



CITY OF CLEVELAND HEIGHTS, OHIO

MINUTES OF THE COUNCIL MEETING OF MONDAY, JUNE 1, 2009

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:10 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, Mannarino, Niermann O'Neil, Wagner, Wong

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

Council Member Caplan moved to adjourn into Executive Session at 6:50 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, Mannarino, Niermann O'Neil, Wagner, Wong

Topic of discussion included land use or disposal.

Executive Session concluded at 7:05 p.m. and Committee of the Whole resumed, adjourning at 7:23 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:36 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, Mannarino, Niermann O'Neil, Wagner, Wong

The minutes of the Regular Council Meeting held Monday, May 4, 2009 were signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

The minutes of the Regular Council Meeting held Monday, May 18, 2009 were signed by Vice Mayor Evans along with the resolutions passed at that meeting.

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have no report this evening."

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 an application has been made by the following: Fairmount Pub LLC, d.b.a. Fairmount Martini & Wine Bar, transfer D1, D2, D3, D3A, and D6 permits from Fairmount Martini & Wine Bar LTD, d.b.a. Fairmount Martini & Wine Bar, premises 1st Floor Unit 2 & Patio, 2448-50 Fairmount Boulevard, 44106. 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.

Mr. Malone continued, "I also need to notify Council that one resolution of the Board of Zoning Appeals has been received pertaining to a variance in the Zoning Code and is requested by the following: BZA Calendar No. 3183 Benjamin Rose Properties LLC, 2373 Euclid Heights Boulevard, dwelling unit and parking regulations of the Zoning Code. Your Honor, I also need to make this a matter of record."

Mayor Kelley made it a matter of record and referred it to the Planning and Development Committee of Council and added, "However, we will not take this up on tonight's calendar. We will, in all likelihood, take that up at the Monday, June 15, 2009 meeting."

REPORT OF THE FINANCE COMMITTEE

Council Member Montlack stated, "Thank you, your Honor. There are five pieces of legislation from this committee. The first is Ordinance No. 50-2009(F), amending Section 177.02, "Current Funds", of Chapter 177 - Accounting Funds - of the Codified Ordinances of the City of Cleveland Heights to enumerate accounting funds currently utilized or intended to be utilized by the City; and declaring an emergency.

As many of you know, we have in this City a general fund for general operating expenses and a number of special funds which are accumulated and expended according to different rules and this Ordinance has the critical part that adds the Neighborhood Stabilization Program funds in the amount of about Two Million Three Hundred Fifty Thousand Dollars (\$2,350,000.00) that the City has just learned is on the way to be expended. That, basically, is the reason for amending the funds section (177.02) through this Ordinance. Ordinance No. 50-2009(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 50-2009(F).

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

Nays: None

Ordinance passed

Council Member Montlack continued, “Resolution No. 51-2009(F), also relates to the efforts of our federal government to help stimulate the economy and assist communities such as ours and it is a Resolution authorizing the City Manager to submit a Substantial Amendment to the Consolidated Plan 2008 Action Plan for funding for CDBG-R assisted activities under the American Recovery and Reinvestment Act of 2009; and declaring an emergency.

Once you work through the various titles referenced in this introduction, we’re using essentially terms of art and a substantial amendment to our consolidated plan is a requirement for block grant entitlement communities and other entities who are receiving this special second bit of block grant funding. In the case of Cleveland Heights it’s Four Hundred Sixty Seven Thousand Eight Hundred Forty Dollars (\$467,840.00).

Under Section 1, the City Manager is authorized to submit a Substantial Amendment to the Consolidated Plan 2008 Action Plan for funding for CDBG-R assisted activities as provided in Appendix “A” attached hereto and incorporated herein by reference.

Just to give you the rundown again, this has been reviewed by the Citizens Advisory Committee and of that amount of money I referenced, \$309,027 will go towards [the] Yellowstone Waterline and Road Reconstruction Project, \$112,029 for some additional Street Resurfacing in neighborhoods designated according to HUD rules as Low to Moderate Income, and then according also to HUD’s approved formula, \$46,784 is for Project Administration and Planning.

Resolution No. 51-2009(F) is presented on first reading for passage tonight.”

Mayor Kelley accepted Resolution No. 51-2009(F) for passage.

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

Nays: None

Resolution passed

Council Member Montlack continued, “I think one of the reasons you don’t hear council persons from this Council whining about the deficit and all the funds that are being expended is that over the years we - and I’d like to think the staff also - has come to understand that frankly, the federal government has not been sending the funds that needs to be expended for important municipal purposes and we appreciate what help this is providing and certainly we’re all sacrificing through these difficult times.

The next three pieces of legislation are authorized block grant funding agreements with block grant grantees according to a budget that was approved by this council some months ago. So there is really nothing exactly new in each of these. Resolution No. 52-2009(F), authorizing the City Manager to enter into an agreement with the Cleveland Tenants Organization, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with its telephone information services; providing compensation therefor; and declaring an emergency. The amount that is being authorized with regard to the signing of an agreement is Seven Thousand Dollars (\$7,000.00) which is described in Exhibit “A”. Resolution No. 52-2009(F) is presented on first reading for passage tonight.”

Mayor Kelley accepted Resolution No. 52-2009(F).

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

Nays: None

Resolution passed

Council Member Montlack continued, “Resolution No. 53-2009(F), authorizing the City Manager to enter into an agreement with the Heights Parent Center, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with its Neighborhood Family Support Initiative Program to provide support to families and youth; and declaring an emergency. This is described in Exhibit “A”. Again, the amount of the agreement that the City Manager is authorized to sign is Thirty Thousand Dollars (\$30,000.00) for this extremely worthy organization in a badly needed area. Resolution No. 53-2009(F) is presented on first reading for passage tonight.”

Mayor Kelley accepted Resolution No. 53-2009(F).

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

Nays: None

Resolution passed

Council Member Montlack continued, “ Resolution No. 54-2009(F), authorizing the City Manager to enter into an agreement with Open Doors, Inc., a non-profit corporation, for the use of Community Development Block Grant funds for assistance with the organization’s after-school programming for middle school-aged youth; and declaring an emergency. Here, with regard to the program described in Exhibit “A” attached to this Resolution, the City Manager is authorized to sign an agreement in the sum of Ten Thousand Dollars (\$10,000.00). Resolution No. 54-2009(F) is presented on first reading for passage tonight.”

Mayor Kelley accepted Resolution No. 54-2009(F).

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

Nays: None

Resolution passed

Council Member Montlack continued, “Thank you. Even though it does not really fall exactly under Finance Committee I have to comment on the once again wonderful Memorial Day program that was held, thanks to the Community Services Department and others, at our park and it was, of course, on Memorial Day. It was a relatively short simple program, which like all of the Memorial Day programs I’ve been to in this city, certainly had each of us thinking about the sacrifices made and the men and women who have made them for our lives and for our families. Especially this year, I have to say how impressed I was with the intellect and sensitivity of the young people who read their essays, their award winning essays. The kids are getting smarter or something. That concludes this report.”

Mayor Kelley commented, “Our Memorial Day is not about political speeches, it is simply about our veterans and our students reflecting on what our veterans mean to our country. It is one of the best programs you can see. We don’t have to have a lot of floats and comedians and speeches, we just get right to the point and really recognize what Memorial Day is all about. You are exactly correct.”

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, “Thank you. We have no legislation this evening. However, I have a couple of announcements. One is first, congratulations to the people who have their garbage collected on Thursday and Friday. Everybody played the perfect way, so that there were 800 houses, usually get together would have their trash picked up on - - between Thursday and Friday. Everybody, with the exception of 30 households got it - and all the trash was picked up and there will be a bigger test around July 4th, but the little notice about July 4th will come in the water bills and we’ll talk about it more and that’s going to be a harder one, but this one - it really worked. So, thank you to everybody for your cooperation.

A couple of weeks ago I talked about we were putting in a requisition for the Monticello Boulevard resurfacing. In fact, it's going to happen. Not this year, it will happen next year for sure. We got notice that we are going to be funded for 70% of 1,425,700 dollars to do Monticello from Noble to Taylor and that's Phase One. This year, what will happen is engineering and in the winter it'll go out to bid, and so the beginning of next spring, they'll start working on Phase One of Monticello. Monticello is divided into three phases, so that will really be terrific.

The other thing that you'll see is pathway surfacing at both Cain and Denison Parks and that's almost finished. You'll be happy to see that.

I also would like to comment on the Memorial Day service. It was really amazingly touching between the young people talking about remembering what the servicemen and women have done for us and then of course the introduction of the people who have served in our armed forces and they came up and introduced themselves and talked about for a moment where they had been - where they had served. It was a very touching service and quite meaningful and I was happy that we were there. We had beautiful weather for it too. It was quite wonderful. That's all I have. Thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is one piece of legislation and as the Mayor mentioned earlier there is one Zoning Board Calendar 3183 which will be deferred until our next meeting, but there is one resolution from the committee. This involves an important development project for our city at the intersection of Taylor and Cedar Roads. It involves the renovation of the building at the northwest corner, which is one of the gateways to our city, which now is largely vacant. If you don't know the building I'm talking about it used to be Platinum Dreams and before that the Rhythm Room and I think Peabody's Down Under, but it is vacant now. It's an important gateway to our city, as I said. This will include an exterior and interior renovation, plus an exciting new restaurant tenant for that corner. The name of the restaurant is Melt and it will create forty new full-time equivalent jobs and increase our tax base which is important and obviously, bring a lot of excitement to that corner. We're very excited to be able to assist that project with a Commercial Revolving Loan for that program. Just one other thing about Melt, which will be moving in as the prime tenant. It was recently announced the winner of the 2009 Silver Spoon Award for Best Sandwich in Cleveland and currently has a restaurant in Lakewood, so we're glad they are coming over to Cleveland Heights.

Resolution No. 55-2009(PD), authorizing the City Manager to enter into an agreement with The Gloree Group, LLC for a loan under the City's Revolving Loan Fund Program to assist in the renovation of the commercial premises at 2140 South Taylor Road; and declaring an emergency. The Gloree Group, LLC has applied to the City for a loan under the City's Revolving Loan Fund Program to assist in the renovation of that property which will eliminate a blighted condition and vacancies in the Cedar Taylor Business District. This will also be consistent with the objectives of the Revolving Loan Fund Program and would be in the City's best interest; and fortunately there are Community Development Block Grant funds available for this project. Section 1 of this Resolution provides that the City Manager is authorized to execute a loan agreement and all necessary documents to make a loan to The Gloree Group, LLC to assist in the renovation of the commercial premises at 2140 South Taylor Road, Cleveland Heights under the City's Revolving Loan Fund Program. The Loan shall be in the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), at an interest rate of three percent (3%), with repayment in equal monthly installments of One Thousand Seven Hundred Twenty Six Dollars (\$1,726.00) over a term of fifteen (15) years. Security for the Loan shall be determined by the City Manager and the Director of Law. All documents shall be approved as to form by the Director of Law. I am pleased to offer Resolution No. 55-2009(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 55-2009(PD).

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

Nays: None

Resolution passed

Mayor Kelley added, “Two things you need to know about Melt. They are looking to open sometime in September or October, depending on how their construction schedule goes and secondly and more importantly they will not have the hideous signs you see in University Heights at the Midas, at the KFC or whatever. They will have a very Cleveland Heights-type sign package and the food and the ambiance of the restaurant will bring you in, not the excessive sign package that you see in University Heights. Thank you.”

Council Member Wilcox continued, “Thank you for that addition. I just wanted to remind everybody and I think I mentioned this last time, on Tuesday, June 9th at 7:00 p.m. in our community center there will be a presentation of the new design for the University-Cedar Rapid Station. Again, if you are able to come in next Tuesday, June 9th at 7:00 p.m. at our community center.

I just wanted to add a quick comment on the Memorial Day ceremony also. I wanted to obviously thank the Heights High band, which performed at the ceremony this year and the boy scout troop that was there as well. That concludes my report.”

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Tumeo stated, “Thank you, your Honor. I have one Resolution tonight. I would like to introduce Resolution No. 56-2009(PSH), declaring June 2009 as Lesbian Gay Bisexual Transgender Pride Month; and declaring an emergency.

For the past four years since my election I have introduced this Resolution and each time and hopefully again tonight the Council has unanimously approved it. We do lots of resolutions, but I want to take a minute and tell you why this one is so special, at least to me. We pass this Resolution as part of reaffirming this Council’s belief and our communities’ demonstration of the benefits of diversity in Cleveland Heights. We have a long and proud history of supporting diversity. From our 1976 Plan to promote and maintain a racially, religiously and ethnically diverse community to the 1982 addition of sexual orientation to our non-discrimination policy to the 2003 vote approving this City’s domestic partnership registry. But, more importantly and the main reason I am so honored and proud to introduce this Resolution consistently is what it means to the people of all backgrounds who have in the past or currently are denied their rights. As we have seen in California, gays and lesbians are not given equal rights in our country. In Ohio, we cannot marry, we can be fired from our jobs, we can be evicted from our houses and we can be denied the right to be with our loved ones in a hospital all because we are gay or lesbian. Yet, here in Cleveland Heights this Resolution makes it clear that we are not only tolerated but welcomed and celebrated. I am proud to be part of a city that does this and proud to be part of a council that makes this pride official. I am therefore very proud to introduce Resolution No. 56-2009(PSH) for passage tonight.”

Mayor Kelley accepted Resolution No. 56-2009(PSH).

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

Nays: None

Resolution passed

Council Member Tumeo concluded, “Thank you very much to all of you and that concludes my report.”

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, “Thank you. Actually, I’m proud of that too. Also a little aside, on Melt, I feel that people out there who are watching this on tv, when they heard Councilman Wilcox talk about Melt coming to the corner of Cedar and Taylor, I bet there was some cheering at home. If you have ever eaten from the Melt in Lakewood you’ll know why if you’re a grilled cheese lover.

I have no legislation. I have a couple of announcements and one thing I want to talk about, the first announcement is that there will be a Home Buyers and Home Owners Fair from 8:30 to noon on Saturday, June 13th at City Hall. There will be information there about how you qualify for a mortgage, about home inspections, about avoiding foreclosure. This morning is sponsored by the city and by the Home Repair Resource Center. There also will be lenders’ representatives present and realtors who can answer your questions about loans, taxes and incentive programs. Home Buyers Fair is free and open to the public and if you would like more information you can call the City’s Relocation Services at 291-5813.

The second announcement is just a reminder that the Coventry Street Fair is coming up on Thursday, June 18th from 6:00 to 9:00 and I imagine lots of you already are familiar with what the Coventry Street Fair is. It is the usual festivities with food and music and activities for children and so I urge you to make it the enormous and impressive crowd that it was last year. That’s June 18th.

Lastly, on a more serious note. Two weeks ago at this council meeting I expressed my disappointment with Governor Strickland’s proposal for school funding reform. I felt that he had really promised us the big fix to our unconstitutional school funding method and I felt that he didn’t deliver quite as much as he had promised. So now today, I have a little bit different take on this. So I want to sort of renege on some of my criticism. I’ve learned a little more. I really did expect and want him to come up with the perfect solution for school funding and so according to me the perfect solution would have included enough revenue growth for school districts that they would be able to keep pace with inflation. That we would never have to do another school levy again. Today, I admit that my “pie in the sky” my expectation was a little “pie in the sky” and I got a little reality check and this is going to sound funny but my husband and I had tea with the governor this afternoon. Good governor that he is, good spokesman for his ideas, I came away being more supportive of his plan than I thought I was two weeks ago when I first talked about it. What he convinced me of is that the degree of revenue growth that his proposal will provide really is as much as can be realistically hoped for given the political leanings of the Ohio Senate, most of whom really do want things to stay exactly as they are and also given the fact that the chances are really extremely slim that voters across the state would ever vote to repeal House Bill 920. I kind of was holding out for that as a solution, but he convinced me of the “pie in the sky-ness” of my expectation. So we can expect from the Governor’s School Funding Reform proposal, should it pass the two houses and become legislation, is that the frequency of new school levies would become more like every five years instead of about every three years, which is what we have now. Most of the major groups that have been pushing for school funding reform, like the Coalition for Adequacy and Equity and the two teachers unions do support this plan. So, I am finding myself having to agree that it really is a step in the right direction and that given today’s economy we’re lucky to get a step in the right direction. I am going to change my mind and say that I did think he did a pretty good job of crafting a plan that has a chance of passing, that does address the over-reliance on property taxes and the inequities that come along with that and that, in fact, does provide some revenue growth - not exactly what I would like, but some revenue growth. We actually talked about this for a half an hour. I think I hogged the time, but I felt that he actually was very proud of what he has come up with and that he really does feel that this is the best he can do to support public education in Ohio. So, I just want to say that maybe I jumped the gun a little bit two weeks ago with my criticism. That concludes my report.”

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Vice Mayor Evans stated, “Thank you. There is no legislation this evening, but I would also like to add that our Memorial Day program was a wonderful program and we want to encourage more people to come out to

it in the years to come. We'll probably continue the format because it is such a nice program.

I, too, am very pleased that Cleveland Heights is the type of community that welcomes people of all different sorts of backgrounds. It gets better and better as time goes on. As a council person, each week we receive a lot of information, and one of the things that came to us this week was a notification from the Ohio Gas Association. In the bottom corner of one of the pages it had something that I never really thought about and I think it's kind of important for people to know and it says, "If you suspect a gas leak, first move your feet, then call when you're down the street". So I think it is something for us to remind each other, remind our children, that they need to vacate wherever they are and seek out a safe spot before they start making phone calls. We all should have received the Cain Park event calendar in the mail, probably late last week. Do check out the calendar. Make plans to be at one of the activities at Cain Park. I can assure you that you will enjoy yourself. The setting is always wonderful and the shows are really great. It's a great place to be.

I'm sure you all received the Spring/Summer Focus. The format is the same, although the cover looks a little different. It contains a lot of information, updating people about things, informing you about some things. You can always learn a lot and so it is worthy of opening it up and it also gives you a little memo about the web page and how you can pay Cleveland Heights bills on line now; water bill and income tax. It's a great magazine and we're really pleased that we're able to continue to offer it and that concludes my report this evening."

REPORT OF THE MAYOR

Mayor Kelley stated, "As summer approaches I want to remind you that we have 135 acres of superb park land in our city. A lot of activities going on in our parks. We talked just briefly about Cain Park. Cumberland Pool opened over the weekend. Forest Hills and Denison are alive with baseball and softball and picnics. It's a great time to be in our parks or just to visit or to walk our trails or pathways. Enjoy your time. If you ever want to have a nice inexpensive night, come to the park, see what's going on. Either walk the park, watch the young boys and girls playing baseball or tee-ball or softball. We go from ages four to eighteen. We do have adult softball. We have tennis, soccer camps, we have it all in our parks and beautiful Cumberland Pool. Spend some time with us at home here in Cleveland Heights, especially come to Cain Park and see what's happening at Cain Park for your needs.

That concludes the Mayor's Report. We are adjourned at 8:10 p.m. Our next meeting will be Monday, June 15, 2009. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc