



## CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF MONDAY, MARCH 15, 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, Evans, Kelley, Montlack, Stephens, Tumeo, Wilcox

Council Members absent: None

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

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

Council Member Tumeo moved to adjourn into Executive Session at 6:58 p.m. Second by Council Member Caplan.

Edward Kelley, presiding

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

Council Members absent: None

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

Topic of discussion included litigation.

Executive Session concluded at 7:21 p.m. resuming into Committee of the Whole and adjourning at 7:30 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:44 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

Mayor Kelley stated, "Our community of Cleveland Heights is mourning the loss of Cleveland Heights Police Officer Thomas Patton Jr., who died in the line of duty in pursuit of a suspect on the night of Saturday, March 13<sup>th</sup>. This wonderful officer was devoted to our residents and to our entire community. He took seriously his commitment to protect and to serve. Officer Patton represented the Cleveland Heights Police Department and our community with distinction for almost ten years. On behalf of the people of Cleveland Heights, we offer our sincere condolences to his family, his friends and his fellow officers. They will all remain in our thoughts and prayers in the days ahead.

At this point in time I would like to have a moment of silence for Officer Patton."

Mayor Kelley continued, "Thank you."

The minutes of the Regular Council Meeting held Monday, March 1<sup>st</sup> were signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

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

Mr. Downey stated, "Thank you very much, your Honor. I have several items this evening. The first of which, would be, as you know you've received a copy in your packets of Bid Document No. 2010-01, that's also known as the Monticello Boulevard Pavement Rehabilitation Project. The lowest and best bidder, your Honor, is the Kokosing Construction Company, in the amount of \$1,323,402.00. Your Honor, I would request that the bid tabulation and award of contract be made a matter of record."

Mayor Kelley made it a matter of record.

Mr. Downey continued, "Thank you very much, your Honor. By way of information, pre-construction meetings are being scheduled now for this project and we hope to be under construction in the middle to the end of April.

Also, your Honor, pursuant to Ordinance No. 65-2009, that authorized the City Manager to purchase vacant, abandoned and foreclosed homes for the purposes of demolition or rehab and sale to a new 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 the property at 3227 Redwood for the sum of \$22,000.00 plus closing costs. Your Honor, I would request that 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 have no report tonight."

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

Council Member Montlack stated, "Thank you, your Honor. There are two resolutions from this committee. The first is Resolution No. 24-2010(MS), authorizing the City Manager to accept a grant from the Greater Cleveland Regional Transit Authority on behalf of the City of Cleveland Heights for bus stop improvements; and declaring an emergency. The Greater Cleveland Regional Transit Authority ("GCRTA") which most of us know as RTA is a designated recipient of federal funds for transit waiting area enhancements from grants issued by the federal government and, in particular, the Federal Transit Administration ("FTA"). RTA has awarded a grant to the City of Cleveland Heights as sub-recipient for

the construction of bus stop improvements including solar shelters and landscaping for two of the most heavily used locations in the City at the intersections of Mayfield and Coventry Roads and Mayfield and Warrensville Center Roads. Acceptance of this grant, which requires no City matching funds, will be of benefit to the City and its residents. So under Section 1, the City Manager is authorized to accept a grant in the sum of One Hundred Thousand Dollars (\$100,000.00) from the Greater Cleveland Regional Transit Authority ("GCRTA") for improvements at bus stops at the intersections of Mayfield and Coventry Roads and Mayfield and Warrensville Center Roads. The terms of the agreement shall be in accordance with the draft agreement between GCRTA and the City received by the Director of Planning and Development on February 23, 2010, a copy of which is on file with the Clerk of Council.

This is simply not two more bus shelters, but these will be very special projects, and in fact, to show and tell a little bit about this to the public I'd like Richard Wong, who is of course, Planning and Development Director, to come forward and tell us a little bit about it."

Mr. Wong stated, "Thank you, Councilman Montlack. Ordinarily, we don't get excited about RTA bus shelters, they work, they work very well. They shelter their riders. They are brown rectangular framed structures and they work well, but they're boring. So RTA has challenged various cities who are sub-recipients of these funds - I just want to show you what we're working on now [showing display]. This is anything but standard. As your legislation pointed out, this will be solar-powered and the design is unlike anything that we've seen in Greater Cleveland. So, we are really looking forward to implementing this, this year, both at Coventry and Mayfield and Warrensville Center and Mayfield."

Mayor Kelley thanked Mr. Wong.

Council Member Montlack continued, "First of all I'd like to thank Mr. Wong, who has worked with RTA and is continuing to do so to make these two state-of-the-art projects. I'd also like to comment that our Mayor, Ed Kelley, who is the Vice President of the RTA Board, has been instrumental in this and so many other great progressive ideas that actually benefit communities such as Cleveland Heights. With that, Resolution No. 24-2010(MS) is introduced on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 24-2010(MS) and commented, "I'm going to abstain from voting on this and I do sit as the Vice President of RTA and when it officially comes up to RTA I will also abstain there too. I do not want to have any conflict on this issue or hold up withholding the funds. So, I would rather do the abstention and I ask for a motion to allow me to abstain from Council."

So moved by Council Member Tumeo.

Second by Council Member Stephens.

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

Nays: None

**Motion to abstain passed**

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

Nays: None

**Resolution passed**

Council Member Montlack continued, "Secondly, Resolution No. 31-2010(PSH) has been added to the agenda. Resolution No. 31-2010(PSH), declaring the operation of the gas station and convenience store business, located at 2610 Noble Road to be a nuisance; authorizing abatement of

the nuisance; and declaring an emergency. Whereas, the City Manager and the Chief of Police have reported that numerous illegal activities have occurred and are habitually occurring at the gas station and convenience store business located at 2610 Noble Road, Cleveland Heights, Ohio. These activities include, but are not limited to, the following: reported drug activity, underage alcohol sales, fighting, leaving gas pumps on and unattended after the business has been closed, directing snow, debris and inoperable automobiles to be placed on adjacent properties without permission, improper trash control, and customers urinating on the business property and on adjacent properties; and whereas, the business as operated, and as it has been operated over the past several years, is a hazard to the health, safety and welfare of the patrons, neighbors and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the safety and value of neighboring property. Under Section 1, it is hereby found and determined by this Council, pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights and Ohio law, that the operation of the gas station and convenience store business located at 2610 Noble Road, Cleveland Heights, Ohio 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. Therefore, 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 or in any manner determined by them to be appropriate and in accordance with law. Notice of passage shall be given as is appropriate and the Resolution is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being that the danger to the public and the blighting influence are such that the nuisance must be abated at the earliest possible time and it is presented for such relief. Resolution No. 31-2010(PSH) is presented on first reading for passage tonight.”

Mayor Kelley accepted Resolution No. 31-2010(PSH) and commented, “A very brief comment. You heard the long list. This is not a way to run a business in any city, certainly not a business to run here in Cleveland Heights and I strongly suggest that these people clean up their act.”

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

Nays: None

**Resolution passed**

Council Member Montlack continued, “At the City, we understand dealing with crime and anti-social behavior is not by any means the sole province of the police department and as we’ve said before if we had twice as many officers - three times as many - ten times as many, it still falls to the individual residents to conduct themselves in accordance with standards of decency and good community standards. One of the things - one of the many things the city is doing, again, in this case through the Community Services Department has been to review and update a guide entitled, “Good Neighbor Guide for New Residents”. This guide is going to be sent out to new residents. It’s also going to be sent out to landlords who are registered with the relocation office and for those who don’t receive the guide, especially I’m talking about, of course, any resident and especially any landlord, you simply need to call our Community Services Department at area code 216-291-2323 to get one or as many copies as needed for your tenants. Now, the booklet is in big print. It’s easy to read, it simply summarizes some of the pertinent laws and rules and for those who want to be in compliance it’s a good way to start and for those who aren’t so interested in being in compliance - a word to the wise is read it because you will be held accountable. That completes this report.”

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

Council Member Stephens stated, “Thank you, Mr. Mayor. This evening I have the honor of introducing Ordinance No. 25-2010(AS), of the City of Cleveland Heights, Ohio, establishing salary

schedules, position classifications and other compensation for officers and employees of the City; and declaring an emergency. Except as otherwise specifically provided herein, effective the date stated in the separate sections hereof, the following salary schedules and other compensation for described position classifications will be in effect for such classifications as of April 1, 2010; provided, however, that if the revenues received by the City are not sufficient to meet the foregoing salaries, all salaries shall be reduced by the City Manager to a point which will not exceed the appropriated revenues of the City. We begin with the salary classifications for maximum and minimum starting with Council Members and this goes on for approximately six pages and covers everything going on through Personal Trainers at the Field House/Fitness Center. There are some miscellaneous pieces of detail on what we would provide to School Crossing Guards and we also have finished our negotiations with the Police Department and effective April 1, 2010 through March 31, 2013, the members of the Police Department who are part of the police bargaining unit shall receive compensation from employment as described in a labor agreement which will be produced at a later date. In addition, the Joint Fire and Dispatch have reached an agreement with the City of Cleveland Heights and their time period will commence April 1, 2010 through March 31, 2013. A copy of that agreement and a side agreement are on file in the Office of the City Manager, just as with the Police Department.

In addition, we have established the accrued Sick Leave range. The City Manager shall determine at the termination of employment for staff - it may be because of voluntary or involuntary reasons, unused accrued sick leave multiplied by the appropriate conversion ratio. There was a change from a line in the Ordinance that was publicly produced earlier. Accrued Sick Leave between 0 and 320 hours Conversion Rate will be 1/4 and for Accrued Sick Leave between 321 hours to 600 hours will be 1/3. There is detail about accumulated Sick Leave Conversion Bonus, Vacation Buy-Back Options, Legal Holidays and the work week, most importantly for all employees. Employees working in jobs defined as non-exempt by the Fair Labor Standards Act, as determined by the City Manager after consultation with the Director of Law, shall work thirty eight (38) hours to forty (40) hours per week as determined by the City Manager. The days of the week and work hours shall be in accordance with the needs of the city, which shall be determined by the City Manager. This also covers basic Health Care Insurance and Employee Indemnification, Longevity and Overtime. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and welfare of the inhabitants of the City of Cleveland Heights, such emergency being to provide a schedule of adequate compensation for various officers and employees of the City, in order that satisfactory personnel may be retained in the City employ; wherefore, Council declares that an emergency exists and that this emergency Ordinance shall take effect and be in force from and after the date of its passage."

Mayor Kelley accepted Ordinance No. 25-2010(AS), First Reading.

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

Mayor Kelley stated, "We move to our Community Relations and Recreation Committee. It's great to have you back, Vice Mayor Evans, welcome back. We're glad to have you."

Vice Mayor Evans stated, "Thank you. It's great to be back. There is no legislation this evening, but I do have a couple of announcements. The first one has to do with the Home Repair Resource Center, being in a position to hold the second open house of a Dollar Home that is completely renovated. The open house is on Saturday, March 20<sup>th</sup> from 1:00 to 3:00 p.m. at 3519 Edison Road. I'm sure they did a great job. So, certainly take a few minutes out of your day Saturday and visit that home. They expect to renovate another home. We believe that is going to be at 1175 Quilliams in the very near future.

One of our really fun times has to do with the Spring Egg Hunt that is sponsored by the City. It is an annual hunt for children ages 1 through 9 and it will be this Saturday, March 20<sup>th</sup> at 11:00 a.m. I must caution you not to be late. If you plan to participate, if you want your children to pick up any eggs, they go very quickly. It's a very, very quick Spring Egg Hunt. So I would like to encourage all of you to come to Forest Hill Park in the meadow near the playground. It's a great event. The families just love this opportunity for their kids to have a good time, so we invite all of you to be there.

Also, it would be nice if you would bring a non-perishable food item to be donated to the Heights Emergency Food Center. As you well know, all the food centers are coming up a little bit short with the items that they would like to be able to donate, so if you could do that, we'd really appreciate it.

In the mail is our Spring edition of the Focus. As you can see our color is back. It's a wonderful, wonderful edition. I certainly encourage all of you not to just look at the cover, but to open it. There are some great articles in here. The Cain Park Summer Events Schedule is also in here as published thus far. There are many items that all of you would certainly enjoy reading. I believe that concludes my report this evening. Thank you very much."

Mayor Kelley added, "Thank you very much, Vice Mayor Evans. It's great to have you back."

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

Council Member Tumeo stated, "I have several pieces of legislation tonight, your Honor. First, I'd like to introduce Resolution No. 26-2010(F), authorizing the City Manager to enter into an agreement with the Heights Community Congress, a non-profit corporation, for the use of Community Development Block Grant funds for fair housing audit services; providing compensation therefor; and declaring an emergency.

This is part of our annual distribution of Community Development Block Grant funds. The HCC does a series of audits in Cleveland Heights to ensure that there is actually not discrimination going on in terms of housing. These audits are usually paired audits where individuals are sent out with similar economic profiles and go to the same agents and see how they're treated on the basis of race or gender or other things that are illegal to discriminate on. So these audits - the real estate agents don't know that they're being audited and it's a great service and it helps us ensure that people are complying with the very important non-discrimination laws that are the heart of our city.

This Resolution will provide Seventeen Thousand Dollars (\$17,000.00) from Community Development Block Grant funds for fair housing audit services. They will be performed by the Heights Community Congress ("HCC") and they are all set forth in a Statement of Work that is available from the Clerk of Council, if you so desire. I'd like to introduce Resolution No. 26-2010(F) for passage this evening."

Mayor Kelley accepted Resolution No. 26-2010(F).

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

Nays: None

**Resolution passed**

Council Member Tumeo continued, "Thank you. Next is Resolution No. 27-2010(F), declaring the necessity of assessing a portion of the expense of street lighting; and declaring an emergency.

This is something that we have not done in several years. What we have is an assessment that goes onto properties in the City to pay for street lights. It's not been changed in six years. We do them in three-year periods. We didn't change it three years ago, but the Illuminating Company is now in the process of changing the types of lights that we have on our street lights and they're moving from the mercury vapor lights, which are the ones that we've all been used to for years, to a sodium-based light, which is very nice for the environment. Unfortunately, it's about two times more expensive for the actual light itself. So they're assessing the City for their light bulbs - not unlike they wanted to do this by delivering lights to our house and charging us for it, only we don't get to say 'no' this time. So they are going to put all these new street lights in and we have to pay for them. So the consequence, what we're doing, by this Resolution is we're going to increase the assessment on the city properties. Right now, the way it's assessed, it's Sixty-eight Cents (\$.68) per year per linear foot of the front of your house. We're going to raise that to cover the cost of these new light bulbs to One Dollar and Two Cents (\$1.02). What that comes out to for the average lot in Cleveland Heights which has a 50 foot frontage is a Seventeen Dollar (\$17.00) per year increase. So, it's not extremely onerous, but it is necessary as the Illuminating Company will be billing us for this. So this Resolution - this is a very long process to do these assessments, so no one is caught off-guard, what this Resolution does, it states that it is a necessity, it is the determination of this Council that it's necessary for the public health, convenience and welfare of the City to assess a portion of the cost and expense of lighting the streets and public places in the City upon the lands hereinafter described. There is a whole list of all the streets that are in Cleveland Heights. Everyone gets to share in this joy. The assessment will be for a period of three consecutive years beginning with the 2010 Tax Duplicate for collection in the years 2011 through 2013, inclusive. If this passes tonight, there will be two other pieces of legislation that will come forward in the future. One will be a resolution to proceed, that will have two readings so people can come in and comment and ask questions and then finally will be the actual levying of this assessment. That will happen sometime in the future. So this is once again, Resolution No. 27-2010(F), declaring the necessity of assessing a portion of the expense of street lighting. I introduce Resolution No. 27-2010(F) for passage tonight."

Mayor Kelley accepted Resolution No. 27-2010(F).

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

Nays: None

**Resolution passed**

Council Member Tumeo continued, "Thank you. Finally, I have Resolution No. 28-2010(F), declaring the necessity of assessing a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon; and declaring an emergency.

This is again, one of these three-year assessments. We've not increased this, once again, I believe in six years. This is an assessment that goes toward some of the street repairs that we have to do. As you know, we have lots of potholes, we are trying to work with those, we're trying to do some chipping and sealing, helps with snow plowing, helps with leaf pickup, and as you know, we've been having to cut back on some of this stuff, because of the financial situation of the City. So this is a way to help us maintain those services for the city residents. This one will be increasing from Fifty-nine Cents (\$.59) per linear foot per year to Seventy-eight Cents (\$.78) per linear foot per year and for a fifty foot lot that totals Eight Dollars (\$8.00) a year increase on the assessment. So, once again, it's even less than the last one and this one will go towards maintaining our streets and the tree lawns and leaf pickup.

So this is once again, a determination of this Council that it is necessary for the public health, convenience and welfare of the City to assess a portion of the cost and expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees in the City upon the lands hereinafter described for a period of three (3) consecutive years, beginning with the 2010 Tax Duplicate for collection in the years 2011 through 2013. I introduce Resolution No. 28-2010(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 28-2010(F).

Council Member Wilcox commented, “I just wanted to point out that this by no means covers the cost of all of those things that were listed here. This is a very small portion of those costs and traditionally much of this fund has gone to maintain the shade trees and the tree lawns and so I assume that’s where a lot of it will go this time as well. But obviously, we want to have as much funds as possible to be available for these other items as well. But again, this is just a very small portion of that cost.”

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

Nays: None

**Resolution passed**

Council Member Tumeo continued, “Thank you, your Honor. Just a couple items. We’re keeping an eye on the income to the city. So far we’re running according to our budget. So we’re looking like we’re on good solid ground. I did want to note that you just heard Councilwoman Stephens introduce on first reading the Salary Ordinance. The Police and Joint Dispatch both agreed for next year to not have a pay increase. They’re going to get a zero pay increase. When negotiating with the union that’s always a difficult and tedious discussion and I want to give credit to both the Police and Joint Dispatch as well as our City Manager for recognizing the financial realities of our times and working with the city and its residents to maintain the high quality of service and protection that they provide us with while not getting a pay increase. So, I want to say thank you to them. We do greatly appreciate that.

Next month is that wonderful tax month. So I urge you all to ensure that you get those payments in. We’re looking forward to them and hopefully we will remain strong and in the black and be able to continue the wonderful services that we provide. Thank you.”

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

Council Member Caplan stated, “Thank you. I have one piece of legislation and it is Ordinance No. 29-2010(MS), authorizing an agreement with 32 Ford Mercury for the purchase of six (6) new 2010 Ford Focus through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring an emergency. The City has determined to purchase six (6) 2010 Ford Focus to replace automobiles used by City employees which are no longer operable or repairable. The Ohio Revised Code Section 125.04 authorizes municipal corporations and other governmental entities to purchase supplies, equipment and services through the Ohio Department of Administrative Services Cooperative Purchasing Program without obtaining competitive bids. So by Resolution No. 115-1988, this Council authorized participation in said Cooperative Purchasing Program. The City Manager has determined that the selected vehicles may be purchased through this Program at a lower price than could be obtained through bidding, and actually if you figure it out they really are quite inexpensive. Wait until I tell you how much they are. The City Manager is authorized to enter into an agreement with 32 Ford Mercury for the purchase of vehicles through the Purchasing

Program, in accordance with the requirements of Ohio Revised Code Section 125.04 and this Council's Resolution No. 115-1988. The agreement shall provide for the purchase of six (6) 2010 Ford Focus automobiles, at a total cost, with necessary options, not to exceed the sum of Eighty Thousand Dollars (\$80,000.00). The City reasonably expects that the cost of such expenditure shall be paid with proceeds from the City's issuance of tax-exempt notes or bonds in a principal amount that is not anticipated to exceeds Eighty Thousand Dollars (\$80,000.00). The purchase agreement and all related documents shall be approved as to form by the Director of Law. Notice of the passage shall be given and this Ordinance shall be declared an emergency for passage tonight. I offer Ordinance No. 29-2010(MS) for passage."

Mayor Kelley accepted Ordinance No. 29-2010(MS).

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

Nays: None

**Ordinance passed**

Council Member Caplan continued, "Thank you. I have just a few little announcements. I do want to remind you, because I noticed this past weekend, which was so beautiful, there were people out raking their lawn and unfortunately they placed some of the debris on their tree lawn. Unfortunately, we are not going to be picking up debris that is sitting on your tree lawn, so you need to bag it. There will be no leaf pickup this spring. We only pick up bagged leaves and debris from your yard and we will pick it up anytime. So I'm giving you a little heads up, so if this weekend is pretty again, don't put it on your tree lawn, it's not going to go anywhere and it's going to ruin the grass that's underneath.

On a different issue, I've been meeting with some wonderful people from the City of Cleveland Heights who are technology experts and have been working with us and putting together a new way to do our website and to look at how the City uses technology. Very soon, I hope it's very soon, we will come out with a new website or at least a proposal for how to do this. The thing that's the best about this is that these are people who work with technology for a living. They are residents of our City and they are volunteering their time and their marvelous expertise in helping the City to do something better. It is really exciting to be with them, even though they talk in a language that most of the time I don't even know what they're saying, because it's technology beyond anything I have ever heard. I am learning about all new things. Councilman Mark Tumeo is on that with me and it's just been fun, a joy and it has enriched us, because of these people giving of their time. It's really been fantastic.

The only other thing I want to say is I want to comment about is the new Focus and it's going to be in your mailbox very soon. It has lots of information about lots of things. There is also a wonderful piece about recycling to remind you what is recyclable and what isn't and where to put your recycling materials. That's all I have tonight. Thank you."

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

Council Member Wilcox stated, "Thank you. I have Resolution No. 30-2010(PD), authorizing the City Manager to enter into a Memorandum of Understanding with the Cuyahoga County Land Reutilization Corporation for the purpose of coordinating policies and procedures with respect to maintenance and resale of foreclosed properties owned by the Corporation within the City of Cleveland Heights; and declaring an emergency. The Cuyahoga County Land Reutilization Corporation ("County Land Bank") has been established pursuant to Chapters 1724 and 5722 of the Ohio Revised Code to acquire foreclosed properties and rehabilitate or demolish structures on the properties and otherwise maintain the properties and to then resell the properties to an appropriate person or entity. There are

a number of the foreclosed properties which the County Land Bank has acquired or intends to acquire are or will be within the City of Cleveland Heights. It's certainly within the best interests of the City to affirmatively cooperate with the County Land Bank's efforts to acquire and maintain foreclosed properties within the City and to participate with the County Land Bank in seeing that the properties are either rehabilitated and appropriately resold or the structures on the properties are demolished and the properties are resold in a manner which is consistent with the ordinances and policies of the City of Cleveland Heights.

Much of what we do in the City in recent years with respect to our housing has been trying to address the foreclosure crisis and as you know we've worked with HUD to obtain some houses for a dollar, we've obtained money from the federal government, the Neighborhood Stabilization Program, over two million dollars. This is all focused on dealing with vacant homes, foreclosed homes that are either going to be demolished or rehabed and we certainly welcome the additional resources of the County Land Bank. You've read a lot about it. It's finally starting to get underway in terms of more activity and dealing with other cities in Cuyahoga County besides just Cleveland. We welcome these resources.

Section 1 of this Resolution authorizes the City Manager to enter into a Memorandum of Understanding with the Cuyahoga County Land Reutilization Corporation ("County Land Bank"), which Memorandum of Understanding shall include a pledge of the City to work cooperatively with the Land Bank in its efforts to maintain and dispose of properties owned by the Land Bank within the City and agree to affirmatively assist the County Land Bank in complying with Cleveland Heights ordinances, policies and procedures in maintaining the properties, rehabilitating or demolishing the structures on the properties and reselling the properties. The Memorandum of Understanding shall also include as exhibits the City's protocols with respect to acquisition, demolition, maintenance, rehabilitation and disposition of foreclosed properties within the City.

We worked well with the Land Bank in the past and we look forward to working with them to try to address this serious problem in our community.

I offer Resolution No. 30-2010(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 30-2010(PD).

Council Member Stephens stated, "Mr. Mayor, at this time I would like to ask that a vote be taken allowing me to abstain."

Moved by Council Member Tumeo.

Second by Vice Mayor Evans.

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

Nays: None

**Motion to abstain passed**

Council Member Tumeo commented, "I just want to state that I think this is a great idea and I want to thank Councilwoman Stephens for helping us do this and get this moving. In case people don't know, she does work for the County Land Bank and that is why she is abstaining - which she stepped forward and made sure that we had the right access and our law director could work with the legal counsel at the Land Bank and get this accomplished. I think it's going to be a great asset for us and it's

important that we get access to their resources. They have quite a few, so I just want to say thank you for that.”

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

Nays: None

**Resolution passed**

Council Member Wilcox continued, “I just wanted to mention that in the next several weeks every resident should be getting a form from the Census Bureau or you’ve already gotten a letter that says you are going to get the form. It’s very important for every resident to fill that out and send it back. One, it saves the resources of the Census Bureau having to come back out and check and see why you didn’t do that. But more importantly, it’s very important that we count every resident that we can in this community. Federal funding is dependent on our population. The Census has confidentiality - anybody attempting to violate that would be facing serious criminal penalties. I know there is a lot of reluctance on some folks not to want to fill out these forms, but it’s very important to make sure that everyone is counted. Again, a lot of federal programs, federal funding is dependent upon it. If you read the papers you’ll know that they predict that Ohio will lose up to two congressional seats as a result of the census that will be coming out in 2010. If we only lost one it would be a lot better than losing two and there is some talk that we could lose only one not two if we could obviously count every citizen. A lot of times areas, urban areas are undercounted, so it is very important to urge your fellow citizens to make sure they fill out those forms. One US representative can be the difference between - that’s an electoral vote in a presidential election. It could make the difference in the next presidential election. So, it’s very important for everybody to return the census and that concludes my report.”

### **REPORT OF THE MAYOR**

Mayor Kelley stated, “I just would like to announce that I made two appointments to our Housing Council. Councilman Dennis Wilcox has served before and Councilwoman Cheryl Stephens are my appointments. Actually, they have already served as they had the annual meeting on March 10<sup>th</sup>. I would also like to mention that Russell Z. Baron will continue as the Planning Commission appointment to this Housing Council Board. It’s a little bit after the fact, but they were hard at work and they did a great job with that.

With that, I’d like to conclude this meeting at 8:32 p.m. Thank you for coming. Our next meeting will be Monday, April 5, 2010. Thank you again for coming.”

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc