



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF TUESDAY, JANUARY 16, 2007

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, Wilcox

Council Members absent: Tumeo

Mayor Kelley excused the absence of Council Member Tumeo.

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

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

Committee of the Whole adjourned at 7:23 p.m.

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

Edward Kelley, presiding

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

Council Members absent: Tumeo

Mayor Kelley excused the absence of Council Member Tumeo.

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

The minutes of the Regular Council Meeting held Tuesday, January 2, 2007 were approved and signed by Mayor Kelley along with the ordinance and resolutions passed at that meeting.

Mayor Kelley stated, "Before we begin personal communications from our citizens I am going to turn the floor over to Councilwoman Evans for a very important and special presentation at this Council meeting at this point in time."

Council Member Evans stated, "Last evening, that was Monday the 15th, Martin Luther King's birthday, we had our annual program at our community center. This young recipient, who is Najeeb Hopkins, is one of the winners. Each contestant was supposed to respond to, "What I can do to make civility a part of my everyday life?" This is how he responded to that question and he is one of the fortunate lucky winners and we're so pleased that he took time out to be a part of this contest and we certainly would like to congratulate him for being one of our fine winners. I'd like to thank you. Here is a plaque that says, "A Celebration of the Life and Legacy of Dr. Martin Luther King." Najeeb Hopkins, thank you for being here."

Mayor Kelley asked him if he wanted to say anything.

Najeeb replied, "Thank you. I am really proud that I got this and I'm glad that I came over here today. I'm just so excited."

Mayor Kelley said to Najeeb, "Well, we're certainly glad to have you come over here and glad that you won the contest and we're sorry that you weren't able to make the program last night, but we're glad you're here tonight to get this award. You will be on tv, probably later tonight and then it will start running all week long, but we're very proud of you. I've met your parents on numerous occasions and I think we had a meeting together in December where we talked about your neighborhood a little bit. I'm so proud that you won that award and I think I've seen you probably play baseball or something, because you look so familiar to me. So, I am very proud of you winning this award and there will be other contests in the next few years to come up, so I think maybe we're going to look into your poetry too or some of your other things. You're very proud of your award and I know it's getting heavy so I think we want to get a picture with you and all of council. Do you mind taking a picture with the older folks here? We're going to take a picture with you."

Pictures were taken of Najeeb, his family, and Council.

Mayor Kelley added, "Before we move on, I know the Hopkins family has been here since 7:00, so feel free to go, you're not going to hurt our feelings, but you will be on tv during the council meeting. Thanks again. We'll see you both next year, both winners next year. Thanks for coming."

We now move on to personal communications from our citizens. I know we have a big crowd out here today. If anyone wants to address Council, please raise your hand, come to the podium and state your name and address and your business with Council."

"Good evening, Mayor Kelley and Council Members. My name is Kasey Greer. I'm a resident of Cleveland Heights, but I'm here on behalf of Heights Community Congress. The address is 2163 Lee Road. I'm here this evening to welcome all of you and as well as the community to the first in our three-part dialogue series on race, class and diversity. The title of this production is called, Perception vs. Reality: How Do We Talk about Race, Class and Diversity in Our Own Community? This first dialogue will be on Wednesday, January 24 at the Cleveland Heights Community Center at 7:00 p.m. and all of these dialogues will center around the topic - actually the second and third dialogue series will take a little bit of a different turn. Let me say the first dialogue series will feature national, regional and local experts to kind of set the stage for how we really do and should model our conversations around race and class. The second of the three-part series will feature a more local flavor to talk about what's going on in our own community and the third of the three-part series is entitled, "The Many Faces of Diversity", because one of the things that we sometimes tend to do is forget that there are other definitions of diversity beyond race and beyond class. So, once again, I welcome you all on behalf of HCC and myself and I hope we can all participate. I look forward to a very interesting and challenging and dynamic

discussion and look forward to seeing you all there. Thank you."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have just one item this evening and that would be to request authority to advertise for bids for concessionaire services for the Community Center, Forest Hill Park Softball Complex and for our swimming pools."

Mayor Kelley said, "First real big snow of the year and we're worried about the 90 degree weather and softball. I make it a matter of record and I refer it to the Community Relations and Recreation Committee of Council."

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

Second by Council Member Wilcox.

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

Nays: None

Motion passed

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that one notice has been received from the Ohio Department of Liquor Control advising that application has been made by the following: Far Hopkins, LLC, transfer D1, D2, D3 and D3A permits from 1940 South Taylor LLC, d.b.a. South Taylor Pub, premises 1st Floor and Basement, 1940-42 South Taylor Road, 44118. Your Honor, I need to make this a matter of record."

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

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, "Thank you. I do have one resolution and that is Resolution No. 8-2007(CRR), recognizing February, 2007 as National African American History Month; and declaring an emergency. Whereas, Cleveland Heights is rich in its diversity of cultures and races; and we do take great pride in the harmonious relationships that exist among and within the City's many diverse communities. Cleveland Heights recognizes the importance of sharing the rich heritage of our City's various ethnic groups in order to foster understanding. Whereas, the month of February is recognized as "National African American History Month" by communities throughout the United States to honor the accomplishments and contributions of African Americans to the United States. Therefore, this Resolution declares February, 2007, National African American History Month in the City of Cleveland Heights in recognition of the accomplishments and contributions of the African American citizens to this community and to our country. The City reaffirms its commitment to maintain Cleveland Heights as a truly integrated community and to continue the tradition of appreciation and respect of our cultural diversity. This would be passed as an emergency measure. I offer Resolution No. 8-2007(CRR) for passage."

Mayor Kelley accepted Resolution No. 8-2007(CRR).

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

Nays: None

Resolution passed

Council Member Dietrich added, "Just following right along on that theme, I want to say a couple more words about last night's ninth (I think) Annual Martin Luther King Jr. celebration and to thank the Community Relations and Public Relations staffs for doing such a wonderful job as always. If this is an event that you've never been to, you have to wait until next year to go to it, but it is such a wonderful Cleveland Heights event. We do all the things like singing, We Shall Overcome together with arms crossed and the children read the poems and the essays from the contest that we have, and all grade levels are represented and it's not just public school kids that give entries. We had, in fact, 400 entries, coming from public schools, and a couple of parochial schools as well. The theme, as Councilwoman Evans noted when we were just presenting the award to the little boy that couldn't be there last night, the theme for the entries was really the link between civility, which we've been talking about and the examples set by Martin Luther King Jr. It was obvious from the entries that this had really been discussed in school. There is one - I hope you'll grant me a couple of minutes here - there is one poem, this was done by one of the older students, an eighth grader, Mairi Mull at Roxboro Middle School. I have to read this to you because this is such a wonderful understanding of how civility and the lack thereof sometimes really does affect our everyday lives. It's a beautiful poem:

*She's tired, I can see that, and
her feet are probably sore.
She's been working here for hours and
she just can't take much more.
Another sour customer, the umpteenth one tonight
is bitterly complaining, but she tries to be polite.
She leads me to my table, with a smile gives her name.
She treats me with civility, why shouldn't I do the same?*

*He never would have picked this job,
but he didn't have much choice.
He's sick of people hanging up as soon as they hear his voice,
but he tries to put some feeling into words he didn't write,
and praise whose on the other end
for once will be polite.
I answer, a solicitor, I think, I should have known,
but he's just another person with a hard job like my own.*

*He'd rather be at home tonight,
but he's got a shift to work.
He's serving and protecting them,
they treat him like a jerk.
He's got six hours left to go,
kind words he's yet to hear.
His badge brings out the worst in people,
long year after year.
He's here to keep us safe, you know.
He really doesn't see, why a little plain politeness
is too much to ask from me.*

*If I were taking that order down or trying to make that sale,
if I were the one who got stuck with the job of taking the bad
guys to jail, would you spare a word,
a thought for me for all the work I do,
and if the roles were switched again
would I be kind to you?*

*I'm challenging myself today,
I'm shouldering the task of practicing civility,
it's not too much to ask.*

That is an eighth grader that wrote that poem with such an understanding of what civility means. I know that I should end on that note, but I have one other thing that I want to say and that is something that I forgot about last week when I was talking about civility and the t-shirts and all the things that we have. I forgot to tell you that in this center of your Focus Magazine that was delivered to your house probably a couple of weeks ago, there is a civility poster just waiting for you to tear it out and hang on your window or door. I did put mine up and I have to say that it looks a little silly there on my street all by itself. I do know that just putting the words in front of people doesn't magically become a solution to the problem, but I do believe that civility is a good word to remind people of, it's a good concept. And we can remind them with a little PR [public relations] thrown in as well as with our civil actions. So, I ask you to please join me in displaying your civility poster and in displaying your civil actions. Thank you. That's all that I have."

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is one piece of legislation from this committee and it is Resolution No. 9-2007(F), authorizing the reprogramming and reallocation of Community Development Block Grant Funds; and declaring an emergency. The CAC, the Citizens Advisory Committee for CDBG funds, and City Council have approved a Year 2007 CDBG Program Year budget. The Violation Repair Program for Seniors was allocated \$10,000.00 for this Year 2007. There exists for Year 2006 CDBG Contingency Funds which have not been disbursed. So what we are going to authorize here is simply take from those Contingency Funds in order to meet the agreed upon work that is so important in not only helping folks who meet the income guide lines but maintaining our housing. Under Section 1, the following reallocation of Community Development Block Grant Funds is hereby approved for the purpose outlined: In the sum of \$10,000.00 take from the Contingency Fund and put in the Violation Repair Program Fund. This Resolution No. 9-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 9-2007(F).

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

Vice Mayor Montlack concluded, "Thank you. Just as a brief comment, Councilwoman Dietrich really said well her review of the Martin Luther King night, last night and the annual event. I would just like to add that I especially appreciate the work that our Community Services Department has done on this program adjusting from year to year. There has been an unmistakable difference and emphasis, whereas in early years, experts, etc., sometimes spoke at length to the audience. More and more every year, the program has been molded so that there is a great emphasis on youth and children and hearing their thoughts and seeing their wonderful art work and their exposition of their thoughts. I think that is a reason why literally every year I go from that event with a feeling of optimism that I wish I could

maintain in that same feeling throughout the year, but it is an important and I'll even say, an important spiritual happening and I think that combining it with the message of civility - a message about which we can become sometimes discouraged in this society was an excellent idea. A special congratulations, of course, to the council folks who added so much to the program, to the youth whose talent it is important for people of a certain age (my age) to continue to see, to remember what it's all about in this wonderful community and a true congratulations to the Community Services and Public Relations staff for wonderful originality and hard work. Thank you."

Mayor Kelley said, "Thank you. And let's not forget as I said last night, the finest high school choir in the land, year in and year out, whatever the event is, they just blow us right away every year. In case you're taking notes, that's our Cleveland Heights High School choir."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have two pieces of legislation. The first is one that is really one of my favorite things that we do every year because it's such a good idea for our city and I think it's quite creative of the staff on how we find leaks in our water system. Late at night, when you're sleeping there is a truck that drives down every street and listens for water running. The city saves a lot of money. Our citizens save money. It's really quite a service. So this is Resolution No. 10-2007(MS), authorizing the City Manager to enter into an agreement with Consulting Engineering, Inc. for a waterline survey; providing compensation therefor; and declaring an emergency. In previous years this Council has authorized the City Manager to enter into agreements with Consulting Engineering, Inc., formerly known as Central Engineering, Inc., for the performance of waterline leakage surveys for the City's water distribution system.

As a result of repairs of leaks detected by said surveys, water losses due to leakage were substantially reduced, resulting in a higher percentage of the water purchased from the City of Cleveland being billed to consumers. It would be in the City's best interest to conduct such a survey in 2007. This company has presented to the City an estimate of the costs and a description of the professional services it proposes to perform relating to this project, and is well-qualified to perform all work contemplated. It has been determined that the rates set forth in the proposal of Consulting Engineering, Inc. are reasonable and competitive. The City Manager is therefore, authorized to enter into an agreement with Consulting Engineering, Inc. for the performance of a waterline survey. The services shall not exceed the sum of Thirty-six Thousand Three Hundred Seventy-four Dollars and Three Cents (\$36,374.03). The agreement and all accompanying documents shall be approved as to form by the Director of Law. Notice of passage shall be given and this Resolution shall be declared an emergency for passage tonight. I offer Resolution No. 10-2007(MS) for passage."

Mayor Kelley accepted Resolution No. 10-2007(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. The next one I have is Resolution No. 11-2007(MS) and this one is looking forward and anticipating a wonderful project at Meadowbrook Boulevard and Lee Road and we call it the Cedar-Lee Project and we've been talking about a new garage at Cedar and Lee and new development and this was laying the foundation in a way that takes care of environmental issues. There is a Change Order and I am going to read that but I do want you to know that all the money for the environmental activities that needed to take place were paid for through an EPA and BUSTER grants. So the money that was raised these grants was almost Five Hundred and Fifty

Thousand Dollars (\$550,000.00), and it was virtually all spent on this project. So the money didn't come out of our coffers and yet without that money we wouldn't have been able to do this marvelous project.

So this is Resolution No. 11-2007(MS), approving a Change Order with Environmental Management Specialists, Inc. for a contract for site remediation at Meadowbrook Boulevard and Lee Road; providing compensation therefor; and declaring an emergency. The City awarded a contract to Environmental Management Specialists, Inc. for site remediation at Meadowbrook Boulevard and Lee Road; and that resulted in a net increase in price. The Company has submitted to the City a proposed Change Order covering the additional labor and materials. The following changes will result in an adjustment of a total increase of \$67,760.93. The total cost will be \$344,475.93. Notice of passage has been given and this Resolution is declared an emergency for passage tonight. I offer Resolution No. 11-2007(MS) for passage."

Mayor Kelley accepted Resolution No. 11-2007(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. I won't talk about recycling because I know you are all doing your part. Maybe winter really has arrived and so be careful when you're driving out there and when you plow don't put the snow in the middle of the streets. We're going to try and make this a safe winter for all of us and that's all I have tonight. Thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation before this committee, but I did just want to follow up on the last piece of legislation about the environmental cleanup at the Meadowbrook and Lee site and the mixed-use project that's going to be known as The Terraces. As you see now that the environmental cleanup has been done, there is a surface lot temporarily on that site. We expect activity to actually begin in terms of the construction of the parking garage first and then the mixed-use development later and there is an informational meeting about this project for the merchants and neighborhood residents in the Meadowbrook and Lee area and that will be next Tuesday, January 23 at 7:00 p.m. in Council Chambers, right here and the president, David Neyer, President and CEO of the Neyer Company will be here to talk about the timetable and the project, etc. So if you are in the neighborhood or a merchant in that area of Meadowbrook and Lee, please come and here more about this important project.

I also wanted to congratulate Community of Living Hope, which is at Caledonia and Winsford Roads in the city to be the 50th designated landmark in the city. So it has reached the milestone of being the 50th designated landmark. The church was dedicated in 1926 and it is a beautiful church and it is wonderfully maintained and we certainly thank them for making this another landmark within our city.

Finally, I just wanted to add my thanks to our city staff, Susanna Niermann O'Neil and her entire staff. I think Councilwoman Dietrich and Vice Mayor Montlack said it best, certainly this is about our children and basically showing their talents to the community. It is a wonderful event and I would also like to add that it's also wonderful to see all the families there who make this just a great event every year. With that, that concludes my report."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. Resolution No. 12-2007(PSH), declaring the property at 1697 Cumberland Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. Whereas, the City Manager and the Certified Building Official have reported to this Council that the residential property known as 1697 Cumberland Road owned by Patricia A. Wills, Martha Young and Antoine Queen has not been maintained for a number of years and is in a state of severe disrepair. They have also reported that the owners of this property have been cited by the Housing Inspection Department for numerous housing code violations on the property over the past year and that little progress has been made toward correction of the violations. It has also been reported that the property has deteriorated over the years to the point that it is a

hazard to the health, safety and welfare of the occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property. Therefore, in Section 1, it states that it is hereby found and determined by this Council, pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights, that the property known as 1697 Cumberland Road is in a state of disrepair to the extent that it constitutes a health and safety hazard and is a blighting influence and is hereby declared to be a public nuisance. I would like to submit Resolution No. 12-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 12-2007(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "There is approximately \$7,500 worth of work to be done to this home and you may well recall that very often when we nuisance abate the homes the property owners have thirty days to make the corrections themselves. If they don't, then based on the legislation, we go in and take care of the work. That money does eventually come back to us because it is a tax lien on the property, so it eventually comes back.

I would like to express my sympathies to the family of Guss Barnwell who passed away, I believe it was on January the third. Guss was a person that worked for the city for a number of years and I know that the Mayor is going to make a statement, a more eloquent statement, but I also wanted to express my condolences.

The program yesterday evening, the Martin Luther King Celebration Program was really wonderful. It is televised everyday this week - for a month at 7:00 on Channel 23, so do take time to look at the program and appreciate it. You'll love it as much as we do. That concludes my report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "There is no Administrative Services report."

REPORT OF THE MAYOR

Mayor Kelley stated, "I, too, want to extend our deepest sympathies to Guss Barnwell's family, but I just want to tell you a little bit about Guss. Everyone seems to know Guss. He was with us for so many years. I want to just talk a little bit about him, spend a minute or two about Guss. He was born on

February 17, 1939 in Gifford, Florida to the union of Clifford and Frances Barnwell. Guss was a gifted and accomplished student athlete who graduated from Gifford High School. He was actively recruited and actually received six college scholarship offers to play football. He ultimately decided to accept a scholarship offer from Lincoln University in Kentucky. This made him the first black student in Indian River, Florida to leave the state on a scholarship. So this really is back in 1957. Things really were different back then, obviously. Skipping ahead, Guss became an active member in the Cleveland Heights' sports community. He served as a baseball player, a basketball player for the Jewish Community Center, adult programs, score keeper for the Cleveland Heights Adult and Youth Basketball programs, and coordinator for the Cleveland Heights Umpires and Referees. In 1982, we were fortunate to have Guss join the City of Cleveland Heights as a forestry helper. In 1989, he moved over to the city streets department, probably with Alex. Right, Alex and Dominic, who we also miss very much. He later became a snow plow driver in 1992 and a foreman in 1997. In 1998, he became the Safety and Training Supervisor and in 2000, a stroke of genius, Guss became the city's Sports' Program Supervisor. Prior to his retirement on June 14, 2005, Guss' many, many accomplishments, including becoming a member of the Cleveland Heights Umpires Association. In 1975, which was the first season of Cleveland Heights' Softball program, Guss was there with us when we started at Forest Hill Park along with John Carter, who I remember very fondly. Believe it or not, I did play softball back then and really enjoyed playing when Guss and John Carter umpired the games. Guss umpired with us from 1975 to 2004, so by my meager computation, meager is about thirty years of umpiring, so he saw a lot during that time. He was also the umpire chief for us from 1991 to 2005. He was inducted into the first class of the Cleveland Heights Softball Hall of Fame back in 1992. In addition, he was inducted into the Jewish Recreation Center-Jewish Community Center's Sports Hall of Fame in 2005, rightfully deserved. Additionally, Guss was selected to the Cleveland Heights' Softball All-Time Umpire List just last year in 2006. I remember him receiving that award.

We certainly will miss Guss. His sportsmanship and zest for life will surely be missed here in Cleveland Heights. To my friend, Guss, best wishes to you in heaven and can't wait till I see you again sometime.

This will conclude the Mayor's Report. Our next meeting will be Monday, February 5, 2007. This meeting is adjourned at 8:10 p.m."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc