of the Ohio Revised Code.

I'm sure you will recall, those of you who are familiar with the council proceedings, most often every year this City wins certificates and awards for good audit practices.

The cost, you may want to know, for the four years will be One Hundred Forty-two Thousand Forty Dollars (\$142,040.00) for the four year period as follows:

Fiscal Year Ending 2006	\$ 33,500
Fiscal Year Ending 2007	\$ 34,840
Fiscal Year Ending 2008	\$ 36,180
Fiscal Year Ending 2009	\$ 37,520

Resolution No. 20-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 20-2007(F).

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

Nays: None **Resolution passed**

Vice Mayor Montlack continued, "The next piece of legislation is Resolution No. 21-2007(F), authorizing an amendment to Resolution No. 95-2006 authorizing an agreement with Corporate Collection Services, Inc. for collection services to expand the scope of services; providing compensation therefor; and declaring an emergency. In sum, this Resolution authorizes the City Manager to enter into an agreement expanding the services that this entity provides, which at present is collection on delinquent City income taxes, and now added to that are City utility bills; and, of course, it becomes necessary for all of the residents - all of the persons to whom the services are provided to make those payments for several reasons. One of which, is the City needs the money to continue to provide those kinds of services and obviously, secondly, it's important that everybody comply with their own civic responsibilities. The substance of this agreement, we are authorizing is that this entity will receive a contingency fee of ten percent (10%), for collections that it is able to procure and an additional \$.75 per account where there is an interruption through bankruptcy filing. Resolution No. 21-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 21-2007(F).

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

Nays: None **Resolution passed**

Vice Mayor Montlack concluded, "As the snows of this winter begin to recede or at least promise to do that, some people are actually considering getting out of their house and when that happens there will be the requirement of doing shopping and purchasing things that we all need and make our lives enjoyable. The organization, Future Heights, has an ongoing initiative that I think is an excellent one from several standpoints. It talks about shopping local when you can, and as part of that has surveyed and has gotten good response to a survey asking people - the residents of Cleveland Heights - to respond in a number of categories as to the very best of places that they shop in this City and it will probably not surprise you that each of the winners in these categories are locally owned establishments. By locally owned, I mean folks who live if not in Cleveland Heights around here and certainly in terms of their businesses invest themselves in every way in Cleveland Heights. There are some other reasons why I want to read some of these names to you. First of all, these business people are your neighbors. They provide the kind of personal service that makes the quality of our lives so much better. They are the anchors to our and your neighborhoods and business districts and they financially strengthen the community, which means that ultimately, if we want to look at it from a selfish viewpoint, these good businesses strengthen you personally and in your property values in every way - supporting good local merchants is so important. I'm not going to go category by category and this is for the year 2006. There was a ceremony held a few months ago, but I think it's still timely to keep these folks in mind. I will read you some of these names and they're not every good business in Cleveland Heights - these are the winners. I'll bet as you listen to them you will recognize many of your own favorites. Nighttown wins in several categories. Mitchell's Fine Candies, Greve's Florist, the Inn on Coventry, Dewey's, O'Grady's Cleaners, Brennan's Colony, Phoenix Coffee, Seitz-Agin, Mint CafÈ winning in a couple of categories. For the best place to hang out in terms of a district, Coventry Village, the Atma Center, Big Fun, and Tommy's. The best place to get fit, Cleveland Heights Community Center, and really a number of others that I, again, I've left a few out. I have to mention one of my personal favorites is on this list, Bryan's Marathon. They've saved many of our vehicles over the years. I hope you'll keep these things in mind because it's really one of the joys of living in Cleveland Heights.

Finally, so many good things have been said about public works department. I don't think I need to repeat them. I'll just say, 'amen' and also add that all of the staff of Cleveland Heights in various departments have performed heroically during this latest period, in many respects, has been a snow emergency. Think of our safety forces, think of all the folks out there during the days and at nights when all of us did everything we could to rush home to the warmth of our homes and they were out there working for us and some of us struggled to the community center and there the staff arrived and manned the place and I could go on and on. It's a good time now to think of all the folks working for us who are the staff of Cleveland Heights and to say, 'thank you'. That completes this report."

REPORT OF THE MAYOR

Mayor Kelley stated, "I, too want to thank our Municipal Service Department - an excellent job. I came the other way, I was out in Lake County trying to make it home and whether it was Mayfield Heights or Gates Mills or Lyndhurst or South Euclid, I was so glad to hit Mayfield and Warrensville. Usual twenty minute drive from those areas was about forty-five minutes, but my usual five minute drive from Mayfield and Warrensville to my house was five minutes. So, I want to thank the guys who worked so hard, but also as the Vice Mayor said, I want to recognize our police and fire departments. I know our fire department was on twenty-four hour calls and many of them were out doing things that night because they were the first ones called and interrupted out of bed, etc., at a moment's notice to go to somebody's house or take them to the hospital. That certainly is tough work also not knowing what you will be up against or to be moving someone in those crazy conditions. Our policemen are always there to do something. I also want to thank our Community Center staff who just were there and came from different places to be there to keep it open when most other community centers closed in the

neighboring communities. We were one of the few community centers that stayed open. Some of the other people I talked to in other cities were very surprised that Cleveland Heights stayed open or many other community centers or city halls didn't open until ten in the morning or half a day, but we were here round the clock and very proud of our people.

I do want to mention that Dave's Super Market at Severance which is a family-owned and operated supermarket is replacing the long outworn Tops. It has been open for about a month now. We'll have their official grand opening on Wednesday, March 7th at 9:30 a.m. They are in the Tops space up there and they are doing fairly well and they could do a little bit better, but their grand opening, again, is Wednesday, March 7th at 9:30 in the morning. It is family-owned and operated. Dave's is not some big conglomerate out of Pittsburgh or New York or Florida, they are family-owned and operated out of the Cleveland area. They do have a number of stores and we're fortunate to have them open up at this Tops' location. There were many Tops stores in the area simply closed and did not come back or came back, God forbid as Giant Eagles, and we've known - at least of what I think of Giant Eagles stores. We'll leave it at that.

The other thing to keep in mind, we are even though the weather outside is frightful, we are working on our orange barrel season. Fairmount Boulevard will be coming up and running sometime in March and April when the weather gets a little bit better to finish that little strip. We are working very hard to get Lee Road from the library south completed to the Shaker Border. We're looking at Taylor Road and Superior Road as other items to be done. So, we've had a lot done in the last few years. We are looking to continue to pace, probably to drive our residents a little bit crazy, but then again this is your tax dollars at work. We are doing a lot to continue keeping our roads up to par and get a little bit farther, to keep Carl Czaga a little bit busier and to grow that hair back a little bit back on Carl's forehead with all these projects, but these are our tax dollars at work. Fortunately or unfortunately we have all these orange barrels, but when you see this work happening in Cleveland Heights it means it's not happening somewhere else in some of the other 56 communities, so we work very hard to get these projects done and to continue to do them here in Cleveland Heights, even though it is snowing outside.

Lastly, I'll leave you with the idea that when the snow does melt and it's going crazy all over the place, as I said a couple weeks ago, help your neighbors, especially the older neighbors that have the icicles and the ice and the snow and maybe as Councilwoman Dietrich said, the sidewalks that aren't plowed. Grab a shovel and get over there and have your able-bodied children go over there. I think it was one city I saw in the news, I think it was Lakewood, that the children formed through the PTA actually goes and shovels around the schools. So maybe we could get together and do some of this. But, help the people that can't help themselves or the single people that are older to do this. We do have a very high amount of population that are elderly. So let's get together and do the neighborly thing and help each other out, especially those people that have those long icicles dripping down and/or losing their gutters. Senior citizens simply need our help and why not do it here in Cleveland Heights? We've done it before. We were one of the first communities to have block parties. So let's reach out at this time because there is 13 to 21 inches out there. There was rain today, now there is snow again, so it's going to be a mess, so let's help so Alex Mannarino who is in the back row just shaking his head - doesn't have anything else to do - but work with our residents.

Our meeting will be adjourned at 8:44 p.m. Our next meeting will be Monday, March 5, 2007. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc