



## CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF TUESDAY, JANUARY 20, 2009

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:30 p.m.

Edward Kelley, presiding

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

Council Members absent: Tumeo, Wilcox

Staff present: Carter, Czaga, Downey, Gibbon, Malone, Mannarino,  
R. 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 7:45 p.m.

Edward Kelley, presiding

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

Council Members absent: Tumeo, Wilcox

Staff present: Carter, Czaga, Downey, Gibbon, Malone, Mannarino,  
R. Wagner, Wong

Mayor Kelley commented, "We will excuse Councilman Tumeo, who is in Washington, D.C. right now, probably in the middle of some great festivities. Councilman Wilcox is in Florida rehabbing his arm playing baseball with young children."

The minutes of the Regular Council Meeting held Monday, January 5, 2009 were signed by Mayor Kelley along with the ordinance and resolutions passed at that meeting.

Deanna Bremer Fisher stated, "Good evening. 2514 Fairmount Boulevard. I am also the Executive Director of Future Heights, a nonprofit that is dedicated to quality of life and civic engagement in the Heights. I'd like to address you today about the program called "Walk and Roll." A number of us in the nonprofit community, the SID's - Cedar Lee, Coventry, Heights Arts and others have been speaking with Lois Moss, who is the Executive Director of Walk and Roll, about bringing that program here to Cleveland Heights. What is this program? A city-wide block party - you can sort of think of it like that, where people can experience the city in a new way. A route is chosen and streets are closed off for a couple of hours. Community groups, merchants, neighborhoods, stage activities along the route

and people are encouraged to walk, bike or roller-blade down the center of the street and enjoy the unique character of their community. This concept started in Latin America as a way to promote a healthy lifestyle and counteract an autocratic culture and it has really spread throughout the world and throughout the United States. Lois Moss has a proven track record of staging Walk and Roll events in the cities of Cleveland and Lakewood. For the past three years, they have shut down MLK, Jr. Boulevard in Cleveland, which is a major artery on a Sunday afternoon during the summer. Last year in Lakewood, they closed off Detroit and Bell Avenues on a Saturday. The event in Lakewood was a huge success, drawing hundreds of locals together, including kids and young adults - riding safely in large numbers on the street. It's also become a destination for people throughout the region, and that is true with the Cleveland event as well. This year, Lois will hold Walk and Roll in Slavic Village, in Detroit Shoreway, Lakewood and perhaps other communities, such as Bay Village. I really encourage Cleveland Heights Council to take a really close look at this event. Walk and Roll would be a good fit for our community. We have so much pride in our walkable neighborhoods and our historic commercial districts. The proposed route would involve the Cleveland Heights-University Heights library, Cedar-Lee, Coventry Village and Cain Park among other places, and of course the route could be modified. The event is a wonderful opportunity for residents to come together, to get to know the place they call home, even better and would enable outsiders to see the wonderful things Cleveland Heights has to offer.

Now, I recognize that there are many challenges in holding an event like this. Particularly in these tough economic times. There is the logistics of closing off the streets, the safety issues, the communication issues and of course the challenge of finding funds to make it happen. These are considerable challenges. I don't take them lightly, but I believe the benefits to our City would be great and we are a creative community that can find solutions. One key to staging an event like this is communication, making sure people know - especially those people that would be directly affected. Where the event is going to happen, how it's going to take place, when it's going to take place, so that they can plan their schedule around it. Future Heights with its new community news source, and I know that all of you are familiar with this - and I just happen to have a copy with me, the *Heights Observer*, is willing and able to help with the communication side of it. As you know, we publish about 10,000 copies of the *Heights Observer* every month. They are available free to residents at many locations, including City Hall, the libraries and many of our commercial districts. There is also the website that goes along with it and Future Heights e-mail distribution list. So, we've got many communication vehicles at our disposal and we're willing to put all of those resources behind an event like Walk and Roll. If there is any community where an event like this should take place, I think it should be Cleveland Heights and I encourage Cleveland Heights City Council to take a close look at Walk and Roll and see if we just can't make it happen here. Thank you."

Mayor Kelley thanked Deanna and asked if Lois would like to speak. Mayor Kelley commented, "I would just encourage you - I know that you've talked to Susanna Niermann O'Neil, we just talked briefly, but this is really the first time we're seeing it on this large of a scale, but continue to work with City Council. I do have a question about the security, maybe Lois if you'd step up here, because we need it on the record. You'll get some face time on tv, so they'll find out who you are. Is there funding available from foundations or whatever to cover marketing, PR, security - you know, the logistics?"

Lois Moss stated, "In the past I've gotten funding from foundations and this year I think we'll probably as well, although foundations are cutting back this year. NOACA does something called a Commuter Challenge, and they've already verbally said they will support Walk and Roll during the two-week period, and that's the dates that were chosen, that's why July 19<sup>th</sup> is the date I was hoping to do Cleveland Heights."

Mayor Kelley commented, "What traditionally does this grant money cover? What do you use it for as far as expenses? I mentioned a few things, but what do you do with this - so we know."

Lois Moss commented, "The biggest expense by far is the security work, traffic control and security, and then marketing a little tiny bit, insurance - it depends if the City can add Walk and Roll, if you can add us as an additional insured on your own policy, which usually costs nothing, then that's not something, but if I have to buy insurance that's \$1,000 - \$1,200 dollars. It's not that expensive of an event to put together."

Mayor Kelley commented, "So when you did Martin Luther King Boulevard and you did Lakewood last year, how long were those roads closed for the event itself? I know there has been some issues before and after, taking down and reopening, but roughly - three hours, four hours, five hours?"

Lois Moss continued, "It's been an experimental thing all along, last year - MLK, I think we did six hours with one hour on each side. So, I think it was seven or eight hours totally and Lakewood was five. Four hours seems to be a better time period, so four hours with maybe a half an hour before and half an hour after. This event creates almost no garbage. We've always had all sorts of trash facilities and there seems to be no garbage because there's not really food vendors."

Mayor Kelley commented, "Our food vendors that might want to take advantage of this. Do some outside stuff in the heat."

Ms. Moss stated, "We've had portable toilets brought in and everything and those usually don't get used very much and on your route I think I've identified already public facilities that you wouldn't really need to do, if you had to add it."

Mayor Kelley stated, "When you were in Lakewood, do you use Lakewood Park also as part of this program?"

Ms. Moss stated, "Yes. They were trying to connect up that they were close to the lake, and believe it or not, people on Detroit don't always think that they're so close to the lake. That's sort of what Walk and Roll is trying to get - first trying to get people to bicycle and walk and to think about biking and walking but also to get you to realize, we've got all these great assets that are closer than we realize, until you walk it or cycle it. Then sort of the light bulb goes off - like oh, maybe I should do this once in awhile that way."

Mayor Kelley asked if there were any other questions for Lois or Deanna and continued, "So, I encourage you (confirmed with Bob that Susanna would be in tomorrow) to keep working with our staff and they'll report back to us."

Lois concluded, "Hopefully everybody can look at the video, because I think you get a better idea then."

Mayor Kelley stated, "Thank you for taking time out of your busy schedule on a great night like tonight."

## **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 receive proposals for a solid waste collection and waste removal service."

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

Councilwoman Caplan stated, "I move that the City Manager be given authority to receive proposals for a solid waste collection and waste removal service."

Second by Vice Mayor Evans.

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

Nays: None

**Motion passed**

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

Mr. Malone stated, "Thank you, your Honor. I have no report."

**REPORT OF THE COMMUNITY RELATIONS AND RECREATION**

Vice Mayor Evans stated, "Thank you, your Honor. I'd like to present Resolution No.7-2009(CRR) authorizing an agreement with Doan Brook Watershed Partnership, a non-profit corporation, for partial funding for operating expenses of the organization for the time period of April 1, 2009 through March 31, 2010; providing compensation therefor; and declaring an emergency.

The cities of Cleveland, Cleveland Heights and Shaker Heights, along with interested organizations and individuals, have formed the Doan Brook Watershed Partnership, a non-profit corporation, to develop and implement a watershed management plan for the preservation and improvement of Doan Brook. The organization has achieved significant progress in its years of operation and it would be in the best interest of the City and its residents to contribute partial funding for next year's operating expenses of the organization. Therefore, be it resolved by the City of Cleveland Heights, that Section 1 the City Manager is authorized to enter into an agreement with Doan Brook Watershed Partnership, for partial funding for operating expenses for the organization in the amount of Eighteen Thousand Dollars (\$18,000.00). Section 2 is notice of passage and Section 3 declares this to be passed as an emergency. I'd like to present Resolution No. 7-2009(CRR) for passage."

Mayor Kelley accepted Resolution No. 7-2009(CRR).

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

Nays: None

**Resolution passed**

Vice Mayor Evans continued, "Last Wednesday we had a great time at the Community Center celebrating our 11<sup>th</sup> annual Martin Luther King celebration. It was a great program, we had the opportunity to almost meet all of the winning essay winners and poster winners, as well as, the youngsters who wrote poems. They were there with their families and it's just a great evening. Perhaps more of you would put it on your schedules for next year and be there. We'd really love to see you.

Cleveland Heights school system is announcing the formation of the Athletic Hall of Fame. You might want to look into it. It sounds like it's going to be really great. The Hall of Fame Ceremony is going to be January 30<sup>th</sup> at Heights High School at 7 p.m. There is a cost for that, you can get information

from the Athletic Office. Also, Mr. Cappelletti who was the basketball coach for many years is going to be honored on the 31<sup>st</sup> at the basketball game.

We are asking people to join us, Cleveland Heights City for a training program called "Community Emergency Response Team" will be known as "CERT". This response team is a positive and realistic approach to emergency and disaster situations where citizens may initially be on their own and their actions can make a difference. There's going to be an informational meeting scheduled here at City Hall for Thursday, January 29<sup>th</sup> at 7 p.m. If you need more information please call Community Relations at 291-2323. This is titled "Neighbors Helping Neighbors". Hopefully, we'll never really need to, but we'll be prepared in the event we might.

Today, Inauguration Day, our 44<sup>th</sup> President of the United States, President Obama, who is the first African-American to be elected to the highest office. It turned out to be a wonderful and amazing day for me, and I'm sure for most - most people here in the United States, and I am confident that almost everyone in the City of Cleveland Heights is probably as jubilant and as joyful as I am about it. I believe, I get a sense that we're moving into a direction that perhaps we can start being more mindful of judging people by their character and who they are, rather than the color of their skin. I think for the first time today, I felt that we're reaching a point where we're going to consider ourselves and look at each other as being Americans. It's the first time that I think that I've ever felt that way, and it really, really feels good. Today, it was funny listening to the news after I spent most of the day looking at everything that was going on and I'm anxious to get home this evening to continue to watch television.

In this fabulous age of all this electronic stuff, which I don't understand - it's already nice to know that you can go on-line and pull up the Inaugural Address and critique it to your heart's delight. You can pull up the menu from the luncheon today, and they even have the recipes published, so those of us who are so inclined - can go in the kitchen and make them. I think it's pretty funny. I think people probably tire, get a little tired of hearing some of us say, "I never thought this was going to happen" and I still have to say it, because I really, really feel that way.

When I think of when I was born, my father was stationed at Tuskegee Army Air Force Base, and he was a Master Sergeant in the Army. We had his year book and we didn't understand why that year book looked the way it did, because it was a segregated base and dear Dad and Mom, they thought our feelings would be hurt if they explained exactly to us what this was about. We really didn't know until we got older and we were able to put it together and then really talk about it. Even to this day, it's amazing to me that we had segregated Army Air Force to the extent that we did. Nonetheless, that was 63 years ago. I probably shouldn't mention my age, but it is hard to believe that today, today we have a very able, very capable wonderful person who has a huge job ahead of him, but I think as it came out today, we all know that this is only the beginning. That we really are going to have to work together to make it work, but it's great that it has started. I just don't know when I've felt this good and in President Obama's words he says "Change has come. God Bless America." That concludes my report."

Mayor Kelley thanked Vice Mayor Evans for a superb report.

## **REPORT OF THE FINANCE COMMITTEE**

Councilman Montlack stated, "Thank you. At our meeting on December 15, 2008 the Council passed Ordinance No. 178-2008(F) which at that point projected as a final or close to final 2008 General Fund budget. An unencumbered balance, that is to say after with revenues received and expenses, detail or carry forward of close to \$2,000,000 as of December 31, so of course because that was passed a few weeks before the end of the year, it was still a projection, although we certainly called it a final

report in that regard. As a result of more bad economic news after that point, especially an unexpected decline in city income tax revenues, occurring at and after December 22, 2008. We have to adjust that carry forward as of December 31, 2008 or the beginning of 2009. Our report at this point is that it appears that our carry forward or balance is approximately \$1,574,543 this in relation to a 2009 projected budget or General Fund expense of around \$42,500,000. In that regard, you can see that the situation requires concern and caution. So, as we look forward to 2009, we can anticipate some General Fund expense increases, as happens every year and equally worrisome, we can anticipate static or even possibly decreasing city revenues in some areas. So for 2009 we're looking at another very, very challenging year.

President Obama in his inauguration address repeated statements that he made before in calling upon all of us to participate in a new era of responsibility. To recognize that we as citizens have public duties that are our responsibility. I think the message here is that this sense of public obligation is of necessity. Going to be expanded, so it seems to me that we are looking at a situation were it will be appropriate to look at what might have been called yesterday, as a voluntary good deed. Today will be called, our civic responsibility. That spirit is certainly going to guide me in the necessary policy decisions that we're going to be making. We have pretty much reached the point in my opinion for our community, where we understand that we don't have a lot of control over the revenues and the various fees for services, have pretty much been increased to the point that we can justify them and on the expense side in our General Fund we want to, in my opinion, avoid further draconian cuts that will impact the quality of life in our community. So, what does that leave us? It seems to me, that it leaves us looking at various responsibilities that we as residents and citizens have and to perhaps be redefining them. I know on Council, as things go forward - we'll be looking at all alternatives, but I've pretty much given you my attitude on that and I would like to think I take my cue directly from the President of the United States. That concludes this report."

Mayor Kelley thanked Councilman Montlack for another great report.

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

Councilwoman Caplan stated, "Thank you. I have one piece of legislation. Resolution No. 8-2009(MS) authorizing the City Manager to enter into an agreement with Mackay Engineering & Surveying Company for professional services for the inspection of twelve City culverts and the completion of ODOT Bridge Inspection Reports; providing compensation therefor and declaring an emergency. We call them bridges because every time a culvert goes under a street that portion of the street is called a bridge and we do this every two years. So, ODOT requires a biennial inspection of twelve culverts in the City and the submission of this report and Mackay Engineering & Surveying Company has submitted a proposal to provide the necessary engineering service for this project, the terms of which are reasonable and competitive. Therefore, be it resolved by this Council that the City Manager be authorized to enter into an agreement with Mackay Engineering for professional services. The scope of work shall be set forth in the Engineer's proposal dated December 15, 2008, and compensation for the services shall be at the Engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Seven Thousand Five Hundred Dollars (\$7,500.00). Notice of passage shall be given and this Resolution shall be declared an emergency for passage tonight. I offer Resolution No. 8-2009(MS) for passage.

Mayor Kelley accepted Resolution No. 8-2009(MS).

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

Nays: None

**Resolution passed**

Councilwoman Caplan continued, "Thank you. It was an interesting week, this week, yesterday being Martin Luther King Day and today being the inauguration of our 44<sup>th</sup> President and the two - the juxtaposition of the two was really quite moving. Last week, as Councilwoman Evans discussed, our program was the epitome of what Cleveland Heights is about, and I do hope that next year you'll plan on coming and if you can't come, actually you can see it on our station. It's going to be played I hope very frequently. It was only an hour and it was primarily children from all over the district, virtually every school and every age. The best part is they read their own essays and they read their own poetry and they held up their posters and they stood there with those wonderful faces and the Heights singers sang for us and the pride that I felt in looking at all those wonderful faces and hearing their last names which represented every group in Cleveland Heights and to see the families, they all come - the children just don't come all by themselves, they come with a whole entourage of siblings and parents and friends and grandparents and aunts and uncles and standing at the end, holding hands and singing "We Shall Overcome" really, it's what we're about. It was fabulous and then today, was - was what we think America should be, and can be, and will be. So, I can only say God Bless America, and I'm proud to be an American. That's all I have for Municipal Services."

Mayor Kelley thanked Councilwoman Caplan for another great report.

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

Vice Chair, Vice Mayor Evans stated, "There is no report for Planning and Development Committee this evening."

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

Vice Chair Councilwoman Caplan, "I have Resolution No. 9-2009(PSH) declaring the property at 3230 Euclid Heights Boulevard to be a nuisance, authorizing abatement of the nuisance and declaring an emergency. The City Manager and the Certified Building Official have reported to this Council that the residential property known as 3230 Euclid Heights Boulevard owned by Pai Ling Truitt and Gabriel Truitt has not been maintained for a number of years and is in a state of severe disrepair. The City Manager and the Building Official have reported that the owners of the property have been cited by the Housing Inspection Department for numerous housing code violations over the past four (4) years and little progress has been made toward correction of the violations. They have further reported that the property has deteriorated over the years to the point that it is a hazard to health, safety and welfare to potential occupants and the public and it is a deteriorating and blighting factor in the neighborhood, adversely affecting the value of neighboring property. Therefore, be it resolved by this Council that we determine that these premises at 3230 Euclid Heights be declared a public nuisance. The City Manager and Director Law and the Building Official are authorized and directed to cause the nuisance to be abated in accordance with Chapter 553 of the Codified Ordinances of the City of Cleveland Heights and notice of passage should be given and this Resolution shall be declared an emergency for passage tonight. Just so that you know, that in order to rectify this nuisance, it needs to have their vinyl siding completed, replace gutters, replace door and window and there is the administrative fee, in all total the fee should be Eight Thousand Four Hundred Thirty Dollars (\$8,430.00). I offer for passage tonight."

Mayor Kelley accepted Resolution No. 9-2009(PSH).

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

Nays: None

**Resolution passed**

## REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Councilwoman Dietrich stated, "Thank you. Everybody is being so insightful tonight. I have no legislation, but just in terms of the day, I of course have a couple of comments. Probably not, I don't think I can be as insightful as the previous speakers. I actually was torn tonight, because I too, was going to talk about the financial situation that our City finds itself in, and I think the reason I was going to, is that, it is what we - as a group have been into, almost 100% of our time together in the past few months. How to deal with finances and I was going to add my 2 cents to what Councilman Montlack said, but then I decided I just didn't want to talk about anything that was sort of down beat today, because today is such a fabulous day and I didn't want do anything to mar it."

Councilman Montlack interjected, "That's my job."

Councilwoman Dietrich continued, "Yes, it's your Committee, so it was your responsibility to talk about it. It wasn't my responsibility."

So, just in terms of the inauguration, my daughter and her husband are there. Of course, I am so jealous. They're attending the Midwest Ball, as we speak and I wish it were me, that was there, but they deserved a vacation far more than I did, so we're taking care of their two little children, so obviously, I'm not there. But, what she's been reporting back, she calls everyday, is just how unified everybody seems to feel there. In spite of the fact, that I guess that it's really a hassle to have gone to the inauguration today, you know it wasn't apparently as well organized as it could have been or there were just so many of zillions of people there. Just, in spite of any little bits of disorganization, everybody feels so wonderful and so unified and at the moment of the swearing in, just all the people were hugging each other, you didn't have to know them. It feels so good to feel that we have good will, that going from our country now to other countries then we'll come back to us, and it just feels like good will among all of us. So, I think I'll leave finances - my financial thoughts will stay there for two more weeks and I'll talk about that, but for right now, hope is in the air and let's just let it be there. Good luck to our new President and to all of us. That's my report."

## REPORT OF THE MAYOR

Mayor Kelley stated, "I too feel so positively high today, this is the 11<sup>th</sup> President in my life time, I believe if I counted right, if I counted the Bushes twice or not. I don't want to count them at all but I guess I do have to count him. It is a great day for our country and for the world. I feel so positive about President Obama. What he's done, what he's doing, what he's going to do, and I'll just simply say watch his first 100 days. I think the things he's going to do with the economy, jobs, healthcare, energy policy, public education, he'll get into these - he'll get involved right away, he's got great people around him, not just his wife and Vice President Biden, but the people he chose to put into positions. He's got a Congress that wants to work with them, and let's be honest and I debate this with anybody - Democratic, Republican, Independent - we have no where to go but up, and I'm confident, confident that his first 100 days, it's already felt to me like he's already been the President, because he didn't take a long vacation after he was elected in November and he didn't fool around going on talk shows. He got in and started doing work, met with the people in Washington, got his staff together. He's hitting the ground running, so watch his first 100 days, I think you'll be happy, you'll be electrified, you'll once again love your country, not that you didn't love your country before, but there is a new spirit."

We talk about hope and different things, it's right here and a lot of what's happening in Washington, happens in Cleveland Heights everyday. I'm proud to be here, proud to really feel this, I've been through a few presidential elections, but this really is the first one that I feel this keyed up and

positive about, and I really can't wait to get home to watch everything that I taped today. I did watch a lot on the internet, it just wasn't the same, but what I saw today where I was working in different places, people stopped what they were doing during the 11:30 a.m. - 1:00 p.m. and talked and watched and giggled sometimes, but the seriousness and the quiet, it was like being at church at some point and times. They also had the enthusiasm of people celebrating. We're going to make some great progress with this President and it'll be an eight-year President - you heard it here first. That ends my Mayor's Report. This meeting is adjourned at 8:20 p.m. Our next meeting will be Monday, February 2, 2009. Go Obama! President Obama."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/jh

ACTIONS TAKEN BY COUNCIL  
JANUARY 20, 2009

**APPROVED:** The City Manager to receive proposals for a solid waste collection and waste removal service.

**RESOLUTION NO. 7-2009(CRR), PASSED:** authorizing an agreement with the Doan Brook Watershed Partnership, a non-profit corporation, for partial funding for operating expenses of the organization for the time period of April 1, 2009 through March 31, 2010; providing compensation therefor; and declaring an emergency.

**RESOLUTION NO. 8-2009(MS), PASSED:** authorizing the City Manager to enter into an agreement with Mackay Engineering & Surveying Company for professional services for the inspection of twelve City culverts and the completion of ODOT Bridge Inspection Reports; providing compensation therefor; and declaring an emergency.

**RESOLUTION NO. 9-2009(PSH), PASSED:** declaring the property at 3230 Euclid Heights Boulevard to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency.