



## CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF TUESDAY, FEBRUARY 17, 2009

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:20 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

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

Council Member Caplan moved to adjourn into Executive Session at 6:59 p.m. Second by Council Member Dietrich.

Edward Kelley, presiding

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

Council Members absent: None

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

Topic of discussion included litigation.

Executive Session concluded at 7:07 p.m. and resumed into Committee of the Whole adjourning at 7:30 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:42 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

Mayor Kelley stated, "Usually we move on to personal communication from our citizens at this point and time and we will get to that, but we have a more important issue ahead of us. It's our pleasure to have the fifth grade of Oxford here tonight. I'm going to ask principal Stacy to tell us why you're here. I want to tell you, especially the young children, you are probably the most beautiful audience we've had in my 16 years on this Council. You're so well dressed, well behaved, it's great to have you here, and I look forward to being back to Oxford School, maybe one more time this year. You are a great group of people, you represent our community very well and Stacy and Sean are going to tell us why we're here and we have some proclamations that you can take back to the school and we have some individual proclamations that the principal will pass out to you, so I don't mess up any of your names, I usually do about a half dozen or so. Stacy, I'll turn it over to you and why don't you introduce yourself to the rest of Council.

Stacy Stuhldreher stated, "I'm the head owl at Oxford Elementary School. We are very proud to be here in front of you tonight. The stars of the presentation tonight, are our students. Our student council has worked tirelessly for many years collecting bears for Providence House. Mr. Sullivan has been one of our co-advisors along with Ms. Rego who joins him this year for student council. He's going to tell you a little about our bear project that we do every year."

Sean Sullivan stated, "1401 Lynn Park Drive, Cleveland Heights, Ohio. I wanted to thank Mayor Kelley and City Council for this opportunity to be recognized, we are very honored to be here. I'm going to tell you a little about myself. I'm a proud product of the Cleveland Heights school system. I went to Noble school, Monticello and Cleveland Heights high school. Nancy Dietrich's husband used to be my coach growing up through soccer, so I'm very proud to be from this City. I work here, I am the head coach for Cleveland Heights high school, boys varsity soccer, I'm a fifth grade teacher at Oxford Elementary, I'm the director of coaching for the Eastside Kickers Soccer Program, director of coaching for the Cleveland Heights rec league soccer program and the director and owner of the Heights United Soccer Academy which is based out of Oxford Elementary School.

I started the Oxford bear collection four years ago as a community service project. It was an opportunity to teach the importance of helping others, and all the stuffed animals that we collect go to the children at Providence House, Rainbows Babies and Children, Cleveland Metro Hospital and the Cleveland Clinic. Over the years it's grown into a city-wide project with donations coming from all over the City of Cleveland Heights. This year, the Oxford student council spearheaded the collection and we emphasized our social studies content standard of common good, promoting civility, generosity and good will. Donations came from Oxford students and families and students who could not to donate had the opportunity to earn a bear by doing common good deeds within our school and within our community. So, it turned out that everybody in the school was able to donate - which was fantastic. I also used my ties as a soccer coach and got generous donations from the Eastside Kickers and Heights United Soccer Academy, and our grand total this year of stuffed animals was 2,000 - which is incredible! Considering, we only have about 300 kids at our school, so I was very, very proud of our children and our staff. So, from me - I'm very, very proud of our accomplishments and our school and I thank you again for having this opportunity to be here and to recognize our students." Mayor Kelley commented, "Thank you, Sean and thank you for all you do for the community. This guy - I know from my kids playing soccer, and just being around. Ken probably sees you at the community center and wanted to know who you were. This guy, really does more than just teach our children. He's involved in the community, he does great things at Oxford, he's at Forest Hills almost every Saturday, spring and fall with our kids and soccer teams. He really puts his heart and soul into it." [Mayor Kelley asked the audience to recognize Sean with a round of applause.]

Karen commented, "I am not as famous as Mr. Sullivan in Cleveland Heights and I do not have

a speech prepared, but I have been a very proud teacher of Cleveland Heights for going on eight years now and I've been at Oxford going on six. I am very excited to be here tonight and I'm very pleased to be a part of student council with Sean and these wonderful students. Thank you." [Mayor Kelley asked the audience to recognize Karen with a round of applause.]

Mayor Kelley commented, "Before we give out the proclamations, I'm going to let council address you. I know everyone wants to say a little bit of something, because we are so proud of you. Sean knows when I came to visit, I basically had tears in my eyes, when I walked in the room to see all those bears and the good that's going to happen and with the collected money, then I had a little time to spend with the fifth graders. It was a wonderful afternoon, it really was a holiday pick me up, even though I believe it was snowing out.

Councilman Montlack commented, "Well, for once I am practically speechless. Everything that has been said about you is absolutely - rings true. You have done a magnificent job and if you weren't kids and you were three times as old as you are, you would still be magnificent. I want to thank you for being part of our community."

Vice Mayor Evans commented, "Good evening. I'd like to thank all of you and your siblings, your parents, I don't think I see anyone who looks like a grandparent out there, but there might be. I thank all of you for being here this evening. It isn't every Monday that we have such a delightful, delightfully looking great group, and I don't have an opportunity to see elementary school children very often, so I'm glad you're here. Thanks for all of your hard work and dedication to our community and the way that you represent your school is just fantastic. You have so much to be proud of, keep of the good work and hope to see you again in the future."

Councilwoman Caplan commented, "Thank you for coming. Thank you for all the good work you do. There is something wonderful about being generous and that it makes when you give something to someone else and they really need it, it makes you feel really wonderful yourself. I congratulate you. I'm beginning to learn this lesson so soon, because it's a lesson that you're going to have with you for the rest of your lives, so this will make you a wonderful citizen as you start growing older and participating in other communities, not only another place where you live, but also other schools and in your families too. Giving makes you feel better and it does a wonderful thing for the community that you live in. Thank you for all the work that you did and for being so generous with your time and your giving in however you raised the money for those bears. It is really wonderful and I applaud each and everyone of you. Thank you."

Councilwoman Dietrich commented, "Well, did you know that I've known Mr. Sullivan since he was about 12. He was just about the age that some of you are over there. I think that you're very lucky to have somebody like that in your life. You know we - the City about a year ago was involved in a project that we called the Civility Project and civility means, basically being nice to people, and one of the things that we really learned when we were involved in it, is that the nicer you are to people, then the nicer that they are back to you. So, if you want people to treat you nicely, but that's the way to do it, is to be your absolute nicest to them and that is part of what you've just done. So, I agree with Councilwoman Caplan that it makes you feel so good, to be good and thank you for being so good."

Mayor Kelley interjected, "Was his hair as long, back when he was 12?"

Councilwoman Dietrich commented, "He had a lot of it. It was a little bit of a different color. So was mine. I can't say too much about that."

Councilman Wilcox commented, "Thank you. I'm very impressed with your kind act. I was just thinking, if one kind act can make somebody feel good, just think about how many people you made feel good with all the wonderful kind acts you gave over the holidays. I'm really impressed with all the parents that are here, the teachers and of course the students. What a great group. Thank you for everything."

Councilman Tumeo commented, "It's hard to follow all those great comments. It's hard to explain how really fantastic what you've done makes us feel, but more importantly the 2,000 people that were affected by those very kind - they seem small, but little things like that can change the world and as you get older you'll start to appreciate that more. The other thing is, the pride that your parents have to feel - you have made your parents, your families and this community immensely proud. Sometimes we do this for people who are playing sports and win things and out there being competitive but we never stop and say to people, doing the right thing as citizens is much more important than all that. After all the trophies are gone and all of the big celebrations are past, you have touched peoples lives and you've made this world a better place, and for that we're really, really grateful and very, very proud. Congratulations."

Mayor Kelley commented, "Again, I just want to thank you from the bottom of our heart. This City Council is there for you, if you ever need us to come to visit your school. You want to call us, e-mail us, you have questions about government, or you just want to say hello to us on the ballfields and in places like the grocery store. This to me is the single, biggest, act of kindness, I think I've seen in my 16 years here. Although, four years ago I think I was there when you had 1,275 or whatever the number, but 2,000 and you collected money, this is fantastic, and to come here tonight, a couple months later and to say thank you from us, is very important. When I talked to Sean at the Alumni for the High School Hall of Fame, he said he would bring a few students with him - boy did he surprise me! This is great. I have a proclamation for you to take to school.

**CLEVELAND HEIGHTS IS PROUD  
OF  
THE STUDENTS OF OXFORD SCHOOL**

*Thank you for your help in collecting an extraordinary amount of stuffed animals!  
Not only have you made our community proud, your efforts brought smiles to the faces of many children!  
Thank you for being a part of this very special service project - and keep up the good work!*

*We commend and congratulate Principal Stacy Stuhldreher, Advisors Karen Rego and Sean Sullivan, and especially the Oxford School Student Council for their leadership with this remarkable endeavor.*

*Edward J. Kelley, Mayor  
February 17, 2009*

*Cleveland Heights Council  
Phyllis L. Evans, Vice Mayor  
Bonita W. Caplan, Nancy J. Dietrich, Kenneth Montlack,  
Mark A. Tumeo, Dennis R. Wilcox  
Robert C. Downey, City Manager*

Mayor Kelley commented, "Stacy I'd love to present this to you. It would be an honor to present this to you and to say thank you once again to all the students. [Applause from the audience.] Stacy, Sean and Karen - I have a certificate also that basically says "We commend you for your leadership

and helping Oxford students with a very special service project. Not only has Oxford School made our community proud, the efforts of all involved in the collection of an extraordinary amount of stuffed animals brought smiles to the faces of many deserving children. Thank you for being a part of this remarkable endeavor and for your continued commitment to the young people of Cleveland Heights.” [Mayor Kelley distributed the certificates to Stacy, Sean and Karen while the audience applauded.]

Mayor Kelley asked Stacy to read the names and asked the participants to come up to receive their certificate. Mayor Kelley commented, “If there is somebody we missed, I’d be more than happy to come to school and bring it. I think we did miss a few people, because we weren’t sure who all was coming, but I’d be more than happy to work that out with Sean. If you didn’t get one tonight it was just an oversight, and we will correct the oversight. Stacy, the principal will read the names and if you want to come up with your parents, feel free to bring your parents up and then we’ll take a big picture with just the kids and City Council for the Focus Magazine.”

Stacy commented, “Before we get started, I just thought I would mention that not only are we civil and kind and generous at Oxford, but we are also cool. Fox 8 News came today, we won last week, we battled really hard against a school in North Royalton and Richfield, and we won. We were the coolest school for the week. So we had an awesome pep rally today. It really was so much fun, the Heights High soccer kids came, our soccer club came, pumped up the crowd, the Chick-fil-A representatives came and tossed out little stuffed cows to all the all the kids, who thought those were great and then all the students received a free sandwich meal at Chick-fil-A. So, Beachwood Mall was packed today with Oxford owls going to get their free sandwiches and sundaes at Chick-fil-A. So, it was really nice for us to be named coolest school, we already knew we were cool, but we thought it was great to be affirmed and then Thursday morning between 7 and 8 o’clock, the 7 o’clock hour on Fox 8, they will be showing the footage from the pep rally and the interview. They interviewed Mr. Sullivan, Ms. Rego, Mrs. Miller and then the parent Mrs. Haines who nominated our school. So, we were just really excited to be cool on top of everything else. It was great fun for the kids.

Without further adieu: Kaleb Kalke, Jaylen Harris, Terrell Maxwell, Thandi Augustin-Glave, KJ Wise, Malana Lovett, Joshua Anderson, Lania Calhoun, Mayson Kalke, Bethany Houghgon, Amber Parks, Davion Paradise, Ja’Lyn Pollard, Charnae’ McClendon, Andrianna Watson, Alyssa Spencer, Andrew Mehring, Kayla Johnson, Marquise Lewis-Jones, Kayla Powell, Natasha Goldsby, Olivia Brown, Brianna Brooks, Kailin Baucom. There are a just few students up here that you may not recognize as fifth graders or fourth graders.”

Mayor Kelley reiterated, “If there is anybody that we missed, please call them up, recognize them, have them come up and take their picture and I will come to Oxford when it is convenient for you guys and bring them certificates. So, anybody that participated, let’s get them all up and let’s recognize them all, especially if they are here tonight.”

Sean commented, “There are a couple of kids I want to recognize. If I could have these students come up and stand right next to me to the podium. Lania Calhoun, Andrew Mehring and Kaleb and Mayson Kalke. I just want to tell you a little bit about what these students did. We had some incentives at our school to try and see who could bring in the most bears, the largest bear or bring in the most money. I’ll first start with Kaleb and Mayson, if you two would step forward. Kaleb and Mayson worked very, very hard and they actually collected the most bears, together they collected 84 bears, that’s 42 bears each. Lania, step forward. Lania collected the largest bear, she had a 5’ monkey that she brought in. I remember her dad coming up the stairs with this huge monkey on her back and this is something that she had won at I believe, Cedar Point or something like that and she was very generous in giving it away. We gave it to a children’s cancer hospital. They loved it. This last young man,

Andrew if you could step forward. This young man donated his allowance money, quarters, nickels, dimes - for a grand total of \$45.00, which is phenomenal. All he wanted to do was help other children. We wanted to make sure City Council had an opportunity to recognize these special students. I'm very, very proud of everybody here. Thank you again for this opportunity." [City Council and Oxford students and parents assembled for a group photograph.]

Mayor Kelley commented, "We're going to move on. What a great example of what our community is about. Again, I want to thank everyone from Oxford School."

### **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 catch basin cleaning."

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

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

Second by Councilman Tumeo.

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

Nays: None

**Motion passed**

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

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

Mayor Kelley interjected, "One month away from St. Patrick's Day. What a difference a month's going to make in your life."

Mr. Malone commented, "I'm counting the days. See you at the parade."

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

Councilwoman Caplan stated, "Thank you. I have three pieces of legislation. The first is Ordinance No. 15-2009(MS) amending subsection (e) of Section 935.02, *Fees Established*, of Chapter 935, *Solid Waste Collection and Disposal*, of the Codified Ordinances of the City of Cleveland Heights to provide for an increase in fees for the collection of solid waste from properties within the City; and declaring an emergency.

This Council has previously established a fee schedule for the collection of solid waste from properties within the city and solid waste we define pretty much as the waste you put out - your trash. The fee primarily goes to landfill to taking it away and disposing of that of which you want to get rid of. It is necessary to increase said fee to cover increased cost to the City associated with the collection and disposal of solid waste.

Therefore, be it ordained by this Council that commencing March 1, 2009, the City shall assess against all owners of property receiving City solid waste disposal service a charge for the service in accordance with the following schedule: for each single family dwelling receiving the homestead rate

for sewage treatment service to a charge of Three Dollars (\$3.00) per month; for each single family dwelling not receiving the homestead rate a charge of Seven Dollars (\$7.00) per month, and that is an increase from Four Dollars (\$4.00). It's a \$3.00 increase, it has been \$4.00 for the past several years. For each dwelling unit in a multiple dwelling a charge of Seven Dollars (\$7.00) per month and for all others a charge of Twelve Dollars (\$12.00) per month. The charge for the service shall be billed to the owner of the property monthly and shall appear on the monthly statement for water and sewer charges, and that's just as it has been. On the water bill, there's always been a solid waste disposal fee. The effective date of the rate increase in this Ordinance is March 1, 2009. Notice of passage shall be given and this Ordinance shall be declared an emergency for passage tonight. I offer Ordinance No. 15-2009(MS)."

Mayor Kelley accepted Ordinance No. 15-2009(MS).

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

Nays: None

**Ordinance passed**

Councilwoman Caplan continued, "Resolution No. 16-2009(MS) approving a Change Order with Burton Scott Contractors, LLC for a contract for the 2008 Street Resurfacing Project; providing compensation therefor; and declaring an emergency.

The City awarded a contract to Burton Scott Contractors, for the 2008 Street Resurfacing Project, changes in final field quantities and extra work requested by the City resulted in an increase in price, and if you're interested in what those changes were, we did Euclid Heights and Taylor, right outside of Severance, if you recall at the end of the season, it was August, September, a whole big area was dug out and redone, so that one could drive in to Severance and cross over Euclid Heights Boulevard without thinking that you were at some kind of amusement park and playing bumper cars. At Mayfield and Warrensville, it was the same, that there was a smoothing out of the surfaces, all of Warrensville had been done, and then that section at Mayfield was terrible, and at Noble and Monticello. So, all of that incurred extra charges.

Therefore, be it resolved by this Council that the following change from the original specifications for the work performed shall be authorized and approved and the price adjustment shall be \$125,559.84 and that brings the total to \$959,802.84, and we in general do about one million in work every year on our streets, and although that seems like a large amount of money, unfortunately it's not tremendously a large number of streets, but it's as far as the money can go. Notice of passage shall be given. I offer this resolution as an emergency for passage tonight, Resolution No. 16-2009(MS)."

Mayor Kelley accepted Resolution No. 16-2009(MS).

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

Nays: None

**Resolution passed**

Councilwoman Caplan continued, "Now I have Resolution No. 17-2009(MS) and now we're going to think ahead. We just took care of what happened last summer, now we're going to think ahead. This is a resolution authorizing the City Manager to enter into an agreement with Wade Trim Ohio, Inc. for engineering services for the preliminary engineering study and design plan phase of the Taylor Road Rehabilitation Project; providing compensation therefor; and declaring an emergency.

The City intends to perform rehabilitation on Taylor Road from Euclid Heights Boulevard to the

north corporation line, where it becomes East Cleveland. Wade Trim Ohio has submitted a proposal to provide the necessary engineering services for the preliminary engineering study and design plan phase of the Project (Phase I), the terms of which are reasonable and competitive, such services are professional services for which no bidding is necessary. Therefore, be it resolved by the City of Cleveland Heights, the City Manager shall be authorized to enter into an agreement with Wade Trim Ohio, Inc. for the preliminary engineering study. The scope of the work shall be set forth in his proposal dated November 7, 2008, a copy which is on file. The total compensation for such services shall be at the Engineer's usual hourly rates, with total fees not to exceed the sum of Two Hundred Ninety Seven Thousand Two Hundred Dollars (\$297,200.00). Notice of passage shall be given and this Resolution shall be declared an emergency measure for passage tonight. I offer Resolution No. 17-2009(MS) and this is really an engineering study that has to be done so that we can begin to stand in line and hope that we get some money through ODOT, the Ohio Department of Transportation and probably will not be for 2009, but we can hope if we're prepared. I offer Resolution No. 17-2009(MS)."

Mayor Kelley accepted Resolution No. 17-2009(MS).

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

Nays: None

**Resolution passed**

Councilwoman Caplan concluded, "Thank you. I have two other announcements. One is, that we have for our 31<sup>st</sup> year in a row, achieved the status of Tree City USA status for 2008. It's an accomplishment that assures all of our citizens greater opportunities that they may even realize. This is from the Arbor Day Foundation, and they have sent a letter announcing our 31<sup>st</sup> year of receiving this award and we would like to think of ourselves as a city of trees and we are really pleased with this and every Arbor Day we plant trees in a special place and through the year we try very hard to plant more trees than we cut down. So, we're really pleased with receiving our award.

The last thing that I have is a reminder. Yesterday was a holiday, it was Presidents' Day and so residents did not have trash pick up. Consequently, Monday's trash is picked up on Tuesday, Tuesday on Wednesday, Wednesday on Thursday, Thursday on Friday and usually Friday's trash is picked up on Saturday, but starting this year, starting Friday - Friday's trash will also be picked up on Friday. We will no longer be doing Saturday trash pick up's. This is one of the ways we can save some money for the City and our city crews will be working a double route on Friday, so that they will do Thursday's pick up and Friday's pick up. This is a reminder, if you have your trash picked up on Friday usually, and it's a holiday, you usually put it out on Saturday - don't do it, put it out on Friday, because it's going to get picked up on Friday, and if you put it out on Saturday, it won't get picked up until the following Friday. I encourage you to do that, you did get a notice and this is a reminder. You got a notice delivered to your house and do remember, this way we will not be having to pay time and a half to the workers who pick up the trash. I hope that everybody, besides having a good time yesterday, that it was a holiday, Presidents' Day - that they spent a moment or two thinking about the history of the United States and feeling good about being an American. That's all I have, thank you."

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

Councilman Wilcox stated, "Thank you, your Honor. I have two pieces of legislation. Resolution No. 11-2009(PD) is a resolution we deferred from our last meeting and we're going to hear it tonight. This is a resolution authorizing an extension and clarification of an agreement with the Cuyahoga Housing Consortium for funding for HOME administrative costs; and declaring an emergency.

Basically, the City Manager entered into an agreement previously with the Cuyahoga County Housing Consortium for funding administrative costs for the operation of HOME-funded programs. These are federally funded programs for housing projects in the sum of Sixteen Thousand Seven Hundred Sixty Three Dollars (\$16,763.00) from the time period June 1, 2007 through May 31, 2009, and it is necessary to amend the agreement to extend through December 31, 2009 and also to clarify the definition of administrative costs covered. Section 1 of this resolution authorizes the City Manager to execute that agreement, making those modifications. I offer Resolution No. 11-2009(PD) for passage tonight.”

Mayor Kelley accepted Resolution No. 11-2009(PD).

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

Nays: None

**Resolution passed**

Councilman Wilcox continued, “Thank you. Next, I have Resolution No. 18-2009(PD) this is a resolution authorizing the City Manager to submit an application to the Ohio Department of Development for funding through the Ohio Neighborhood Stabilization Program for projects to address vacant, abandoned and foreclosed properties in the City, and to enter into an agreement and take all other actions necessary to administer such funding; and declaring an emergency.

Before reading the legislation, I just wanted to make a comment about this legislation. We all know that the housing crisis is serious in this country and that there are a large number of vacant, abandoned and foreclosed homes in our area, but this is now a nation-wide crisis and resources of local government alone are inadequate to try and correct the problem. The federal government, last fall passed legislation, which was the Housing and Economic Recovery Act of 2008, and set aside money and trying to stabilize neighborhoods and cut down on vacancies and foreclosures. We’ve heard a lot of large numbers thrown around recently about stimulus packages and so forth. This was Congress’- I think, first attempt to try to deal with the housing crisis, in terms of vacancies and foreclosures. This was a 4.6 billion dollar program nationwide. That’s a lot of money, but it doesn’t sound like much once you look at the crisis in its full extent on the economy.

This program is being administered through the State of Ohio, for the state of Ohio’s portion of this money and this legislation authorizes our City application and participation in the program. Staff has already prepared, and is preparing an application to be submitted that would include monies that we could use for our One Dollar HUD Home Program and also to continue our East Derbyshire Pilot Program and for other projects throughout the City and I would encourage you to get to the City’s website because that application and the outline of where we would use this money is on our city website. We invite your review and comment on that. There will be no shortage of projects by the way for whatever money we get, and we don’t know how much we are going to receive yet, but we certainly will have more than enough projects for whatever money we do receive to help us with foreclosures, vacancies and abandoned properties.

Section 1 of this resolution authorizes the City Manager to execute and file an application with the Ohio Department of Development for funding through the Ohio Neighborhood Stabilization Program, and that’s the program that was part of this Economic Recovery Act that I mentioned, and to provide all information and documentation required to become eligible for such funding. The City Manager is further authorized to enter into an agreement with the Ohio Department of Development in a form approved by the Director of Law, and take all other actions to administer the funding in accordance with the regulations of the Ohio Department of Development and the United States Department of Housing and Urban Development.”

We're very hopeful that we receive a significant amount of money through this program, because as I said we have plenty of uses for this money and we hopefully will be able to target it in areas that will stabilize neighborhoods, deal with abandoned, foreclosed and vacant properties. I offer Resolution No. 18-2009(PD) for passage tonight.

Councilman Montlack commented, "I think it is appropriate to say thank you to Ohio Department of Development and frankly to it's leadership, Lee Fisher, who of course is Lieutenant Governor and also director of that department, because not just this minute, but for some past time now, Lee Fisher and that department has been very open in their communication with us and with similarly situated cities, and actually has invited us to meet with them and we've taken them up on that, but more than that even, they have been, I think you can say, proactive in the way that they have reached out on this NSP, as well as, other issues we have brought to them. I have to tell you from a historical perspective going back, maybe eight or nine years, this stands in stark contrast to what the Ohio Department of Development under the last administration, to their receptivity, or lack of receptivity for these issues. Thank you."

Mayor Kelley interjected, "I just want to extend what you said, it was the last two administrations, going back 16 years, either Governor Voinovich's administration or Governor Taft's and the Department of Development. Let's be honest, I can say they were a joke, and we finally got somebody to work with in Columbus. This is a pleasure, many of you have been keeping score out there noticed that on the first round of this money, we didn't receive anything. We're very hopeful that we'll receive something now. We're working very hard to get it. It's been a pleasure to work with Lee Fisher, the Governor's Office and the excellent staff and our staff working very hard on it, and I also want to recognize the work of Councilwoman Dietrich and Councilman Wilcox who did a little politicizing to make some things happen here, but they were just doing there job and making things happen. The first round, as many of you may know, we were shut out and we just want our fair share. We've talked about that before, whether it's arts money or money like this, and this money will be well received, well spent, well allocated and well watched over in the City of Cleveland Heights."

Mayor Kelley accepted Resolution No. 18-2009(PD).

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

Nays: None

**Resolution passed**

Mayor Kelley commented, "Resolution No. 18-2009(PD) passes and stay tuned for whatever happens in the weeks, and months and days ahead."

Councilman Wilcox commented, "Hopefully, we'll have a good report and a meeting in the near future and that concludes my report."

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

Councilman Tumeo stated, "I have no legislation tonight. I just have two comments. One, I know it's hard to believe it's only the middle of February, but spring is in the air. It may not feel like it in a few days, but it is coming. Two things I would like to bring to your attention. First of all, as you are driving around on the streets, winter involves freezing and thawing, which usually means the asphalt that comes up in spots - that we love to call pot holes. We're out there, we can't fix them in the middle of cold weather, because the asphalt doesn't set, as you probably all know. So, be cautious, don't go barreling into the pot holes, because the bent rims and the broken tie rods are expensive to fix and we can't really do anything about that, so please drive carefully.

The other thing to know is that, with the onset of spring, kids who've been bundled up and not going outside will tend to be outside and they sometimes forget that the street is for cars and the sidewalks and yards are for kids, so please drive carefully, and be aware that kids are kids and they'll probably be sometimes in places that you wouldn't want them to be when you're driving. Please watch out for them.

The second thing, just to let you know, we're continuing on and making sure that we're online as possible. We've gotten a couple of e-mails about applications for parking permits and the like. Those are now going up online, if you need to file a permit to get X, Y, or Z with the City, please check online. We're trying to get those online so that you can download them, fill them out, save yourself time and as we work out all the details financially with the people that run the website for credit cards and the like, hopefully you'll be able to pay the fees and stuff online as well, and save yourself some time and convenience and that will overall help the City save money as well in the process. Keep checking with that web as it gets better, if there is stuff that you'd like on there that isn't let us know, we'll work to get it up there. Thank you, that's my report."

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

Councilwoman Dietrich stated, "Thank you, your Honor. I have one appointment to make tonight and it is to the Citizens Advisory Committee. James Cull who has served on the CAC for five years and is currently serving as its Chairman, was recently appointed by Council to fill a vacancy on the Planning Commission. After CAC's March meeting when his chairmanship will be up, Jim Cull will retire from the CAC. To replace him, I would like to move the appointment of Camille Lampkin, who is a homeowner on Monticello Boulevard and an AT&T employee. Camille's CAC term will begin on April 1<sup>st</sup> of this year and extend until December 31, 2009. At that time she will be eligible to be reappointed to another term if she chooses to. I'd like to thank James Cull for his continuing and dedicated service to the City and to offer Camille Lampkin as our newest dedicated member of the CAC."

Second by Council Member Wilcox.

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

Nays: None

**Appointment passed**

Councilwoman Dietrich concluded, "Since we have actually 12 active boards and commissions if you count a couple that only meet not every month. We like to have a nice thick file of people who would like to serve on those boards and commissions. The file that I have right now is dwindling, I would just like to remind people, that if you would like to volunteer to serve on a board or commission for the City, you can obtain an application by calling City Hall, actually it's the Finance Department, but that also is the Clerk of Council's office at 291-3925 and obtain an application to serve on a board. I guess these are available online as well, so you could apply online. I would just really like to encourage people to do that, it's a really good way to be involved in the City. That concludes my report."

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

Vice Mayor Evans stated, "Thank you, your Honor. There is no legislation this evening, but I also have a couple of announcements. The first one is, our annual Martin Luther King program which was held on January 15<sup>th</sup>, is being shown on Channel 20 at 2 o'clock in the afternoon and 7 o'clock in the evening, and I think it'll be shown for probably the next five or six days, so if you want to catch a nice city hosted program, do turn it on during those times. The other thing is that there are a good number

of homes in Cleveland Heights that are at risk of being foreclosed. The city has obtained a list and we have plans to contact these homeowners so that they can be apprised of any information that might be helpful, in maybe not being foreclosed on. If you perhaps need some information, perhaps people can call Community Relations and get as much information as possible so that you can perhaps safeguard the livelihood of yourself and your family. That concludes my report this evening."

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

Council Member Montlack stated, "Thank you, your Honor. It's always a little sad when Finance Committee these days is the last report you here, it usually tends to wreck your whole evening. Nevertheless, you heard as our first piece of legislation today, that one of the fees, sometimes referred to as the landfill fee or disposal fee, increased from \$4 to \$7 for most residential units, for all residential units, that's a 75% increase, and we know - all of us from reading the newspapers, if we still do that and watching the news - that we are certainly in something we called a recession and frankly there's that D word, that people are not supposed to use, but it's something worse than a recession. I'm not sure whether to call what we're in a blend, either a "De-cession" or repression, but we're in deep - all of us.

Frankly, I was pleasantly surprised in a sense when the National League of Cities weekly report that comes out in something called *Nation's Cities* was instructive here, because sometimes their articles tend to be a little bland. They reported an interesting survey of cities all around the nation as to how they were faring fiscally, 84% reported facing fiscal difficulties, that's a dramatic increase from just six months ago. My only surprise there is that 16% had to report not facing those difficulties. I don't know where those cities are, 92% of the cities surveyed expected to have trouble meeting their city needs during 2009. Then a high percentage of those surveyed said they were responding through hiring freezes, staff lay-offs, delaying or cancelling outlays for capital infrastructure projects and some were doing, literally across the board service cuts. Most reported they expected that 2009 and perhaps even 2010 will continue to be bad financially. We're not in this alone, if that's any consolation, and it's not much.

In January, we do weekly income and expense statements in our general fund. Our municipal income tax collections and municipal income taxes account for a little more than 50% generally, of our general fund revenues, those collections were down almost \$400,000.00 about 25%. Now interestingly through the terrific efforts of the City Manager and the staff, our expenses for January continue to be way down, which means in every department, there are sacrifices being made. The difference between last year and this year, just for January, the first month of course, is almost a \$700,000.00 decrease in expenses saved, a decrease of 13%. One month is not enough for many of these trends but I think there are some significant stories here. What can we do? We are continuing to look at this and make decisions every single week. I think you can be as certain as the fact that we are sitting here, that shortly, there will be other kinds of shared sacrifice that will be necessary. We'll take this one month at a time and one year at a time. We're watching it and we're doing the best we can. With those cheerful insights, that concludes this report."

### **REPORT OF THE MAYOR**

Mayor Kelley stated, "Just real quickly, I want to remind everybody about my idea - everyone's idea to buy Cleveland Heights. It's February, I was down on Coventry on Saturday, the place was packed, but we really need to support our local merchants. Whether it's our fine restaurants, whether it's our two theaters - the awarding winning Cedar Lee Theater, even the Regal Theater here, or whether it's our many book stores, our dry cleaners, shoe repairs - keep it in Cleveland Heights, there's been studies that say when you spend your money here in Cleveland Heights, it comes back and comes back and comes back and comes back, it'll help the economy, it'll help these merchants. These are all

good people that run these businesses in Cleveland Heights. They're all Cleveland Heights oriented, many of them live here, grew up here, their families are still here, they'll hire the kids from the schools here, whether it be Heights, or Beaumont or Lutheran East to work here, working here- back in our community.

It's very important in this economy that we support our merchants in Cleveland Heights, and I said this a few months ago and I'll say it again and I'll probably reserve the right to say it again later on this year. We need to keep going back and back, like I said - whether it's your favorite restaurant, whether it's your dry cleaner, whether it's your shoe repair, we have fantastic book stores in Cleveland Heights. There is no reason for you driving out of Cleveland Heights, and I predict that gas will go up to \$2.50 a gallon, sometime in March or April, so you will save money by staying right here in Cleveland Heights. Keep your dollars here in Cleveland Heights and believe me, these merchants really do appreciate it and they're glad to see you and it's very important that we shop locally, stay here in Cleveland Heights and I forgot to mention fine grocery stores and all the other good things that we have here, candy, everything, right here in Cleveland Heights - there's no need to go anywhere else but Cleveland Heights. You can do everything you want in Cleveland Heights, just about everything, there might be something I'm not thinking of. You can do all here in Cleveland Heights, so support our local merchants. This concludes the Mayor's Report. We will be adjourned at 8:41 p.m. Thank you for coming, our next meeting will Monday, March 2. Thank you for coming and Council will stick around if anyone has any questions or concerns."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/jh

## ACTIONS TAKEN BY COUNCIL

February 17, 2009

**APPROVED:** The City Manager to request authority to receive proposals for catch basin cleaning.

**ORDINANCE NO. 15-2009(MS), PASSED:** amending subsection (e) of Section 935.02, *Fees Established*, of Chapter 935, *Solid Waste Collection and Disposal*, of the Codified Ordinances of the City of Cleveland Heights to provide for an increase in fees for the collection of solid waste from properties within the City; providing compensation therefor; and declaring an emergency.

**RESOLUTION NO. 16-2009(MS), PASSED:** approving a Change Order with Burton Scott Contractors, LLC for a contract for the 2008 Street Resurfacing Project; providing compensation therefor; and declaring an emergency.

**RESOLUTION NO. 17-2009(MS), PASSED:** authorizing the City Manager to enter into an agreement with Wade Trim Ohio, Inc. for engineering services for the preliminary engineering study and design plan phase of the Taylor Road Rehabilitation Project; providing compensation therefor; and declaring an emergency.

**RESOLUTION NO. 11-2009(PD), PASSED:** authorizing an amendment to an agreement with the Cuyahoga Housing Consortium for funding for HOME administrative costs to extend the contract period; and declaring an emergency.

**RESOLUTION NO. 18-2009(PD), PASSED:** authorizing the City Manager to submit an application to the Ohio Department of Development for funding through the Ohio Neighborhood Stabilization Program for projects to address vacant, abandoned and foreclosed properties in the City, and to enter into an agreement and take all other actions necessary to administer such funding; and declaring an emergency.

**APPOINTMENT:** Camille Lampkin, Citizens Advisory Committee, commencing April 1, 2009 through December 31, 2009.