

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:54 p.m., Mayor Stephens presiding.

Council Members present: Dunbar, Roe, Seren, Stein, Stephens, Yasinow

Staff present: Briley, Freeman, Juliano, Lambdin, Mannarino, Mecklenburg, Niermann O'Neil, Raguz, Wagner

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

Council Committee of the Whole concluded at 7:15 p.m.

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

Council Members present: Dunbar, Roe, Seren, Stein, Stephens, Yasinow

Staff present: Briley, Freeman, Juliano, Lambdin, Mannarino, Mecklenburg, Niermann O'Neil, Raguz, Wagner

Mayor Stephens stated, "Good evening and welcome to the Cleveland Heights City Council meeting. This is Monday, February 1, 2016. This is our regular Council meeting. We're starting at 7:33. I'd like to welcome all of our residents here. It seems that we have a nice turnout, but somebody has something to share with us when we have this volume and this Council welcomes everyone to take a few minutes to share those thoughts with us. Please keep your comments as close to three minutes as possible. We'll be right back to you after we do a few housekeeping issues. Mr. Clerk."

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Yasinow

Nays: None

Tom Raguz stated, "All present, Your Honor."

Mayor Stephens stated, "Thank you. There are no Council members absent. There are minutes from our regular Council meeting held on Tuesday, January 19, 2016. I believe two of my colleagues have turned in changes or editorial comments to them and you'll have them in the future for my signature."

Tom Raguz stated, "Yes. I will."

Mayor Stephens stated, "Thank you. At this time, those of you who heard me a few minutes ago who would like to share something with the members of Council, I invite you one at a time to come to the podium and share your name and address with us and your comments in three minutes or less. I will wave at you if you've gone over three minutes and hopefully you will curtail your comments and share the time with someone else, especially since there are quite a few people in the room tonight and we'd

like to accommodate everyone who has something to share with us. So at this time, who'd like to go first? Susie, I actually recognize the person waving a hand at me. Okay, well share.”

Susie Kaiser stated, “Good evening members of Council. My name is Susie Kaiser. I live at 1554 Compton Road. I am a veteran classroom volunteer at Boulevard Elementary School and the co-convener of the Heights Coalition for Public Education which is a loose confederation of citizens, parents and teachers who are committed to public schools and see that much of our state and federal education policy is a war on public education, something that is beloved and be important to all of us. We currently have about 800 endorsers of our position calling for an end to that war. I'm here tonight to invite you to a special event on February 17. The Coalition and the PTA Council of the school district have joined together to organize ‘We are more than a score’ pep rallies in each of our seven elementary schools. The rallies are a way to stand with our students and our schools and our community. Please join us. Get your morning off to an enthusiastic start on Wednesday, February 17. Come to your favorite Cleveland Heights or University Heights Elementary School. Each event will start between 8:30 and 9:00 a.m. and help us say – send the message that Ohio's tests do not define us. The whole community is invited to participate in the brief programs planned at each elementary school to celebrate what we treasure about our schools and what makes each of our children special. The point is tests are a lousy measure of learning and an inappropriate way to describe quality. Judging schools is not the same as investing in children. Please help us communicate that tests do not define us. So, each school has its own starting time. Boulevard is at 9:00. Canterbury is at 8:45. Fairfax is at 8:30. Oxford is at 8:45 and the other three schools haven't set their time set, but we hope you'll come and let all of our children know how much we believe in them and how much we hope for their futures.”

Mayor Stephens stated, “What website can we go to to find this?”

Susie Kaiser stated, “chuh.net/coalition.”

Mayor Stephens, “Thank you.”

Susie Kaiser stated, “And I've got flyers for it which I'll just share with you. Thanks for letting us be here.”

Vice Mayor Stein stated, “Thanks.”

Mayor Stephens stated, “Thank you, Susie. Who would like to speak next? Sir.”

Marcello Atenacio stated, “My name is Marcello Atenacio. I'm a member of Noble Road Presbyterian Church and I've lived at 3995 Elmwood Road since 1982 and my family moved into Cleveland Heights in 1967. My issue is about the rezoning of the Mayfield parcel of land between Noble and Vandemar. For the last Heights Observer city survey independent poll, gas stations were not a request from the residents. Why? At the moment, there are nine gas stations in our city; two at Monticello and Noble, two on Taylor, three on Lee and two on Mayfield. The B.P. at Warrensville and

Mayfield is a stone's throw from the proposed Circle K project. Two homes will be torn down on a quiet residential street that has a 'No Truck' sign near the Mayfield corner. It's still up there. I tried to take a cell phone picture, but it's too dark at this time to do it. Extra car traffic, gas trucks and delivery trucks will be going down the street. When the Center Mayfield Movie Theater was opened, the residents of Vandemar had City Hall install a 'No Right Turn' sign going north on Vandemar as you came out of the parking lot. There are other better locations - the giant vacant - the lot for four years or more at Noble and Glenwood and the empty Severance when their foreclosure and ownership problems are resolved. Use the Noble Vandemar Mayfield for some family restaurants and/or middle income townhouses. We in Noble - the Noble area - are in dire need of some newness for the neighborhood north of Mayfield Road. Our residents' safety and well-being is the number one priority of City government. Do the right thing for Cleveland Heights and the residents on Vandemar who have devoted years of loyalty to this City. When the time to vote for rezoning arrives, we the people, the residents of the entire City, give a strong and resounding no for rezoning this parcel for a gas station. Thank you."

Mayor Stephens stated, "Thank you. Who would like to make comments next? Ma'am."

Kay Dunlap stated, "Good evening, Council. My name is Kay Dunlap and I'm a homeowner at 1299 Cleveland Heights Boulevard and I'm here with my fellow citizenry to voice some serious concern about the rezoning proposal to rezone the Vandemar Mayfield area from residential to a commercial area. I've been a member now for a year of the Noble Neighbors Association and as you are well aware, we have been working very hard to rewrite the script of our neighborhood and to promote the many positive aspects of the Noble Neighborhood. As you are aware and so are we, we also have many challenges. I cannot imagine in any way how a commercial zoning decision would do anything but harm our community. As you know, communities don't die one house at a time or one city at a time; they die one house at a time, one street at a time, one neighborhood at a time and one city at a time. We cannot afford to have any more commercialization in that area especially when there are other areas in the City that would be more likely to be amended for commercial use. So, I'm just here to urge the City to reconsider the proposal to rezone the Mayfield Vandemar area. Thank you."

Mayor Stephens stated, "Thank you. Who else would like to..."

Geri Blair stated, "Good evening. My name is Geri Blair. I live at 1361 Vandemar. My husband and I purchase a home in 1973. We have been a loyal citizen for 43 years. We raised our son there on the street. We purchased our house because of the excellent school system, the community, access to food, automobiles, movie, recreation centers and park and I would like to just share with you something about our street. When my sons were coming up, we had a neighbor who lived across the street from us and they would play in the street and he came over. He said, "I want - don't want to see your boys get hurt. Let them play in my front yard. They play football on his front yard. They play volleyball on his front yard. Nearly every boy that came up in Cleveland Heights in 1973 and the 80s, they played on his yard because he did not want them to get hurt. So that is the kind of neighbor and street that we had. We had the senior people who would call on them to come help them to go shopping for them and just to do odd things because everybody on the street knew everybody. Our neighbor looked out for each

other. They are compassionate, caring, and always ready to assist if your - you need it - our street it's a very diverse street. So if Vandemar Street isn't broken, why change it? I don't want to live anywhere else. I really don't because I have nice neighbors. I love my home. So please, before you make this important decision about rezoning Vandemar and putting in a Circle K on Mayfield and Vandemar, I extend an invitation to all of you to come to my house for dessert. Then we will take a tour of Vandemar Street and you will learn much about this street and the neighbors because if you are like me, I am a visual person. I like to see what I am doing. So there is a verse in Mark 8:36 that says, 'What will a man profit to gain the world and to lose it you lose his soul?' So I say to you - why rezone Vandemar Street and build a Circle K gas station when you will lose neighbors and you will lose the neighborhood? Thank you."

Mayor Stephens stated, "Thank you, but be careful what you ask for. There are six of us."

Vice Mayor Stein stated, "An invitation sounds lovely."

Mayor Stephens stated, "Sounded like an open invitation to me." (Inaudible.)

Mayor Stephens stated, "Okay, how many hours notice do we need to give you?"

Geri Blair stated, "Just give me time to bake something over the weekend."

Mayor Stephens stated, "Oh, you asked for it now."

Councilwoman Yasinow stated, "Mayor Stephens, I believe we could have a very good work session at a certain house on Vandemar. "

Mayor Stephens stated, "Well, it has to be publicly announced if there's more than three of us there."

Councilwoman Yasinow stated, "Dessert at Geri's."

Mayor Stephens stated, "Thank you."

Vice Mayor Stein stated, "Thank you. Thank you."

Mayor Stephens stated, "Who's next?"

Sarah Lee stated, "Hi. Good evening. My name is Sarah Lee and I live at 1366 Vandemar. I've been there for 34 years. I grew up playing in the yard, so I'd like to start by thanking City Council for their service to our community and for listening to residents speak on the proposed rezoning of our neighborhood. I'll be talking about noise and light pollution if the rezoning should go through. Like Geri mentioned, we're a quiet street and most traffic consists of the people that live on the street or the streets closest to us. It's a neighborhood where you can go for a walk and relax and listen to the sounds of our community. You can hear kids playing and laughing and neighbors barbecuing and the church bells ringing and people relaxing and enjoying each other's company. If our neighborhood should be

rezoned to commercial, we would lose those quiet moments and the sounds of our neighborhood would turn to increased traffic, idling cars, loud music coming from those cars, horns, auto doors opening and closing and 18 wheelers pulling into refuel. Being a 24-hour gas station, we will in fact have no rest from that noise. CommunityEnvironmentalDefenseServices.org notices – notes, excuse me - that passing cars emit 70 decibels and trucks 90 decibels. Sleep can be as disturbed at 55 decibels. Fifty-five decibels is the level of night time that the CEDS recommends for urban neighborhoods. Also, at prolonged exposure is of 80 decibels or louder, adults begin to lose their hearing. The City of Cleveland Heights website states that in the interest of not disturbing the peace of neighbors, residents should remember not to operate a lawnmower within 300 feet of a dwelling before 7:00 a.m. or after 9:00 p.m. Purdue University lists the power mower at 96 decibels and I have to ask – would a 24-hour 16 gas pump station emit more than 96 hours during those hours - or excuse me - 96 decibels during the hours? Also, in addition to the increased noise the bright lights needed for safety to illuminate such a large area would spill into the homes of our neighbors 24-hours a day. Again from the Cleveland Heights website - in 2012, a memorandum from the Planning Commission granted a permit to a restaurant with a commercial zone that approximated a residential zone contingent on the fact that lighting shall not directly glare into neighboring properties. I am here tonight to implore upon you, the Council, the weight to which a decision to rezone our neighborhood could impact our future. I ask you to look to your previous decisions to safeguard our residents against lighting and noise pollution. Our community is thriving and while we truly appreciate the need for new business to continue to thrive, we ask that you do not develop these businesses at the cost of our neighborhoods and residents, for we are what makes the City home. Thank you for your time.”

Mayor Stephens stated, “Thank you and who'd like to follow her?”

C.J. Nash stated, “Okay, I guess I'm next on the list. Hi, I'm C.J. Nash and unlike my wonderful neighbors, I am one of your brand new residents. I bought my house. I closed on the house Christmas Eve of 2014 and I bought - came from Wisconsin. I bought the house because I absolutely fell in love with this beautiful old home and it's a nice, I mean, I don't need to describe the area. They've done a really good job of it.”

Mayor Stephens stated, “C.J., are you on Vandemar?”

C.J. Nash stated, “I am at 1416; right across the street from where it's going to be. I am. I served 23 years in the military as a nuclear, biological, chemical NCO. During the time of the military, I spent a lot of my time doing Hazwoper qualified and I did a lot of downwind hazard predictions – that's nuclear, biological or chemical. When I got out of the military, I got my bachelor's degree in Biology and a graduate degree in Chemistry and I've worked for two chemical companies. I work in petroleum products, so I'm going to tell you in a short period of time about some of the chemical exposure that we would be exposed to if this gas station went in and we're referring here to a large one - the size that they're talking about putting in; not a four, five, six pump gas station like what we already have in our neighborhood. One of the problems is a lot of people think of large spills and large amounts of vapor and they don't consider the fact that small amounts of vapor and small amounts of spills can cause a lot

of problems. There are over 150 different chemicals in petroleum products, specifically in gasoline. Some of those are benzene, toluene, methyl tertiary butyl ether. I have to look at that one because I don't work with that particular one. That's a nasty one - they call it MTBE - and cadmium and lead. Those are just a few of the things. There's been a lot of... there have been a lot of studies, a lot of talk on benzene. Benzene is a carcinogen. They do know that. Some of the signs and symptoms of having too much exposure to the vapors - and if you're talking about a child, it's not very much that you have to be exposed to - nose and throat irritation, headache, dizziness, nausea, vomiting, confusion and breathing difficulties. One of the problems with vapor is that when it comes to fuel exposure and spills, it's not talked about very often, but homes that are near these gas stations have problems with fumes in their basements. In our homes, you've all heard about the radon. We have - our homes are nice and closed up and where radon is a normal radiation source in the soil. It accumulates in our homes because they're so closed to up. Now imagine if you had fuel vapors coming in - benzene, toluene, xylene, cadmium - well, cadmium and lead aren't vapors, but those are going to accumulate in our basements.

The Agency for Toxic Substances and Disease Registry, which is part of the U.S. Department of Health and Human Services, have done a number of different studies on benzene exposure which of course is a major component of the fuels. The benzene levels in homes they say are usually higher than outdoors especially if they live near a hazardous waste site, a petroleum refining operation or a gas station. So, they specifically bundle the gas station in with hazardous waste sites and petroleum refining as far as the chemical exposure. Other countries in the world have done a lot of studies on this also. France has a particular study that's recent where they have found - they did a study on children with leukemia and they found that children living next to a petrol station (which is what they call a gas station there) next to a petrol station are four times more likely to develop acute leukemia and seven times more likely to develop acute non-lymphoblastic leukemia compared to children that live in the same area but not next to a petrol station.

When we think of chemical exposure and chemical spills, a lot of people think of the underground tanks or a large tanker having a big leak. There's been a lot of advancements in those underground tanks, but they still leak. A very, very small pinhole in those tanks can create what's called a plume over time and that plume of fuel contamination travels very quickly through the soil into groundwater and we all know all over the United States, the whole United States is in dire need of having infrastructure rebuilt as far as their sewers and their water systems and this is common everywhere and those systems leak. So, if we were to get a plume of this in our systems, our sewers are right there. Our water lines are right there. It would get into them. John Hopkins School of Public Health put out a study in 2014 and in that study, they say small spills at gas stations could cause significant public health risk over time. Conservatively, researchers estimated that around one thousand five hundred liters of gasoline is spilled at a typical gas station each decade and that may not sound like a lot, but when you're talking about chemicals like this - and I'm going to make it a lot shorter here really quick - and it's a lot. New York Times reported a study that found 32 of 52 gas stations on Long Island had previously unidentified petrol spills. The soil beneath these stations was saturated with MTBE. Most of the contamination isn't necessarily from large contamination, large spills. It's from the vapors and the

drips that come when you fill your gas station, when you fill your car and when they're filling the large tanks. That's where a lot of the contamination comes from and I thank you very much."

Mayor Stephens stated, "Thank you."

Ivory Jordan stated, "Good evening, Council. And I name is Ivory Jordan. I live in 1405 Vandemar Street and I'm - I have been living here since 1988 and what brought me to Cleveland Heights was not only the beauty of Cleveland Heights, but the safety and the joy of being in a neighborhood where I in my family could feel safe but with the coming gas station, I think it's going to create a problem. I made a small survey. I went back to 2012 and I looked at the crime rate at that time and since 2012 to 2016, the crime rate has gone down significantly. Approximately 30% and that was due to the people in neighborhood, block watching, things of that nature aided and the safety of our neighborhood, but with this gas station going up, the crime increase will go up. I've been told they are going to sell alcoholic beverages, beer, wine. This creates a problem. Not only will the station be open 24 hours; that would also create other problems. Due to the fact that I do want businesses in the area that would sustain the safety and well-being of our neighbors, I am against - for but against - I am tossed in between and my home will be directly in the red zone. I'm the third house on that side where my two neighbors on my left are supposedly accepting the contract that the business offered them. So, what protection will I have from - and my neighbors across the street and our street itself - from this business that could create more danger in the neighborhood? Thank you."

Mayor Stephens stated, "Thank you."

David Kurbish stated, "Good evening, Mayor and Councilmembers. My name is David Kurbish. I live at 3853 Mayfield Road on the corner of Mayfield and Ardoon. As with those who came before me tonight, I wish to address the rezoning petition recently submitted related to the proposed development of the Circle K gas station and convenience outlet in the Mayfield Noble business district. My wife, Ruthie, and I have lived on the corner of Mayfield and Ardoon for over 20 years now. I myself have been involved in contracting, specifically historical restoration, and property and real estate development for over 35 years. Like many areas in the Cleveland Heights, The Noble Road Mayfield business district and the surrounding residential neighborhoods have had setbacks. However, we have found that there is still a rich history here and a good grass roots foundation of residents. The Center Mayfield Theater and adjoining center Mayfield building which is at the center of the proposed development are architectural landmarks at the Mayfield gateway to the City of Cleveland Heights. These structures, though solid, may be past the point of restoration or reuse. However, they still hold a significant place in the neighborhood. Too often in haste the development of a property is approved without looking at the possible long term impact on the neighborhood and its' residents. As an investor myself, I can see this property and possibly the adjoining Medco property could be utilized to a much greater and long-term benefit to the neighborhood and the city as a whole. There have been many other neighborhoods in similar situations with declining business in residential areas which have made dramatic improvements and have shown great success through residents and City collaborations. Being familiar with the process of land acquisition and development, this project is already well into its planning stages. The question

here should be broader than a zoning issue. The question you should be asking as are civic leaders is - what do we want our neighborhoods to be like? Do we want to be corporate gas station at the entrance to our city?

A corporate business that has no concern about the neighborhood or residents that live here. Or do we want neighborhoods to reflect that we care about what happens in the future - that we meant when we said in our Vision 2016 for the City. I have seen development like this before in other cities. It is not a good legacy. I would respectfully ask you all as our cities representatives - do not let this project come to fruition. Its impact overall on the adjacent neighborhoods and especially on the streets closest to it will be nothing short of devastating. Thank you for your time and consideration. And if I might, I would like to extend an invitation along with my neighbor, my wife and I have had always had an open door policy since we've moved into the neighborhood some 20 years ago that if you're ever in the neighborhood and you see our vehicles parked around the corner, feel free to stop in. Our door is always open. We'd welcome any of you."

Mayor Stephens stated, "Did you say 3853?"

David Kurbish stated, "Yeah."

Mayor Stephens stated, "Okay. We gotcha."

David Kurbish stated, "You can't miss us. We're the odd house on the corner that sits on an angle with the really funky tall pine tree."

Mayor Stephens stated, "You asked."

David Kurbish stated, "So feel free to stop by. We'd welcome any Council members."

Mayor Stephens stated, "Thank you, David."

Vice Mayor Stein stated, "Thank you."

Ian Griffith stated, "Hi. My name's Ian Griffith. I don't need a microphone. I live at 1356 Vandemar Street. I also work for..."

Tanisha Briley stated, "I'm sorry to interrupt, sir. We do need you to speak into the microphone for the record."

Ian Griffith stated, "For the recording. Gotcha."

Tanisha Briley stated, "Thank you."

Ian Griffith stated, "Ian Griffith and I live at 1356 Vandemar Street and I work at Lusty Wrench on Lee Road. We've heard from some members of a group that until last week didn't exist. A bunch of neighbors getting together on Vandemar Street. We didn't have a block club or a street group or

community organization and this bringing all those people together is so far my favorite part of the whole thing. The least favorite parts – we'll get to that. We're people who wanted to get together to find an alternative to putting a gas station of any kind at the top of our street. People who wanted to find an alternative to losing two houses, two homes from our block. We recognize that development is needed in that neighborhood and I'm happy to see people trying to come up with an out of the box, you know, something creative to bring that development to that area and I'm glad that the City is considering every available option and that idea going through a process is good. That's what process is for and it's a nice package, but I don't think it's the right package for Vandemar. The cost is too high. It doesn't invest in the community. It divests the community. We had a building even partially... even partially occupied with three/four businesses. Some went in. One moved in; six months later moved out again. All those jobs, all that tax base is gone. It's already gone. Hopefully we can, you know, there's got to be a way to find something else to do. We've heard about Vandemar Street's history; community. We know what we're risking putting irreplaceable commodities like homes and neighborhoods and historical buildings on the table. We've heard from C.J. - some of the chemicals that are going to be involved in this. I mean every gas station has these things, but these are known dangers. We know we shouldn't expose our kids to them. This is...the science is done. It's cold. Let's not do it. We've heard about how the noise, the light, the activity, the traffic of this 24-hour gas station will disturb our neighborhood; how entries traffic can endanger our children. We've heard about neighborhood deterioration and how the effects of the petition to rezone will continue to be with us, not only chemically, but socially undermining a keystone neighborhood of the Cleveland Heights community; especially northern Cleveland Heights.

Like I said before, a gas station's not really a good fit, especially one that eats two houses, a daycare and his eyeing a historical building. We have a history and a future. This is...a gas station is a short-term bet. We realize something has to go in our backyard. This sudden... this sudden vacancy of four businesses visible from Mayfield. The ongoing vacancy of the Center Mayfield - this is an urgent matter, but we can pick something better than this. We're worth it; even if it's nothing. We look forward to any coming public hearings and committee meetings where we can work with the Council; work with the property people and everybody productively on this. We don't just want to say, 'No, no, no.' We want to say let's find something we can say, 'Yes!' about. We recognize that Cleveland Heights north of Mayfield is a target of development. It's...let's not repeat. More people get to talk. Thank you."

Patricia Funk stated, "Good evening. My name is Patricia Funk and I live at 1360 Vandemar Street. I live in the house where everyone plays in the front yard. I'd like to invite the Council after you have tea at Geri's to come over to my front yard for a game of volleyball."

Mayor Stephens stated, "Did you get that address?"

Patricia Funk stated, "Okay, so I also wish to address the rezoning issue and I was looking at the Cleveland Heights Master Plan dated January 22, 2016 page 14 where it was talking about vibrant neighborhoods and it says Cleveland Heights should be a City of strong safe and vibrant neighborhoods composed of a variety of beautiful homes and buildings, well maintained yards and green spaces,

historic districts, active neighborhood associations and revitalization and revitalized blocks. Continue to promote the preservation of historic homes and buildings, increasing housing density in near business districts to supported vibrant commercial areas, continue to promote and support neighborhood identities to enhance the sense of place and building pride among residents. So, I would like to suggest that the rezoning is in direct contradiction to this plan. Vandemar is comprised of a variety of beautiful homes. The houses in questions do not display yards that the...they do display well maintained yards. Center Mayfield Theater complex qualifies as a historic site. Eliminating houses decreases density near our neighborhood business districts. So why would we seek to install a business that promotes beer and wine, cigarettes, lottery tickets, increased traffic and pollution and junk food? In other parts of the Master Plan, I kept seeing the words dining, arts and culture, walking paths, bicycle lanes, a healthy community with healthy food, policies that limit exposure to environmental hazards. It is my opinion that such a drastic redefinition of our community would add unnecessary stress to all homeowners in the neighborhood. Thank you."

Mayor Stephens stated, "Thank you. And who's next?"

Louise Gerlach stated, "I'm Louise Gerlach and I live at 2661 Euclid Heights Boulevard and we've lived there since 2000. I'm very active at Bethlehem Lutheran Church. That's at 3470, I think, Mayfield Road. I am pretty much the only gardener there at the church and we like the neighborhood. I'd like to see the character of the neighborhood which is pedestrian friendly to stay that way. I have babysat for a pastor who lives off Noble Road and taken her daughter in a stroller around there, but Noble Road was an off the area when I hit that, I stayed on her street and I'm afraid that the character of the neighborhood would be radically changed by losing that quality. In the Vision Plan, you talk about the theme of promoting beautiful neighborhoods. That's what I would like to see continue. In addition to gardening at the church, I garden for a couple other senior members who were not able to keep that up and I was recognized by the Lutheran Metropolitan Ministries as a Volunteer of the Year last year for that work as well as other volunteer work. I'm active with my garden club, the Northern Ohio Perennial Society and serve as a newsletter editor. I've recently volunteered my home for the Heights Community Congress to be on tour this year. I think the yard attracted me to the neighborhood. It's an urban neighborhood within walking distance to areas such as Coventry, which is still pedestrian friendly. We see people walking all night, around walk their cars - or not their cars, but with their dogs and their kids. We have a little tot lot right in the corner and I'm concerned that the neighborhood's character with this would change from being a neighborhood that's friendly to one that's indicative of sprawl. I see too many homes in Cleveland Heights torn down as a result of foreclosure. We have that broken tooth look and once that starts, it is - can be - a vicious cycle. This street - they're around, across from our church. Those are nice residential streets, but I think the development of the Mayfield corridor has to be kept in a line with the goals of the City and its lines. I mean, I see residential preserved on off of Lee Road and you have The Heights commercial area on Cedar Lee; very attractive. Those people - I've talked to some residents on those streets and they can walk to theaters and restaurants, yet they can still have their neighborhoods. There was another home that we...we had a group that toured...that's off of Cedar down by Fairmount. He had a beautiful home who had a garden on tour, but he could still go to the

things in the neighborhood. If we want to keep the neighborhood the way it is and the vision that we have, I would like to see that continue so that we have...we're looking for more homes in the neighborhood for...that attract families that are vibrant and with kids and thank you for letting me speak.”

Mayor Stephens stated, “Thank you.”

Vice Mayor Stein stated, “Thank you.”

Good evening, Mayor, Council members, fellow Cleveland Heights citizens. My subject is a little different.

Mayor Stephens stated, “Don't forget to give us your name and address.”

Lillian Pyles stated, “My name is Lillian Pyles. I live at 1075 Carver Road in Cleveland Heights. I'm here this evening to call for a ban on pit bulls in Cleveland Heights. Pit bull bans do not kill pit bulls. The purpose of the pit bull ban or any other kind of restricted pit bull legislation is not to kill pit bulls. The purpose of the pit bull legislation is to eradicate mauling injuries and deaths inflicted by pit bulls - the breed involved in more than half of all severe mauling attacks. Pit bulls killed 95% of 15,000 dogs who died of dog attacks in the United States in 2013. The other night, or the other day, I saw a vicious attack by a pit bull on a little puppy. The pit lives two doors for me. They let the dog walk around the neighborhood unattended. I'm afraid to go out of my front door in fright of him. There is also another pit bull that lives across the street from me. The same thing. They let the dog walk around unattended. I see the man walking him late at night without a leash. I've already reported it to the police. I reported the mauling to the police the other day. They're supposed to contact, whatever the follow-up, give them a ticket, take him to court. Most of these people who own these dogs have no idea what they have and it's frightening to us who live on the block. There are kids who play on the front yard. Their kid... other people who walk their dogs at night. I don't even walk my dog anymore because I'm afraid I'm gonna run into these pits. Something needs to be done. It really does. They don't understand. In Parma, Ohio, it is prohibited to own, harbor or keep a pit bull. In Lakewood, in Garfield Heights, in Warrensville Heights, bans on parts of Florida – Miami, Dade County - all over the United States, people are banning pit bulls in their neighborhood. We know about the young lady that was just mauled the other day. The police had to kill the dog. They don't stop. They just keep coming. A vicious dog must be confined on his owner's property. Vicious dogs must be properly leashed and muzzled. If off of owner's property, vicious dogs must be registered by the city and have a permit and they also need \$100,000 in insurance. I don't know if these people have this. The dog that attacked the young lady the other day, if you've noticed from the news, the dog kept coming. The police shot him once and he got up and kept coming after him. He had to kill him. That's the kind of dogs they are. That's... they're inbred that way. It's not always the breed. It's the people, but you don't know what you have. I think there should be a ban on pit bulls in Cleveland Heights.”

Mayor Stephens stated, "Thank you ma'am. You'll be happy to know that last year Council recognized some of the concerns that you talked about this evening and the Law Director has drafted Information for us. It was included in our packages and we will be reviewing it at our next work session."

Lillian Pyles stated, "Great, thank you. I hope you vote to ban them because they're not fun pets. You know everybody's afraid to come out of their house. The people behind me have little dogs and they don't have a fence so they're afraid to let their dogs out. I have a fence for my dog to keep all the dogs out and to keep him, but vicious dogs like pit bulls do have... have no place in the community where there are kids and where there are other people walking around. You need to be safe. Cleveland Heights is a wonderful neighborhood. You want to be safe when you come out the door. I'm afraid to come out my front door."

Mayor Stephens stated, "Thank you. Please follow up with us."

Lillian Pyles stated, "I absolutely will."

Marjorie Pyles stated, "Good evening. My name is Marjorie Pyles Hurst. I live at 878 Cambridge Road in Cleveland Heights and I have lived there for eighteen years along with my husband and my black lab, Kenya. I'm piggybacking on my sister's issue. Two days prior to the attack that she witnessed, my husband was walking our dog at about 6:00 in the evening when our neighbor's - new neighbors might I add - who have a pit bull tied in the back sometimes and another dog. My husband's walking the dog. He noticed that the children were out in the back playing with the pit, but the fence was closed. However, when he decided to come back, he crossed the street and walked on the other side of the street. We've been living there 17 years and have had a dog ever since we've been living there, so to have to cross the street and go this way and that way is an inconvenience, but he did it. When the pit bull runs out and attacks our dog and it was just a very frightening experience for my 6'2" husband to come running in the house screaming. I have to call the police out of breath. My dog is wild and crazy. I'm trying to find out what happened and he explained to me. I did file a report. The police did come, but the neighbors directly next to me have been having issues with this dog and have also called the police. She hasn't given any reports which I did share with her she needs to do that. So again, the pit bull issue is of a concern in my household also."

Mayor Stephens stated, "Thank you, ma'am and please remember to follow up with us. Is there anyone else you'd like to speak this evening? Ms. Hallum, would you like to speak?"

Diane Hallum stated, "Diane Hallum, 1059 Oxford. Start off with the development of the Circle K. When I first heard about it, I thought it was - seems like an okay idea, but I have to agree with how the neighbors along Vandemar feel about this - that there needs to be a very involved community involvement of the neighbors with any development that takes place at this corner. I can applaud the developer and the realtor, the property owner for going to the Board of Zoning Appeals before supposedly coming to you guys, but I did find the records that all of you knew they'd gone to the Board of Zoning Appeals before you put it in the paper. So you guys have known about it for quite some time and with regard to comments stated in the paper about legal issues, there are no legal

issues at this point. They have no right to sue the city for backing out of any ideas about developing this particular property. So I would please, please ask that you work with the neighbors who live at this corner. Is there a problem?"

Mayor Stephens stated, "I'm listening."

Diane Hallum stated, "All right. I'm getting these bizarre looks at me. I just think that when people keep talking here in this city about walkability, livability, it doesn't include those of us who live north of Mayfield, so it'd be nice if we were considered. When it comes down to walkability, livability, nice neighborhoods, children playing on the street. Gas stations do create a great deal of crime. We should know. At the corner of Noble and Monticello, that particular gas station has a whole lot of issues. You guys have been dealing with it for a number of years and I gotta say I'm still tired of picking up those little baggies that the teenagers get of their flavored cigarettes and aroma thingies. They come out of those places. They're not supposed to buy, but they get them anyway, so I would encourage you please consider these people's requirements or requests. I would also bring up the fact that if you remember the meeting that you had with those of us who live along Noble back in 2014, we were at the Academy the Police Academy, and we were all choking on the fumes coming from that gas station next door and it was bad. It was very seriously fummy and that's going to be floating out into these people's yards and as far as the potential for using this is as an art space, a youth center. One of the things that I've complained about is the fact that we really don't have any youth centers on that side of town for our children. We don't have places for kids 12 and under to go to without an adult. They cannot ride down to the Community Center which is two and a half miles away on their tricycles. This is a building that could be used for a Youth Center, an art facility, a gallery, any number of those kinds of things that would be beneficial to the Mayfield Road area, those people who live along that strip and everybody else that lives north of Mayfield. Basically, that's about it.

And I would like to address the dog issue. I was attacked by my neighbor's dog. It was not a pit bull. I was just in my backyard. It came crashing through the hedges and latched onto my hand, would not like go. I'm not against bad dogs. I'm against bad owners and I'm sorry; if they have...if they're not controlling their dog, you nail them to the wall. I'm sorry. That's - the dog's an animal. The owner is not. They're not operating their pets right. You guys now have the money. We can get a dog warden again. We can address these particular issues. We've got bad dogs. We get a dog warden. We get rid of them. Thank you."

Mayor Stephens stated, "Thank you. I know you know how to get ahold of us. Yes, ma'am."

Karen Groshaw stated, "I'm Karen Groshaw and I live at 3778 Montevista. I wasn't planning on doing anything here, but I did attend the meetings about the zoning issue and I would like to also speak about that. The impact on neighborhood values of the other houses remaining in that area will plummet. They're low anyway. That whole area north of Mayfield, but on Vandemar and surrounding streets, they will go down dramatically. Nobody will want to buy a house. You will not be able to sell your house if this enormous gas station goes in. Another point that I've learned recently is that Circle K

as an organization has a documented history of being a haven for disturbances in the areas immediately around their stations with property damage being one of the highest incidence of complaints and their refusal to address problems that have been brought to their attention. So, they're not good neighbors. It may bring in money, but they are not good neighbors. We also have about six - just by sitting here thinking of stations - six gas stations in the nearby area. What do we need another one for? And we've seen how the building of the South Euclid Wal-Mart destroyed the one here at Severance. What do we think is going to happen to the B.P. station that's right on that other corner of Mayfield and Noble? They won't survive and yet it seems to be a thriving business. I would also like to ask a question that perhaps you can't answer right now, but in an earlier meeting, I understand that in your process you can decide to simply take no action on this. I heard that tonight."

Mayor Stephens stated, "You did. Yes, that's correct."

Karen Groshaw stated, "And my question is - I wonder what the advantage is of doing that versus saying a clear, 'No, we're not going to do this.' Is there some political sensitivity about that that would send a clear message that this is not going to happen now and it's not going to happen in the future when we're not quite paying as much attention? I would hope that you can give a clear no and I know that we need the economic development, but this is a very poor solution. Thank you very much."

Mayor Stephens stated, "Thank you ma'am. Is there someone else who would like to speak?"

Linda Heil stated, "Hello, I'm Linda Heil and I live at 3888 Glenwood road. I'm at the corner of Vandemar and Glenwood. I bought my house. I can't believe I'm up here, but I bought my house 20 years ago next month and in the 20 years, when I got the house, it needed a new roof, windows, gutters, hardwood floors were stripped. Pretty much everything that needed to be fixed in my house when I bought it, the real estate guy who did the inspection pulled me aside and told me, 'You know there's other houses on the market. Don't let your realtor have you pick this one,' but I loved the house. It had hardwood floors. It had built-in cabinets, so for the last 20 years, I have had ripped down and put insulation in, tiled, put a roof on and now it just concerns me, to back up my neighbors, we are a good neighborhood. It's a very quiet neighborhood and I'm proud to be a Cleveland Heights resident and I'm very happy that you guys have done your job and kept our community, you know, livable. You know, all the people around it, cities struggle every day with crime and youth and whatever and I just want to thank you guys because I've been here 20 years and this is a first meeting I've ever been to, but I'm trying to be, you know, the resident that you guys want which is you know - every day I look at my house and go, 'What else can I knock down in here?' I make this a better place and so I want you to know that as a resident of this street that you're getting ready to make a decision on that we do work to make our neighborhoods a better place and I'm one of those people, so I just want you to please make a decision for us; for our neighborhood."

Councilwoman Yasinow stated, "Thank you."

Mayor Stephens stated, "Thank you, ma'am."

Rosemary Wiggins stated, "Good evening. I'm Rosemary Wiggins. I live at 3865 Glenwood Road and no I don't live on Vandemar, but I certainly support the neighborhood. I've been in that home for 27 years, my husband and I, and I've always found that the City listened. I've come to City... I've come to sessions such as this a number of years ago when at the corner of Glenwood and Noble, there was the idea of putting a chicken slaughterhouse right down there after we had taken down a, you know..."

Mayor Stephens stated, "That's been a while."

Rosemary Wiggins stated, "A drugstore. So, immediately I come to a mic at that point, a much younger woman and said, 'No, that can't happen!' and I implore you again - No this should not happen. No, we aren't gonna be talking about chickens, but we are gonna be talking about a number of chemicals and so forth and we can't help but look at the news nightly when we hear about Flint, Michigan and other places such as this where people unbeknownst to them, things happen to them. So, we, I can just only express for myself this evening that I, along with my neighbors that love the community and frankly know that you work for us, we're telling you that this is something we do not want. Thank you."

Mayor Stephens stated, "Thank you ma'am. Is there anyone else who would like to make a comment at this point in time to us? If not, I will close the public hearing and we will proceed with the business of this evening. I want to thank those of you who have attended. If you'd like to leave, I'll give you a moment or two to leave before we start the rest of the meeting. Okay."

(Various conversation among residents, staff and Council members during a break.)

Mayor Stephens stated, "At this time, we will hear the report from the City Manager."

Report of the City Manager

Tanisha Briley stated, "Thank you, Your Honor. Tonight I would like to request approval from the City Council to add Lineweaver Financial Group as an additional 457B provider and I'd like to make this a Matter of Record."

Mayor Stephens stated, "Thank you. Ms. Roe, we need to have a motion for this item to add Lineweaver to our financial service providers."

Councilwoman Roe stated, "I move that the City Manager be authorized to add the Lineweaver Financial Group as an additional provider."

Mayor Stephens stated, "Do I have a second?"

Councilwoman Yasinow stated, "Second."

Mayor Stephens stated, "Would you call the roll please?"

Roll Call: Ayes: Roe, Seren, Stein, Stephens, Yasinow, Dunbar

Nays: None

Tom Raguz stated, "That's six ayes, Your Honor."

Mayor Stephens stated, "Thank you. We have authorized the City Manager to add Lineweaver Financial Group as an additional 457B provider. Is there anything else?"

Tanisha Briley stated, "There's nothing else this evening, Your Honor. Thank you."

Mayor Stephens stated, "Thank you. Next is the Report of the Director of Finance/Clerk of City Council."

Report of the Director of Finance/Clerk of City Council

Tom Raguz stated, "I have no report tonight, Your Honor."

Mayor Stephens stated, "Thank you. Next we move to the committee reports. Finance Committee."

Report of the Finance Committee

Vice Mayor Stein stated, "I have no report tonight."

Mayor Stephens stated, "Municipal Services Committee."

Report of the Municipal Services Committee

Councilwoman Yasinow stated, "Thank you very much, Your Honor. I have one piece of legislation for consideration this evening. This is Resolution Number 2-2016. This is a resolution authorizing the City Manager to enter into an agreement with CT Consultants, Inc. for engineering and support services relative to the planning and implementation of the City's year 2015 street and parking lot resurfacing program, providing compensation therefore and declaring an emergency. Whereas the City's committed to an annual program street resurfacing and the City's made a preliminary identification of the streets and parking lots which are in need of resurfacing for 2016. Whereas CT Consultants has presented to the City an estimate of costs and description of the engineering and support services to be performed for this project and is well qualified to perform such work and the City Manager has recommended the employment of CT Consultants, Inc. for its professional services on this project, I hereby recommend the passage of Resolution 2-2016 this evening, Your Honor."

Mayor Stephens stated, "Thank you. Are there any further comments? Would you call the roll please?"

Roll Call: Ayes: Seren, Stein, Stephens, Yasinow, Dunbar, Roe

Nays: None

Tom Raguz stated, "That's six ayes, Your Honor."

Mayor Stephens stated, "Ms. Yasinow, is there anything else you'd like to share with us this evening?"

Councilwoman Yasinow stated, "Just two quick things this evening, Your Honor. First, though I believe she has left, Ms. Karen Groshaw was expressing concern of something possibly happening in the City without the vigilance of residents. Given 58 minutes of public comment from no less than 17 separate members of the City of Cleveland Heights, I don't think any, either this Council or any future Council - should ever count on its residents not being engaged, active and vocal on all aspects. So, thank you all who have been here this evening and to piggyback on the sentiment of civic engagement, I remind people, in case you haven't heard, that there is an election this year. The March primary will take place on March 15, 2016. This is Republican, Democrat or issue. For example, I know that at least in two places in the City of Cleveland Heights there will be for certain precincts a vote of allowing, for example, in Gigi's on Fairmount, the sale of alcohol on Sunday mornings for mimosas for brunch, so you don't have to be a member of any party, but remember that there are many issues on the ballot for residents. So, please do remember to vote this March. You can go in person please to find your precinct. Please do look because the County Board of Elections or you may request an absentee ballot. And for those who are wondering if they're registered to vote, please note that you need to be registered at your current address. And that the deadline to register to vote for the March 15, 2016 primary is mid-February - February 16, 2016. So, if you have not registered to vote, updated your registration, there is still time to do so. Please go to the Cuyahoga County Board of Elections to update your voter registration and that is everything that I have this evening. Oh, except for before our next meeting will be Valentine's Day, so to all, may it be sweet."

Mayor Stephens stated, "Public Health and Safety Committee."

Report of the Public Health and Safety Committee

Councilman Seren stated, "I have no report, Your Honor. Thank you."

Mayor Stephens stated, "Thank you. Planning and Development Committee."

Report of the Planning and Development Committee

Councilwoman Dunbar stated, "Tonight I have Resolution Number 3-2016; a resolution authorizing the City Manager to submit an application to the Northeast Ohio Areawide Coordinating Agency for federal funding for improvements at the intersection of Overlook and Edgehill roads and declaring an emergency. The City and University Circle, Inc. have prepared a Transportation for Livable Communities and issued a planning study entitled 'The University Circle Cleveland Heights Bicycle Network Study' to increase the number of bicycle trips between Cleveland Heights and University Circle. This study proposes changes to the intersection of Overlook Road and Edgehill Road which would result in improved safety and comfort for pedestrians, bicyclists and motorists. Federal funding may be

available to pay the majority of cost for this project. So, this resolution enables our City to apply to NOACA for funding for this project. By way of short comment, I'd like to praise and thank City staff for identifying funds likely available for enhancements to our roadways and pursuing promising opportunities. These are our tax dollars, but if we - but we only get to use them if we ask, so thank you City staff. I ask Council to approve this resolution."

Mayor Stephens stated, "Mr. Clerk."

Roll Call: Ayes: Stein, Stephens, Yasinow, Dunbar, Roe, Seren

Nays: None

Tom Raguz stated, "That's six ayes, Your Honor."

Mayor Stephens stated, "Thank you. The motion is approved. Is there anything else, Ms. Dunbar?"

Councilwoman Dunbar stated, "Oh yes. I have just a few items. Hold the date. Mark your calendars for Tuesday, February 23 at 7:00 p.m. at the Community Center for the first public input meeting on the Cleveland Heights Master Plan being developed by a team of Cleveland Heights residents in conjunction with the Cuyahoga County Planning Commission. This first session will focus on two pieces of the eventual plan. First is the current condition section which provides baseline information against which to measure progress and secondly, the vision section which identifies the ideal Cleveland Heights in 10 years. Later public hearings will focus on policy development and implementation plans. That's the first one.

Secondly, the Heights Chamber Orchestra is taking Heights culture into Cleveland with a Valentine's Day performance on Sunday, February 14 at 3:30 at the Bohemian National Hall at 4939 Broadway Avenue. There will be music, dance and refreshments. Heights Chamber Orchestra was founded 33 years ago by Cleveland Heights High School Orchestra Director Robert Bergantino. It's almost 50 members come from Greater Cleveland and beyond. Six original members are still performing with the Heights Chamber Orchestra.

And finally, this coming Thursday, February 4 at 7:00 p.m., the Heights Bicycle Coalition is sponsoring a showing of an independent movie about bicycling entitled 'Inspired to Ride.' It's about the first Trans Am Bike Race; an amateur race across America along the scenic Trans America highway. This movie will benefit the Heights Bicycle Coalition which is working to encourage Heights residents to ride bicycles for commuting and recreation. Just \$12 if you sign up in advance; \$15 at the door. The event takes place at Strosacker Auditorium at 2125 Adelbert Road on Case Western Reserve's campus. Check the Heights Bicycle Coalition for more information - website for more information. That's it."

Mayor Stephens stated, "Thank you. Administrative Services Committee."

Councilwoman Roe stated, "No report, Your Honor."

Mayor Stephens stated, "Thank you. In Community Relations and Recreation Committee this month, I'm serving as the pinch hitter for this. Resolution Number 4-2016 is a resolution recognizing February 2016 as national African-American History Month. Most of us have been celebrating African-American History Month since we were small children because before actually before most of us came along, Carter G. Woodson made sure that Americans began to understand the importance of the rich heritage brought to this country by African-Americans. So, in the month of February, we honor African-Americans and their contributions and accomplishments to this country. It was designated; this month is being designated by the City of Cleveland Heights in recognition of the many contributions and we reaffirm our commitment to maintain Cleveland Heights as a truly integrated community and to continue the tradition of appreciation, respect for our cultural diversity. In January, one Wednesday all of Council was entertained and humbled by the youth of this community as they came and presented posters and essays and poetry on Martin Luther King. There was a young man there who used the word, 'ironic' correctly and he was in the third grade and eight years old. Most of us didn't use it till college or graduate school correctly in a sentence of our for own free will, so there are wonderful things happening in this community and the heritage brought to us because of the things that Martin Luther King did and because African-Americans as a contributing portion of the society make us a much richer community. So, it is wonderful and important that we continue to celebrate the history and the dynamic diversity of this community and people from across America who have contributed to it. At this time, I'd like to call the roll."

Roll Call: Ayes: Stephens, Yasinow, Dunbar, Roe, Seren, Stein

Nays: None

Tom Raguz stated, "That's six ayes, Your Honor."

Mayor Stephens stated, "Thank you. We are recognizing February 2016 as National African American History Month here in Cleveland Heights. The next resolution is Resolution Number 5-2016; a resolution proclaiming February 2016 American Heart Month. American Heart Month is a month where we focus on cardiovascular disease and the problems it presents to many people. It is responsible for approximately one in four deaths in the United States and it is the leading cause of death among men and women. The risk factors for cardiovascular disease including smoking, high blood pressure, high cholesterol, obesity, physical inactivity, diabetes, family history and age are...they're important for us to recognize and if any one of them is a part of your life, you need to work to reduce or eliminate them. Research is clear that there are tools available to increase survival rates of cardiovascular disease with the American Heart Association encouraging citizens to help save lives by calling 911 if symptoms occur. Becoming trained in C.P.R. and supporting comprehensive automated external defibrillators, defibrillator programs in their communities. The American Heart Association and numerous government entities celebrate February as American Heart Month and encourage citizens to learn the warning signs of heart attacks and strokes. This Council joins with these entities to encourage residents to raise their awareness about heart disease in order to make healthy lifestyle choices to reduce their own risk and to

recognize the warning signs and to be able to assist other persons suffering cardiovascular symptoms. Mr. Clerk, would you please call the roll?"

Roll Call: Ayes: Yasinow, Dunbar, Roe, Seren, Stein, Stephens

Nays: None

Tom Raguz stated, "Six ayes, Your Honor."

Mayor Stephens stated, "Thank you. We also are recognizing February as Heart Healthy Month in essence and we hope that everyone will pay attention to the primary factors that I just delineated and hope that you will make an effort to make each of your lives more healthy. Get out and walk if it's just around the block to make yourself healthier. I'd like to thank you for that and it brings us to the Mayor's Report."

Mayor's Report

Mayor Stephens stated, "I want to thank you for paying attention to this evening. This Council meeting lasted a little bit longer than we thought it was when we drew up the agenda, but it was important for us to listen to our residents about something that affected the very way they enjoy the most important investment most Americans make - is their home. And I want to also recognize the fact that this evening a new Police Chief took an oath of office to serve us in this community. Annette Mecklenburg has worked for this community 24 ½ years and she will continue to serve us in the ultimate leadership role as a police officer and that is as Chief. Many folks don't want to take on additional responsibilities and I like to recognize her for taking on that responsibility tonight, but I'd also like to thank some of the gentleman who went before her - Chief Jeffrey Robertson and Chief Marty Lentz for the years of service they did because both of those men helped put her on the force and helped nurture her so that she could be the kind of person to serve us well today. So, that is it for this evening. We'll conclude this meeting of Cleveland Heights City Council on Monday, February 1, 2016 at 8:47."

Respectfully submitted,

Cheryl Stephens, Mayor

Tom Raguz, Clerk of Council

/jkw