



## CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF MONDAY, OCTOBER 5, 2009

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, Dietrich, Evans, Kelley, Montlack, Tumeo, Wilcox

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:30 p.m.

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

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, September 21, 2009 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

"My name is David Bernstein, 2487 Taylor Road. Mayor Kelley and City Council officers, I came tonight with something, perhaps, that has been forgotten from the headline news. It is regarding the steps that the Obama administration is taking [to] improve our health and this is allowing the resources for stem cell research. This was, I believe, long overdue and for one reason or another the previous administrations, they postponed and finally it comes to one of the first things that the Obama administration did was to release the funds. It is a great step forward to make research about devastating diseases like diabetes and Alzheimers, and lately, very important - we don't know too much about it, spinal cord injury. The one that heads all this - one of the pioneers is Dr. Jack Kessler from the Northwestern University in the Department of Neurology and Neurological Science in Chicago.

Before he was involved in embryonic research, he was involved in diabetes. But, due to an accident that happened, an unfortunate accident with his daughter, a ski accident. She became semi-paralyzed from the waist down and now he changed [his research to] spinal cord injuries and it is very important. We know many war veterans coming [home]. [Unclear] part of the body. I am sure that very soon you are going to see some progress. They have already seen some progress. So, it's a great step forward, like I said before, and we have to continue to talk about health issues and as much as we can to try and stay healthy. This is the best solution for the healthcare reform.

In a local issue, I just want to let you know, that there has been some progress in fixing the potholes in the city. We have to give credit to our officers. They promised sometime ago and they delivered. Mr. Carl Czaga and Mr. Robert Downey, City Manager, not [unclear] a reward. So it is very encouraging to see that progress of the work done and arranged for everything to take care. So there is another part of the street, Taylor Road, that needs major work, but I have been told that is a major project for Taylor Road. So the matter is that they are going to be fixing Taylor Road. We need to have a little bit more patience about that. I want to tell them that our officers deliver and we are in good hands. That's all I have to say. Thank you very much."

Council Member Caplan stated, "Could I make one small correction to what you said, that the Obama administration has released funds for embryonic stem cell research. The *embryonic* work is really important, because the past administration did not do that, but stem cell research has been very active, and in fact Cleveland is one of the great centers for stem cell research. So there is a difference between stem cell research and embryonic stem cell research."

#### **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 to request authority to advertise for bids for the purchase of fire hydrants, solid waste disposal contract and for a Public Auction for the disposal of obsolete equipment and vehicles."

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

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

Second by Council Member Tumeo.

Mayor Kelley asked, "Quick question, Mr. Downey, what does the solid waste disposal contract really mean?"

Mr. Downey answered, "We're looking for the best price we can get for bids at the disposal site. So it is dumping fees, if you will. But, when we pick up the garbage, we transfer it, we take it to the landfill, what do we get charged per ton?"

Mayor Kelley said, "Great. We talked about that in committee a few weeks ago. Anyone else?"

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

Nays: None

**Motion passed**

Mr. Downey continued, "Thank you very much, your Honor. At a previous meeting, you'll recall

that we talked about the demolition of four single-family homes. It was Bid Document No. 2009-08 and at that meeting, your Honor, I failed to mention that the lowest and best bidder for 3655 Randolph is the Cuyahoga Development Group in the amount of \$5,998.00. Your Honor, I would request that, that 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. Just recently, Council passed Ordinance No. 65-2009, which authorizes the City Manager to purchase vacant, abandoned, and foreclosed homes for the purpose 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 the property at 3228-30 Sycamore for the sum of \$9,535.50 plus costs. Your Honor, I would request that this be made a matter of record, as well."

Mayor Kelley made it a matter of record and added, "I'm sure Councilman Wilcox would concur that the residents on Sycamore will be very happy to hear that this problem house will no longer be in the portfolio of the former owner."

Council Member Wilcox added, "That's correct and I also just wanted to point out that the funds for that will be coming from our NSP Program, so they are not coming out of general fund."

Mr. Downey added, "Stimulus funds will be paying for this and I should say that this is a demolition."

Mayor Kelley reiterated that it is a matter of record.

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

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that three notices have been received from the Ohio Department of Liquor Control advising that applications have been made by the following: Turn It Up, LLC, new D3 permit, premises 2573 Noble Road, 44121; Walgreen Co., d.b.a. Walgreens 04130, new C1 and C2 permits, premises 3020 Mayfield Road, 44118; and, Clydes Tavern, Inc., d.b.a. Clydes, transfer D5I permit from Tsiliandisis, Inc., premises 1975 Lee Road, 44118. Your Honor, I need to make these a matter of record."

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

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

Council Member Wilcox stated, "Thank you. I have two resolutions. The first is Resolution No. 94-2009(PD), authorizing an amendment to an agreement with the Board of Cuyahoga County Commissioners for funding through the Cuyahoga Housing Consortium's HOME Program for the City's Deferred and No-Interest Loan Programs to extend the contract period; and declaring an emergency. Council has previously authorized the City Manager to enter into agreements with the Cuyahoga Housing Consortium for funding through the Consortium's HOME Program for the City's No-Interest and Deferred Loan Programs.

Through these programs we receive about \$200,000 annually and they help low and moderate income residents make repairs to their homes, obviously, at the No-Interest or Deferred Loan Programs.

It is necessary to amend one of the agreements to extend the contract period through December 31,

2010. This Resolution authorizes the City Manager to execute an amendment to an existing agreement with the Board of County Commissioners for funding through the Cuyahoga Housing Consortium for the City's Deferred and No-Interest Loan Programs, County Contract CE0700231-01-02, to extend the contract period through December 31, 2010. All documents shall be approved as to form by the Director of Law and I offer Resolution No. 94-2009(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 94-2009(PD).

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

Nays: None

**Resolution passed**

Council Member Wilcox continued, "Next I have Resolution No. 95-2009(PD), authorizing the City Manager to enter into an agreement with Mullin & Lonergan Associates for an updated Analysis of Impediments to Fair Housing Study required as a condition of Community Development Block Grant Funding; providing compensation therefor; and declaring an emergency. The City is required by the United States Department of Housing and Urban Development ("HUD") to periodically update its Analysis of Impediments to Fair Housing Study as a condition of the receipt of Community Development Block Grant ("CDBG") funds.

This is a study that we have to undertake every five years to qualify for our block grant funding.

The City sent out a Request for Proposal for the preparation of such Study to several qualified firms; and after a review of the responses, it was recommended by the City Manager that an agreement be entered with Mullin & Lonergan Associates to conduct such Study. Community Development Block Grant Funds have been allocated for this purpose. This Resolution, therefore, authorizes the City Manager to enter into an agreement with Mullin & Lonergan Associates for an updated Analysis to Impediments to Fair Housing Study for submission to the United States Department of Housing and Urban Development. The scope of the work shall be as set forth in the Consultant's proposal dated August 21, 2009, a copy of which is on file with the Clerk of Council. Compensation for such services and expenses shall not exceed the sum of Twenty One Thousand Five Hundred Dollars (\$21,500.00), which shall be paid from Community Development Block Grant funds. I offer Resolution No. 95-2009(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 95-2009(PD).

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

Nays: None

**Resolution passed**

Council Member Wilcox concluded, "Thank you. I just wanted to observe that both of these pieces of legislation involve federal funding through our block grant program to undertake the No-Interest Loan Program and for the Fair Housing Study. And if you look at the legislation tonight, most of the funds that we are expending are coming from grants either from the federal government or other agencies and government bodies. I just point that out, because we continue to very carefully look at our budget and, certainly, every piece of legislation we look at - where the funding is going to be coming from and I think it's important to point out the importance of our federal block grant funding which is close to two million dollars that we rely on each year. That concludes my report."

## REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Tumeo stated, "Thank you, your Honor. I have two Resolution tonight as well. The first is Resolution No. 96-2009(PSH), authorizing the City Manager to enter into an agreement with University Hospitals of Cleveland for a grant under the Ohio Department of Public Safety's *High Visibility Enforcement Grant Program* to support traffic enforcement efforts; and declaring an emergency. The Ohio Department of Public Safety ("ODPS") has awarded a grant to University Hospitals of Cleveland for distribution to area communities as subgrantees for the purpose of targeted enforcement of specified traffic safety violations in order to decrease the incidence of fatal motor crashes and crashes where alcohol is a contributing factor and increase seat belt usage. The University Hospitals of Cleveland has awarded to the City of Cleveland Heights, as subgrantee, a grant in the amount of Forty-One Thousand Four Hundred Eighty-Five and 99/100 Dollars (\$41,485.99) for such purposes; and acceptance of said grant will aid in the City's efforts to promote traffic safety and be of benefit to the City and its residents. This will be used to pay additional police force overtime to monitor three specific types of violations. Violation of not using your seat belts, DUI (driving under the influence) and speeding. The area of concentration by the grant (this is the selection of the grant) is Mayfield Road. So, hopefully that will calm some of the violations that we've been having out there and once again this is a grant that's coming from the Ohio Department of Public Safety. I would like to introduce Resolution No. 96-2009(PSH) for passage tonight."

Mayor Kelley accepted Resolution No. 96-2009(PSH).

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

Nays: None

**Resolution passed**

Council Member Tumeo continued, "Thank you. Next is Resolution No. 101-2009(PSH), joining with the United States Conference of Mayors and communities throughout the nation in proclaiming October, 2009 as National Breast Cancer Awareness Month and October 16, 2009 as National Mammography Day; and declaring an emergency. An estimated 194,280 new cases of breast cancer will be diagnosed in 2009 and approximately 40,170 women, as well as 440 men, (breast cancer is not only in women) will die from the disease this year. Early detection and prompt treatment can significantly reduce suffering and deaths caused by this disease; and mammography, an "x-ray" of the breast, is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt. By this Resolution, the Council of the City of Cleveland Heights proclaims October, 2009 as National Breast Cancer Awareness Month and October 16, 2009 as National Mammography Day, and urges women in the community of all ages to obtain and utilize information about screening and mammography and to seek appropriate services. I would like to introduce Resolution No. 101-2009(PSH) for passage tonight."

Mayor Kelley accepted Resolution No. 101-2009(PSH).

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

Nays: None

**Resolution passed**

Council Member Tumeo concluded, "Thank you, your Honor. I can't stress these resolutions, amongst other things are to raise awareness and I urge everyone in this community to be aware of this. My sister-in-law is a breast cancer survivor and if it weren't for early detection I'm afraid I wouldn't have her with me today. So, I would urge everyone to do that. It is a very personal issue. Take care of your health and get checked.

A second thing I'd like to follow up on are the liquor license notifications that were read into the record. If you remember, last meeting there was one read into the record and I told everyone that we'd be looking into that, to see if there was going to be an objection. My understanding is that business has since decided not to go forward and has withdrawn that request. So we won't be worrying about that one. The two new ones tonight, the one that is of interest and we are investigating closely is the one for Turn It Up, LLC on Noble Road. So, I just want you to know that when these things are read in, we are paying attention and the Chief and the City Council are investigating it and if it's appropriate we will oppose it. So, I just wanted to make sure that everyone knew that. That's my report, your Honor."

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

Council Member Dietrich stated, "Thank you, your Honor. I have one new board appointment to make tonight. The Recreation Advisory Board began the fall short by one member. We had not appointed anyone to replace Wanda Solaru who went off in June having served her full eight years that are allowable on Rec Board. So, I would like to offer Edward Esborn as the newest Rec Board Member. He is called Ted and is one of those people that we love in Cleveland Heights. He grew up here. He participated in the city's youth recreation programs, went off to college and now has come back to live in Cleveland Heights and work and serve the city. So his appointment would begin immediately and extend through May 31, 2013. I offer Edward Esborn as a member of the Recreation Advisory Board."

Second by Council Member Wilcox.

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

Nays: None

**Appointment passed**

Council Member Dietrich concluded, "Secondly, and still regarding the city's boards and commissions, we once again find ourselves with very few African American residents volunteering for these positions. So, while I don't want to discourage anybody who wants to apply, I would like to particularly encourage African Americans who would like to apply for a position on one of the city's boards. Whether it is the Citizens Advisory Committee, the Board of Zoning Appeals, the Commission on Aging, there are a number of them. So we can take applications for all of them. What you do is, you call City Hall for an application form or you can go on the city's website online. It is a simple two-page form which you then send back to the city and it is kept on file for council to refer to when openings occur. There will be coming up several openings on boards and commission, so I encourage applicants.

Finally, I'd like to say a few words about County Issue 5 and 6, which as I'm sure you know are issues that have to do with county government reform and which you've been reading and hearing about, probably more than you'd like, so here is a little more. Issue 5, as you probably know, if passed, would form a commission to study reforming county government. Issue 6, if passed, would reform county government. That is the proposal that would replace the three county commissioners with an elected county executive and an eleven member council of representatives from areas throughout the county. So, for what it might be worth to you in your thinking about how to vote on these issues I just thought I would share with you that I come down on the side of Issue 6. My reason is extremely simple. It's just that I fear that a new commission would study and talk and end up either deciding to keep things the way they are or to offer a proposal that's very similar to the one that is being offered in Issue 6. I think we have a satisfactory proposal before us and I think that the county leaders who have already studied and talked and come up with Issue 6 are actually as knowledgeable and experienced as the people who would be elected if a new commission were formed. So, I'm ready to make county

reform a done deal, so personally I'm voting 'no' on 5 and 'yes' on 6. If you'd like to attend a forum on it, the League of Women Voters has like nine different forums around the area between now and election day so you can goggle League of Women Voters, the Cuyahoga area and maybe find a forum that's convenient for you.

Finally, I would like to say a tearful goodbye to Charlie's Fabrics. Charlie's Fabrics is a store for anybody who doesn't know, it's a store that lived on Noble Road for years and years and the owner has decided to retire and the store closed. I was in there during their going-out-of-business sale about a week and a half ago and there were just - well, there were just women, because it's a fabric store, sorry to be sexist - but there were women in there that were just so sad. This has been just a main stay in that neighborhood for years and years and thank you, Charlie's Fabric for serving this city so well and I'm very sorry to see you go. That concludes my report."

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

Vice Mayor Evans stated, "Thank you. I'd like to present Resolution No. 97-2009(CRR), authorizing the City Manager to accept a grant on behalf of the City of Cleveland Heights from *Cuyahoga Arts & Culture* in support of the Cain Park Arts Festival; and declaring an emergency. Whereas, *Cuyahoga Arts & Culture* has awarded a grant of Twenty Five Thousand Seven Hundred Forty-Nine Dollars (\$25,749.00) to the City of Cleveland Heights in support of the Cain Park Arts Festival. Acceptance of said grant will aid the City in its efforts to continue to provide high quality arts and culture programming to the residents of the City and County in this time of economic difficulty. Therefore, be it resolved by the City of Cleveland Heights, Ohio, that: Section 1 reads, that the City Manager is authorized to accept on behalf of the City of Cleveland Heights from *Cuyahoga Arts & Culture* a grant in the sum of Twenty Five Thousand Seven Hundred Forty-Nine Dollars (\$25,749.00) in support of the Cain Park Arts Festival. I'd like to present Resolution No. 97-2009(CRR) for passage this evening."

Mayor Kelley accepted Resolution No. 97-2009(CRR).

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

Nays: None

**Resolution passed**

Vice Mayor Evans continued, "I must say that the city is most appreciative of these dollars which may be the last coming from that particular fund for a while. Next is Resolution No. 98-2009(CRR), proclaiming October, 2009 as *Domestic Violence Awareness Month*; and declaring an emergency. Whereas, one in four women, and a smaller although significant number of men, will experience domestic violence in their lifetimes. Children who witness domestic violence are much more likely to abuse their partners or children. Domestic violence can happen to anyone regardless of income, ethnicity, race, religion, age or sexual orientation. Locally the Domestic Violence Center has provided services to domestic violence victims for over thirty years, receiving in excess of 14,000 calls on its hot-line in 2008. The mission of the Domestic Violence Center is to empower individuals, promote justice, and mobilize the community so that all persons are free from violence and abuse in their homes. Whereas, the City of Cleveland Heights has been in the forefront of the fight against domestic violence, with its Police Department and Prosecutor being routinely commended for their aggressive but fair enforcement of domestic violence laws. Section 1 reads that this Council hereby proclaims October, 2009 as *Domestic Violence Awareness Month* and urges all of its residents to educate themselves on the issue and to encourage and support victims of domestic violence. I would like to submit Resolution No. 98-2009(CRR) for passage this evening."

Mayor Kelley accepted Resolution No. 98-2009(CRR).

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

Nays: None

**Resolution passed**

Vice Mayor Evans added, "I actually wasn't going to say anything about Issues 5 or 6, but I kind of fall on the other side. I am supporting Issue 5. Issue 6, if it passes, will jeopardize the county in a much greater way than people feel that it is now. That would be giving entirely too much power to one person and there are too many things that too many parts of that issue have not really been worked out and it really makes me nervous. The other thing that causes me a lot of concern is that there was not a real cross section of individuals who reside in Cuyahoga County represented on that committee who drafted Issue 6 and it does cause me great concern.

We have a wonderful, wonderful magnet, Cleveland Heights' magnet that we've made available to all of our residents. Many of you caught it in our last edition of the Focus and have contacted our Community Relations Department at 291-2323 to request one for their homes. You can call and ask for one, you can come pick it up or you can have it mailed to you. We'd be delighted to make sure that all of our homes in Cleveland Heights have a magnet listing all of the very important phone numbers in the City of Cleveland Heights.

The other thing, in reading some of my mail today, there was an urgent alert that came in from the League of Women Voters. I was very interested in how people do spend a lot of time in trying to confuse the public and this is another one of those issues. There is a 90-day group that's been organized and they call themselves the League of American Voters. The League of Women Voters feels that name was selected to confuse people. That group, the 90-day League of American Voters is a group that is trying to stop the progress on healthcare reform. In this letter, it states that the League of Women Voters really does believe that it is time for there to be some change with comprehensive healthcare reform to the American public and so they are looking for support and they're really trying to caution people about being confused. Be very careful when you read the different information, so that you know exactly who is saying what. Be mindful and thoughtful and just don't be swayed by people who are telling untruths and trying to persuade you [in] not being upright and truthful about issues. Other than that, that concludes my report."

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

Council Member Montlack stated, "Thank you, your Honor. I intend for this entire report to be upright and truthful. I just want to tell you in advance.

First, there are two pieces of legislation. Ordinance No. 93-2009(F), amending Section 171.02, *Competitive Bidding and Advertisement; Exceptions* of Part One, Administrative Code of the Codified Ordinances of the City of Cleveland Heights to enact a new Subsection (e) to permit the City Manager to establish regulations pertaining to the process for selecting contractors for the renovation of homes under the Neighborhood Stabilization Program; and declaring an emergency.

Frankly, if I may cut through some of the whereas, the bottom line here is that we have NSP funds. We have a time line, a time deadline on expending these funds. We certainly have to do it in a lawful, bidding manner, a manner that's consistent with our ordinances and at the same time given that we're dealing with a potentially very wide broad swath of contractors we want to make sure that we're getting good quality, and as I said before, doing the whole bidding process in a completely objective

lawful manner. This set of exceptions to the general bidding requirements would meet that, we believe.

Here is the amendment and it's a somewhat long one, but I'll go through it and the Subsection would read as follows:

- (e) Notwithstanding the provisions of Subsection (a) hereof and Sections 171.03 and 171.05, the City Manager may establish special Regulations relating to the process of selecting contractors for the renovation of homes under the Neighborhood Stabilization Program. The Regulations shall be in accordance with all federal regulations and the requirements of this Chapter 171 with respect to the Manner of Contract Execution. The Regulations shall provide for public advertising to establish a pool of qualified contractors who wish to participate in the Program; submitting proposals for bids on any project to at least three (3) contractors on the list on a rotating basis; and awarding contracts to the lowest responsive bidder; and reporting such contracts to Council as a matter of record, but shall exempt such contracts from other formal bidding requirements unless provided for in the Regulations. The Regulations, which shall pertain only to the Neighborhood Stabilization Program, shall be approved by the Director of Law and filed with the Clerk of Council.

I think we believe and we have confidence in our staff that this will help us meet the objectives I talked about. Ordinance No. 93-2009(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 93-2009(F).

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

Nays: None

**Ordinance passed**

Council Member Montlack continued, "Resolution No. 99-2009(F), like its sister resolutions on block grant funding is submitted at this time every year after a process that involves very long and hard work by the Citizens Advisory Committee for Community Development Block Grant funds and that committee meets throughout the year. It meets with all of the perspective grantees, those who are applying for block grant funds, and then especially during the month of August and part of September works especially hard and meets especially often to make recommendations that meet specified federal guidelines and are focused on what we believe, at each time this year, will be the actual amount of block grant funding. I certainly hope that in two or three years we can be given the very same kind of report, because that funding changes under the law with each decennial census.

In Resolution No. 99-2009(F), authorizing the City Manager to submit the Community Development Block Grant entitlement application for the year beginning January 1, 2010 and the Five Year Plan for the Years 2010-2014; and declaring an emergency. In essence, the provisions of Section 1 authorizes the City Manager to submit that application, and I'll review it briefly, and also to file with HUD that oversees this process and any required review agencies the five year plan for the years 2010-2014 and I certainly hope that five year plan goes into effect. The target amount that we believe will be received by the City is \$1,757,000 which does not include the amount of the HOME funds which were discussed somewhat earlier. As usual, most of the amounts are divided up between administrative activities, public service activities, housing activities, economic development are exactly as recommended by the CAC and many of them are exactly as recommended by the staff in its

independent review. There are a few changes. One of those is that a very important planning study to prepare Cleveland Heights for the green economy and in fact do more than that, lead the way in that regard, has received \$20,000.00 in funding. There have been a few other dollar changes in a few of the other areas. But, as I indicated before, the great majority are exactly as recommended by the CAC. Resolution No. 99-2009(F) is presented on first reading for passage tonight and before turning it over for a vote, once again, we all give our grateful thanks to the Citizens Advisory Committee for all of their work, not to mention staff who worked along in this process also. Resolution No. 99-2009(F) presented on first reading for passage.”

Mayor Kelley accepted Resolution No. 99-2009(F).

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

Nays: None

**Resolution passed**

Council Member Montlack concluded, “Thank you and just a brief comment. From time to time as a recipient of these block grant funds, we are required (we the city) to conduct what you heard previously from the introduction of legislation is an impediments to fair housing study. I have to acknowledge that I have to restrain myself when I hear that in Cleveland Heights - when you think of all the communities and what they do or don’t do in the area of fair housing, the idea of our having to recreate that study every few years is something else. So, I have some modest suggestions which I really don’t expect to see in the results of our impediment’s study. What if the exclusionary suburbs decided to accept their fair share of modestly priced and modestly rented housing and what if those exclusionary exurbias became just a tad integrated. That might be very helpful in terms of the impediments to fair housing. What if the Department of Housing and Urban Development decided that with regard to its housing choice voucher program, formerly known as Section 8, that they would actually take intelligent positive action to encourage integrated behavior, just the way the federal legislation envisioned it when they set up the program and thereby avoided concentrating poverty in neighborhoods, resegregating neighborhoods and at the same time having an integrated effect in other places. What if the state and the federal government stepped up to its responsibility to adequately fund public education, so that the inclusive communities weren’t forced or weren’t faced, I should say, with a situation in which resegregated pressures were always in front of us. Those are some very modest suggestions. I’m sure they’ll be acted on quickly and someday I hope to see them in the study that results from looking at impediments to fair housing. That concludes this report.”

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

Council Member Caplan stated, “Thank you. I have one piece of legislation, Resolution No. 100-2009(MS), authorizing an amendment to an agreement with Michael Benza & Associates, Inc., Consulting Engineers, for engineering services for the Demington/Fairmount Sanitary Sewer Rehabilitation Project; providing compensation therefor; and declaring an emergency. By Resolution No. 55-2005 this Council authorized an agreement with Michael Benza & Associates, Inc., Consulting Engineers, for engineering services related to the Demington/Fairmount Sanitary Sewer Rehabilitation Project. The City subsequently requested additional services which were not included in the original contract, including assistance with the preparation of a loan application for funding for the Project. The City’s Capital Project Manager has recommended payment of an additional sum of Three Thousand Dollars (\$3,000.00) for the additional services. Therefore, be it resolved by this Council that the City Manager be authorized to enter into an amendment to an agreement with Michael Benza & Associates, Inc., Consulting Engineers, for engineering services relating to the Demington/Fairmount Sanitary Sewer Rehabilitation Project to provide for payment in the sum of Three Thousand Dollars (\$3,000.00) for additional services requested by the City, as set forth in the Engineer’s letters dated February 7, 2006

and July 28, 2009, copies of which are on file with the Clerk of Council. Total fees and compensation under the amended agreement shall be in the sum of Thirty Six Thousand Dollars (\$36,000.00). The amended agreement shall be in a form approved by the Director of Law. Notice of passage shall be given and this Resolution is declared to be an emergency for passage tonight. I offer Resolution No. 100-2009(MS) for passage.”

Mayor Kelley accepted Resolution No. 100-2009(MS).

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

Nays: None

**Resolution passed**

Council Member Caplan concluded, “Thank you. Now I have several announcements and reminders. One, in your Focus that you already received we’re going to begin leaf pickup. Remember that? It’s been a beautiful spring and summer and now the trees are turning beautiful colors and soon those colors will turn into leaves that fall down onto your lawn and we will pick up those leaves. And the way we used to do it in big piles, but only for five weeks. November 2<sup>nd</sup> to December 4<sup>th</sup> each house will get two pickups and that’s it. So that, one way or another you have to have your leaves out by that first week in December, because otherwise you’re not going to get a leaf pickup and the first week in November. So it’s November 2<sup>nd</sup> through December 4<sup>th</sup>. After that, if you haven’t done it you either need to get another contractor to pick them up and take them away or bag them. Bagging we always pick up. Big leaf piles that’ll be the end of it.

Another announcement is that on October 17<sup>th</sup>, you’ll have the opportunity to get those pieces of papers, those files that you don’t know what to do with because you don’t want to put them out on the lawns, because I know you recycle all your other papers. So, there will be a shredding truck here at City Hall from 9:00 a.m. to 12:00 and the system will be that you drive up and there will be like a que of cars and you can fill up your car with your boxes or your bags or whatever and the shredding machine will be there. They are not going to take your boxes anywhere, it’s just going to get shredded right there. So, that’s October 17<sup>th</sup>. It’s a Saturday from 9:00 until 12:00.

Also, this coming Saturday is Operation Medicine Cabinet. So this is October 10<sup>th</sup> from 10:00 a.m. until 2:00 p.m. at the Community Center there and actually it’ll be at several other locations around the city. I know that you’ve been hearing that you should not get rid of medications by flushing them down the toilet. That used to be what people told you to do, but what happens is that those medications get into our water supply and having them in the landfills is not a good thing either. So, what’s going to happen is - it’s another que-up in your car. If you have medications that you have expired, that you don’t take anymore, that belong to somebody else and they are not using them, whatever. You can come to the Community Center. There will be a que-up for cars and a drive-by. You just drive by and dump them into where the container is and actually they are going to recycle the covers to these containers and they will ultimately be burned. I encourage you to do this and if you can’t do this on Saturday, you can go to the Beachwood Community Center on Sunday from 10:00 a.m. until 2:00 p.m. To find the Beachwood Community Center, there is a big pool on Fairmount near Richmond and it is next door to the big pool. The address is 25325 Fairmount. So that Sunday and on Saturday, as I said, is Operation Medicine Cabinet at our Community Center. It’s October 10<sup>th</sup>. I encourage you to do that.

The other announcement that I want you to pay attention to is look for a postcard from the Board of Elections about a new location for your voting place. November 3<sup>rd</sup> is election day and many precincts and I mean many in Cleveland Heights are being merged, changed. The voting places are changing and you will get an innocuous-looking-little postcard. There is some yellow highlighting on

it, so it will probably come this week. Mine came today. Do pay attention to it, because if you go to your old voting place, you may not be able to vote there. This one may not be as convenient as you've been going to. The one I've been going to for my entire voting life here in Cleveland Heights, I could walk to, now I have to drive, because it's not even a long walk, it's a drive. So, I don't understand how they did it, but it doesn't matter. You have two choices, you can either use a postcard and pay attention to where you're going to vote or you can vote absentee. Now is the time to ask for your absentee ballot. You should have gotten an envelope that gives you the opportunity to mail it in for free to request a ballot and you will, I assume, be able to vote for free too. You won't have to put a stamp on it. So, that's another alternative. But, do begin to pay attention to this. There is a little time limit on that about when you'll be able to vote absentee. It's like a couple of days before the election, otherwise your vote won't count. So, pay attention to that little postcard and to the other envelope that has a request for absentee ballots. That's all I have. Thank you."

Mayor Kelley added, "Thank you, Councilwoman Caplan. So, remember, if you want to drive through to get your documents shredded, Saturday, October 17<sup>th</sup>. If you want to get rid of some old pills or prescriptions, that's October 10<sup>th</sup> or October 11<sup>th</sup>, the regional approach in Beachwood, we'll be more than happy to work with Mayor Gordon on that. But, on your prescription bottles, if there is any pertinent information that you don't think should be out there for whatever reason either rip the label off or cross it off, whether it be some personal information, prescription numbers or whatever, take care of the pill bottle before you put it out. Everything should be alright, but we don't want any personal information leaked and when you come here for shredding, when you do have your personal information, you should probably stay and watch as it gets shredded. That way you'll have more of a comfortable level as to what's happening. Two good things happening in our city."

## **REPORT OF THE MAYOR**

Mayor Kelley continued, "I want to congratulate our very own Jeff Rotsky for a signature/marquee win the other night over his former place, Maple Heights. More importantly, I want to congratulate the coaches and players and the parents involved with the high school football team. But, more than that, I want to also recognize the members of the band and our band director and the parents and the children in the band. We have the best high school band in the land here in Cleveland Heights and I had the pleasure two Fridays ago to go to the football game for a while and go the grand opening of Dobama Theater in its beautiful renovated space in the YMCA. On the way back I got to catch the band. They were playing at half time and I kind of listened to our band and it was great. There are four games left. This week is the big game with Euclid. Come out and root on our team and enjoy the band and enjoy the whole thing. There is something special happening at the corner of Cedar and Lee on Friday night. With a few more wins we will see them in the playoffs and that will be great for this community. Congratulations all and like I said enjoy the band also, let's not forget to recognize them.

That concludes the Mayor's Report. We are adjourned at 8:37 p.m. Our next meeting will be Monday, October 19, 2009. Thank you for coming tonight."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc