



CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF MONDAY, AUGUST 17, 2009

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:15 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, 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 7:41 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, Wagner, Wong

The minutes of the Regular Council Meeting held Monday, August 3, 2009 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

"Good evening. My name is Robert Rivera. I live at 3156 Oak Road here in Cleveland Heights. I'm not only a resident of Cleveland Heights, but a board member of the Stonewall Democrats here in Cleveland and I just wanted tonight to applaud Council for moving with the Ordinance to include gender identity and expression in the current non-discrimination clauses found within the city ordinances. Stonewall Democrats have been around for nearly ten years and I think it's fair to say that in that time period, perhaps, no other community in Greater Cleveland, arguably the State of Ohio has the LGBT community found better allies than here in Cleveland Heights. So I say that as a board member and on a personal note as a resident of Cleveland Heights and I want to thank you for moving and taking Cleveland Heights yet a further step forward in leading in this area on civil rights. Thank you."

Mayor Kelley replied, "Thank you, Rob, and thank you for your commitment to Cleveland Heights. We do appreciate it."

"My name is David Bernstein. I've been in previous meetings. [My address is] 2487 North Taylor Road. Two issues: one of them I make a proposition in [a] previous meeting about in what I call a mini-crossing from Taylor Road up to close to City Hall so I make a sketch and the board [Council] can examine [it] if this could be considered in the future to benefit a lot of people about what I mean. The second issue is probably a little bit in normal circumstances won't be proper is to address health issues. What seems the whole country is spending from this healthcare reform and we are rolling a ball one way or another. I would like to make a few comments.

Due to my experience from many years in nursing homes and hospitals in the City of New York, so I actually have a lot of experience and just a little comment that I want to make. [I] think the best solution to the healthcare system reform is to stay healthy. How do we do that? So, some changes are needed. Changes in the population and changes actually from the medical profession. They have to change their attitude, rather than treating disease to preventing the disease and to tell the people how to stay healthy. Now it sounds a little bit ironic to say that and that is true. Now we have a good enthusiastic approach. Not long ago, probably, everybody is aware from the CEO of the Cleveland Clinic, Dr. Cosgrove. For the first time I heard him say one word that can change everything, he is talking about preventive medicine. They changed the restaurant in the place where they are. They don't allow trans fats, etc., etc., different things. But, we have to go a step further. I think that the basis for a good community, everybody knows is safety and cleanliness. This is a basis for a good community. What I believe is we can go a step further and start to make a healthier oriented community. The community should be involved in health issues, not just a few individuals, but the whole community. And I tell you one thing - I don't want to take too much of your time, because maybe you have other issues. There is a cardiologist at the Cleveland Clinic is the main institution in the whole world, probably. There is a cardiologist in the State of Connecticut - I don't know if you ever heard [of him] his name is Stephen Sinatra, no relation to the singer. He has helped countless people in the State of Connecticut with one nutrient that many people are unaware of here in the City of Cleveland. It's [unclear], it's sold over the counter. But, since the doctors don't prescribe it probably many people ignore it. I just want to read you just a little quote from another fighter and pioneer in treating heart disease and this is Jean Carper and hear what she says, "It is a heart medicine used around the world and if your doctor doesn't know about it you can easily get it on your own. It could save your life." Now, like I said, it's hard to see, Dr. Sinatra has treated countless people in the State of Connecticut and in his hospital he is the Director of Manchester Memorial Hospital. It's in the protocol, other hospitals don't have it and he relates stories practically saving people that are already have been on ventilators and bring them back to life with this product. Now, I will say, if there is a chance to show - to do something practical, invite Dr. Sinatra to come to our community and lecture about [unclear] coenzyme and then we call it - it has another name [unclear]. By the way I want to tell you in Japan between 10 and 15 million people are taking everyday - because doctors prescribe it. [It] is the 5th major drug of use in Japan for prevention and treatment in heart disease. Now, as everybody knows, heart disease - they admit is the two main killers in the U.S. and we are to do something about it. It is a battle and I think we can improve a lot of our [unclear]. Other issues, eventually like I said, the AMA has to change their attitudes to doctors that want to help. I know from doctors - they have been prosecuted for advising people taking nitro [unclear] beside the regular conventional medicine - not because they [unclear] here and herb. They have been threatened for removing the license and I think this should change, so I think I leave it up to you and thank you for giving me the chance to talk about these issues." *[sic]*

Mayor Kelley said, "Please give Mr. Downey your drawings."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have no formal 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: Noble Roman, Inc., d.b.a. Noble Gas, transfer C1 and C2 permits from Bilal, Inc., d.b.a. Amoco, premises 2610 Noble Road, 44121. 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 report to City Council that a desk review by the Auditor of State has been forwarded to Rea & Associates and that the audit report by Rea & Associates has been performed for the City of Cleveland Heights, Cuyahoga County for the year ended December 31, 2008. Based on the Auditor of State's desk review, this report is acceptable and requires no modifications. Your Honor, I need to make this a matter of record."

Mayor Kelley made it a matter of record.

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Vice Mayor Evans stated, "Thank you, your Honor. There is no legislation this evening, but I would like to remind our residents that the Community Center including the field house and the Senior Center are closed this week for some general maintenance. A couple of things that are going to happen is that the gym floor is going to be refinished this week. It's been posted for a while, but sometimes we still need a reminder that it's not open this week. Cumberland Pool will go to shorter hours beginning August 24th and the hours will be [opened] in the morning from 6:30 a.m. to 9:00 a.m. and in the evening from 3:00 p.m. to 8:00 p.m. and that schedule will last until closing day which is Labor Day. This summer has been a great summer for all of our activities in the city. As you well know, our programming in Cain Park is coming to an end, I believe in about nine days. If you've not seen Pippin, put it on your schedule to get tickets this week. I understand that it's great. I will be attending on Friday. I'd like to thank every one of our employees that have worked so hard and so diligently this summer to help make all of our events so successful. That concludes my report."

REPORT OF THE FINANCE COMMITTEE

Council Member Montlack stated, "Thank you, your Honor. There is no legislation from this committee tonight. I will give a report on a series of meetings that are now rapping up between police chiefs from the First Suburbs Consortium and juvenile court authorities. As we all often learn and relearn a community sense of safety and security, both in terms of being safe and secure from criminal conduct as well as secure from general anti-social conduct that may not rise to a criminal conduct, these things are so absolutely essential in our communities that sometimes we forget that before you can have economic development, before you have community development as part of any community relations. In fact for the basis for everything that happens in our community we first must have a good sense of safety and security. And so we've had over the years a growing problem, not just we in Cleveland Heights, but all over with youthful misconduct for which the age seems to be decreasing. So now we've conducted two of an expected three meetings with juvenile court and have been pleased with the

cooperation of the Administrative Judge O'Malley, as well as the Administrator Ken Lusnia. We have attacked some specific issues in law enforcement. This is not to say that other kinds of intervention is unimportant. It certainly is important, but frankly given our fiscal situation and our finances now and well into the future it is probably beyond a community's realistic capacity to be able to do the kind of intervention with the large populations that's needed, but it is our primary responsibility to provide effective policing - if all the reasons that I tried to summarize before. Here are some of the matters that are being accomplished in these meetings, and I should add that our task force, which is a continuation of an earlier effort, consists of the police chiefs of Cleveland Heights, Euclid, Lakewood and Garfield Heights, four communities that are in the forefront of this kind of law enforcement. I also should add, and it is really an objective comment, that our Cleveland Heights Police Chief Martin Lentz has been the leader in this effort and is certainly well-respected by his colleagues.

The issues that we are resolving now are one to create a uniform citation for misdemeanor filings that will eliminate a lot of paperwork and allow the officers, especially the juvenile detective to move quickly and this also allows citations for violations and municipal ordinances. Next, we have been able to secure a much better design and data input for juvenile warrants for certain kinds of offenses that warrant, no pun intended, that authorize immediate admission to the detention center for at least one night on the theory that some consequences tend to get a person focused. These include felonies of the first and second degree, some other offenses which this same task force has added for immediate detention: such as aggravated rioting, any assault on any school personnel, any assault on a police officer, [and] any domestic violence. We also have accomplished an access to the electronic data system, restricted access by police departments, so that the warrant - the direct admission offenses and outstanding warrants are immediately available. Much is the case with regard to the adult offenses. We've had a number of other discussions on how to make sure that, that immediate access is shared by all police departments. Finally, because we've involved the juvenile court assistant prosecutor assigned to that court - in the discussions there are certain kinds of drug offenses which now will be available for immediate filing, even without waiting on certain kinds of lab reports that take a long time.

The bottom line through all this is that we have found that the new juvenile court detention center has expanded its capacity only slightly from the current juvenile court detention center which already is by definition at or over capacity. That means that shortly the new juvenile court and detention center will be in that situation. We had written to the county about this and the county probably for fiscal reasons had not expanded the detention center. It's a problem that's waiting to happen as soon as it opens. We will not be silent on this, because after all is said and done the protection of the residents in our community is the absolute first job of government, and I can tell you that all of us here on Council are certainly aware of that. But, I thought you'd be interested in knowing that not only Cleveland Heights, but other similarly situated communities are making sure that when it comes to the relationship with juvenile court we're in a position to enforce those laws that we have on the books. That completes this report."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have one piece of legislation. It is Resolution No. 78-2009(MS). I have talked about this project before and you'll hear about it again. It is about the fact that we're going to be able to pave a portion of Monticello Boulevard and we're doing what is called Phase 2. Resolution No. 78-2009(MS), authorizing the City Manager to make application to the State of Ohio, through the Office of the District One Public Works Integrating Committee, for Ohio Public Works Commission funds to be used for Phase 2 of the Monticello Boulevard Capital Improvement Project (Belvoir Boulevard to Noble Road); and declaring an emergency. The engineering and all of those preliminary kinds of things will be done in the ensuing months, so the project really will begin

next spring. Pursuant to the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law. Pursuant to Sections 164.06 and 164.05 of the Ohio Revised Code, the District One Public Works Integrating Committee has been created to accept, evaluate, and recommend, and the Ohio Public Works Commission to accept and approve, applications for state financing of capital infrastructure improvement projects of political subdivisions in Cuyahoga County. This means that we'll be responsible for twenty percent (20%) of this project and the state for eighty percent (80%). The City has conducted a capital inventory and needs assessment, and has determined that it is necessary to submit an application for financial assistance for Phase 2 of the Monticello Boulevard Capital Improvement Project (Belvoir Boulevard to Noble Road); and, in order to secure state funds, it is necessary to make application immediately. So hopefully our twenty percent (20%) portion will be decreased. Therefore, be it resolved by this Council, the City Manager is authorized and directed to make application to the State of Ohio, for financial assistance for this project. The City Manager is further authorized to enter into any agreements necessary to obtain financial assistance, upon forms approved by the Director of Law. Notice of passage shall be given and this Resolution is declared an emergency for passage tonight. I offer Resolution No. 78-2009(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 78-2009(MS).

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

Nays: None

Resolution passed

Mayor Kelley added, "Those of you who live on Monticello Boulevard or travel Monticello Boulevard, starting next year you'll see some good things happening for you and for your automobile pleasure right here in Cleveland Heights."

Council Member Caplan added, "But only on a portion of it and hopefully the next year we'll do another portion."

I have a couple of comments. One is thank you to all the staff at Cain Park. It has been a terrific season. I was at the Beach Boys - thousands of people were there Saturday night, no, I mean it was Sunday night. It was wonderful. I was there Saturday night, too. There weren't thousand then [Saturday night] for a guy named Matt Davis who was there at dusk who sang like Frank Sinatra. It was great. But, these thousands were there for the Beach Boys and it was so much fun and to see who comes, it was great. Thank you to the neighbors who allow all of us to park in front of their houses. It's really terrific of you to do that. So you have another week to go as Vice Mayor Evans said and I hope you do come. There are a few more concerts Friday, Saturday, Sunday, so please - do come. It's just amazing and it's a one of a kind place in the country, really. There are few municipalities who have a theater system like we do, so it's really terrific.

The other thing I did want to comment on, I refrained a little bit on talking about recycling lately because that's what people make jokes about that I talk about recycling all the time, but I can't resist. I met somebody who said to me I changed how he does trash and I took that as a compliment that he recycles. So, I am going to remind you about - you know this is the time it's too hot to cook and you bring food in, a lot of that food comes in plastic containers, so wash them and recycle them. It's wonderful and it really makes a difference in our bottom line for the city, because we don't have to pay for landfill and it really makes a difference for the environment. So, I encourage you to remember about recycling. Don't give it up, it really matters to all of us in a whole variety of ways. That's all I have. Thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are two resolutions from this committee tonight. The first one is Resolution No. 79-2009(PD), authorizing the City Manager to enter into a contract with Cuyahoga County for the expenditure of funds received by the City from the United States Department of Housing and Urban Development ("HUD") under the Homeless Prevention and Rapid Re-Housing Program; and declaring an emergency. The American Recovery and Reinvestment Act of 2009 authorized a \$1.5 billion Homeless Prevention Fund administered by the United States Department of Housing and Urban Development. The purpose of the Homeless Prevention Fund is to provide financial assistance and services to prevent individuals and families from becoming homeless and to help those who are experiencing homelessness to be quickly re-housed and stabilized. The Fund may provide for a variety of types of assistance including short-term or medium-term rental assistance, security and/or utility deposits, utility payments, credit counseling, mediation, moving cost assistance, and case management services. The City has been awarded from this Fund (better known as the Stimulus Act) has received an allocation of Seven Hundred Fifteen Thousand Six Hundred Seventy Seven Dollars (\$715,677.00) over the next three years. It is our intent to contract with Cuyahoga County for the provision of these services through the County's Department of Homeless Services Continuum of Care Program. What this Resolution does is authorize the City Manager to enter into a contract with Cuyahoga County for the expenditure of funds received by the City from HUD for the Homeless Prevention and Rapid Re-Housing Program. The agreement shall provide for funding to the County in the sum of Six Hundred Ninety Nine Thousand Eight Hundred Ninety Four Dollars (\$699,894.00) for homeless prevention services for Cleveland Heights residents and County administrative costs. The City shall retain Fifteen Thousand Seven Hundred Eighty Three Dollars (\$15,783.00) to cover their administrative costs. The contract also shall contain such other terms as recommended by our City Manager and Director of Law.

Before I ask Council to pass this Resolution I should note that we are working with our staff to ensure that the money from this federal program goes to Cleveland Heights residents. We are reaching out to our non-profits and our religious institutions to identify families in need and we do believe that our families in-need in Cleveland Heights could use this help. So the details of that are going to be worked out with the staff through the County's Continuum of Care and we will be monitoring that and hoping this money does some good for some of those residents out there that are suffering in these economic times.

I offer Resolution No. 79-2009(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 79-2009(PD).

Council Member Tumeo commented, "I'm going to take a minute to invite the people here and those watching at home on the little bit of the inside debate that goes on in Council. I've been - I think my Council colleagues will agree somewhat vituperative - I love that word - about this specific funding from the stimulus program. It was money that we neither applied for nor do we have existing programs to fund. That being said, after much discussion and debate, one of the things that is true is that we do have people in Cleveland Heights that need this help and we have actually had some problems with HUD with our block grant, because we don't have homeless services here to the extent that HUD would like us to see. So, the problem I've had with this, and I've discussed extensively with my Council colleagues is that this whole contract is going through the County, so basically the federal government said to us, "Here is a whole bunch of money, by the way you have to give it to the county, because they are the only ones that have a Continuum of Care". May be silly, but I always thought, "Well, if you want the county to have it why don't you just give it to the county". Right? But, you

know, politics works differently sometimes. So, we're now in this unique place where we have to work to create programs that somehow manages the money that was passed to Cleveland Heights to spend appropriately for Cleveland Heights' residents. So, I've been very hesitant to move down this path. But, this is the point where the rubber meets the road, this means we're going to do a contract. Over the past few weeks with struggling with this I am very happy to say that our City staff has worked very hard to reach out to the non-profits here in Cleveland Heights to ensure that they're going to be engaged in this program and that this money will have a very high probability of serving Cleveland Heights' residents. As Councilman Wilcox has said we're going to watch this and you can guarantee I'm going to be watching this contract has good metrics that says it's going to Cleveland Heights and that amount going to the county administrative and whatever else they like to call their overhead is as small as reasonably possible. So, I will be voting for this, but I just wanted people to know that you see seven votes all the time up here, it's not because we don't discuss these in great detail, it's not because we haven't thought them through and it's not because we haven't reached compromise and solved issues that everyone on this council brings up. So, that's all I want to say, your Honor."

Mayor Kelley added, "We'll probably get to a 7 roll call about 10:00 p.m. tonight, give or take a half hour."

Council Member Montlack commented, "This is a little bit different take and frankly I didn't say this when we were discussing it because I hadn't quite crystalized it, but knowing that the criteria has not really been developed and there are - the rules always give you some guidance here, it would be important, I think as we go forward to make sure that none of the funds for Cleveland Heights are used for tenants who have lost or are losing their homes, their dwelling, because of having engaged in anti-social activities in breach of their lease or more often in violation of the law. I'm sure that there is plenty of need for others who through no fault of their own are in difficult straits these days."

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Thank you. Next I have Resolution No. 80-2009(PD), authorizing the City Manager to enter into an agreement with Dobama Theater, Inc., an Ohio non-profit corporation, for a loan under the City's Revolving Loan Fund Program to assist in the renovation of its space at the Arts Building at 2340 Lee Road, Cleveland Heights; and declaring an emergency. Dobama, this non-profit, has applied to the City for a loan under the City's Revolving Loan Fund Program to assist in the renovation of the Arts Building mentioned and this is the old YMCA, if you're not familiar with it is now connected to the library. The source of this funding, by the way is our block grant funding, which is another federal fund. So both of these pieces of legislation tonight from this committee are being funded through the federal government's funding. This project will eliminate a blighted condition in the district. Dobama has been providing innovative plays for fifty years and desires to remain in Cleveland Heights. Council has determined that making the requested loan would be consistent with the objectives of the Revolving Loan Fund Program and would be in the City's best interest. There are sufficient funds in our Community Development Block Grant funding available for this purpose. Whenever we do this, we review all of our available funding and look at our projects that are currently in the pipeline to be funded and we believe there are sufficient funds to serve us all pending a new project with this funding. This Resolution authorizes the City Manager to execute a loan agreement and all necessary documents to make the loan to Dobama Theater, Inc., for renovation of its space at the Arts Building. The Loan is in the amount of Fifty Thousand Dollars (\$50,000.00), with interest rates and monthly payments as follows: Year One - Zero Percent (0%) Interest and monthly payments of Eight Hundred Thirty Three and 33/100 Dollars (\$833.33); Year Two - Two Percent (2%)

Interest and monthly payments of Eight Hundred Sixty Seven and 81/100 Dollars (\$867.81); Year Three - Three Percent (3%) Interest and monthly payments of Eight Hundred Sixty Four and 24/100 Dollars (\$864.24); Year Four - Four Percent (4%) Interest and monthly payments of Eight Hundred Forty Six and 53/100 Dollars (\$846.53); and Year Five - Five Percent (5%) Interest and monthly payments of Eight Hundred Ten and 11/100 Dollars (\$810.11). Security for the Loan is a lien on Dobama's equipment and furnishings. All documents are to be approved as to form by the Director of Law.

Before voting on this, I should note this is another one that we had quite a bit of discussion on and this loan actually came to us earlier with a higher request and what we did is we asked Dobama to go back and do some more fund-raising and that this essentially represents a matching amount of the Fifty Thousand Dollars (\$50,000.00) of new funding they raised over the last several months. Because of recognizing those efforts and the efforts of our library to make this project happen, we are now willing to step up and be, I guess, the last source of financing to finish this project and to fill a vacant space on Lee Road and hopefully contribute to the vibrant Cedar Lee neighborhood with a 200-seat theater which will be opening in the very near future.

So, I am pleased to offer Resolution No. 80-2009(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 80-2009(PD).

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

Nays: None

Resolution passed

Mayor Kelley added, "Welcome back to Cleveland Heights, Dobama. We're looking forward to returning home where you belong."

Council Member Wilcox continued, "I just had one comment. Last week we had a storm that came through the area. Many people didn't even realize that we had a storm because they weren't effected, but if you live in the western part of the city or Shaker Heights you certainly knew there was a storm. In my neighborhood there were numerous large trees that came down and power outages, etc., and I did want to thank our public works department for getting out there and within just several days really cleaning up most of the debris and the large trees that had fallen. They did a great job. They worked essentially around the clock. They reduced staff - we've been going with a reduced staff now for sometime, but I really want to thank them for their efforts. That concludes my report."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Tumeo stated, "Thank you, your Honor. I have three pieces of legislation tonight. First I would like to introduce Ordinance No. 81-2009(PSH), amending Section 144.02 of Chapter 144, *Administrative Services Commission*, Sections 171.08 and 171.09 of Chapter 171, *Contracts*, and subsection (u) of Section 749.03 of Chapter 749, *Housing Delivery System*, of the Codified Ordinances of the City of Cleveland Heights to prohibit discrimination based upon gender identity and expression and change the word "handicap" to "disability".

Currently, in the United States there is no federal protection and in Ohio there is no state protection for gays, lesbians, bisexual or transgender citizens. You can be legally denied housing, we can be fired from our jobs and we often do not have a host of the legal rights that most of you take for granted. City ordinances currently in Ohio are the only protection that we have. Until the state passes the Equal Housing and Employment Act, which this Council has urged them to do via resolution, we

are in a relatively perilous situation as citizens of our state. Cleveland Heights has been a leader in this and I am proud to say that we will continue to be a leader by passing this Ordinance which ensures that people - all people - regardless of their sexual orientation, their gender identity or expression will be welcomed and valued. Therefore, I am honored to introduce this Ordinance and your Honor, because I feel this is so important to pass as expeditiously as possible, I would like to move to suspend the rule requiring two readings under Section 111.20 of the City's Codified Ordinances."

Mayor Kelley stated, "There is a motion to suspend the rules."

Second by Council Member Caplan.

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

Nays: None

Motion passed

Council Member Caplan stated, "I'm really proud of this Council and I'm proud of this City that supports this Council that we have really tried over the years to bring civil rights to everyone of our citizens, whatever the issue. Here, is another little piece that moves us closer to really taking everybody equal under the law and having equal rights for all. So, I'm really proud of us for doing this and there aren't too many more steps that the state has to do, but I'm not so hopeful for the state, but I'm real hopeful for Cleveland Heights to keep moving forward. So, I'm glad we're doing this. Thank you."

Council Member Dietrich added, "I wasn't going to talk about this, but as I approach the end of the twelve years that I am being on Council, I've gotten a little reflective about our accomplishments and just things that have happened while I've been here and I have to say that all our work on this whole issue is to me is the absolute highlight of everything that I've done as a City Council Person. I just regard our work on this as the proudest thing that we've done."

Mayor Kelley added, "I just want to briefly say that I'm definitely voting for this, but I really think there is some unfinished business we have in this area and I think we need to address sometime soon in the future. We've made a lot of great progress, but I think there is still a little bit of progress this Council needs to do and I'm looking forward to being part of that. I'm looking forward to being a leader in that - we're all leaders in that actually, so that was not a right quote. We're all leaders in this and continue and I want to make Cleveland Heights to be - not only is it the most diverse city in the United States, but the friendliest in the United States. Having said that, if no one else has any comments, Mr. Malone, would you please call the roll."

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

Nays: None

Ordinance passed

Council Member Tumeo continued, "Thank you very much and thank you to my Council colleagues, it's hard to express how much it means to sit here with six other people who actually really do respect me in a way that this passage demonstrates and respects my community. I'm very, very grateful for that. With that, I will move on.

I'd like to introduce Resolution No. 82-2009(PSH), declaring the property at 3247 Dellwood Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. This is a piece of property that has been reported to this Council and it is owned by Viveca L. Kimble and has

not been maintained for a number of years and is in a state of severe disrepair. You can see from the pictures, the soffit is down and there is a lot of damage in the back. It has just become as many of these vacant houses do - a home for racoons and various other of our four-legged friends. There has been numerous housing code violations on the property over the past eight (8) years and that little progress has been made toward correction of the violations. It has been through Housing Court with a litany of fines imposed and re-inspections and basically things get ignored. By this Resolution it is hereby found and determined by this Council, pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights, that the premises owned by Viveca L. Kimble known as 3247 Dellwood Road is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and is hereby declared to be a public nuisance. The City Manager and Certified Building Official and Director of Law are authorized and directed to cause the nuisance to be abated in accordance with Chapter 553 or in any manner determined by them to be appropriate in accordance with law. I'd like to introduce Resolution No. 82-2009(PSH) for passage tonight."

Mayor Kelley accepted Resolution No. 82-2009(PSH).

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

Nays: None

Resolution passed

Council Member Tumeo continued, "Thank you, your Honor. What is being proposed to be done with this is the house is to be painted and scraped and trimmed, the soffits will be repaired, replace the garage gutters, and several repairs on the rear porches. It's estimated that will cost around \$11,600.00.

Next, I would like to introduce Resolution No. 83-2009(PSH), declaring the property at 1612 Wood Road 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 1612 Wood Road owned by MDA Fund VIII, LLC from New York and has not been maintained for a number of years and is in a state of severe disrepair.

This was a property that went through sheriff's sale in 2008. Prior to that, it had, had a point of sale in 2005 in which it was in compliant, but has systematically gone down hill since it was vacated and taken over by the bank. We have problems with the bank not actually maintaining the properties that they have. The point of sale inspection at the sheriff's sale identified fourteen interior and nine exterior violations. They are still pending. There has been various complaints. The owners have been notified. In July of 2009 the complaint inspection resulted in a citation and the matter is still pending, so in and out of court, still a major problem.

Therefore, it is hereby found and determined by this Council, pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights, that the premises owned by MDA Fund VIII, LLC known as 1612 Wood Road is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and is hereby declared to be a public nuisance. The City Manager and Certified Building Official and Director of Law are authorized and directed to cause the nuisance to be abated in accordance with Chapter 553 and in any manner determined by them to be appropriate and in accordance with law. I would like to introduce Resolution No. 83-2009(PSH) for passage tonight."

Mayor Kelley accepted Resolution No. 83-2009(PSH).

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

Nays: None

Resolution passed

Council Member Tumeo continued, "In this case, the bank, Deutsche Bank, has had a tarp on the roof for a couple of years because the roof really isn't there and so we will be putting on a roof and depriving the neighbors of that lovely blue tarp and that will cost about \$7,500.00. That's the end of my report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you, your Honor. There is no legislation tonight and almost everything I wanted to talk about has been talked about. I was going to say what a fabulous venue for entertainment we have right here in our own backyard with Cain Park and that the Beach Boys last night was just not to be missed. I am always surprised - I am happy that there are people who come from all over to go to Cain Park, but it always surprises me that it's not full with Cleveland Heights' people. There are so many people in Cleveland Heights that never set foot in Cain Park and it is just too good to be missed. There is one more week as others have said tonight and turn over a new leaf for next year.

Also, I wanted to say thank you to our public works department, for last week, hauling debris from the storm and they are going to be spending this entire week doing that as well after which time they will get back to the potholes that they've been working on mostly in their spare time (which isn't very much) [end of tape]. There are about twenty fewer employees in that department than there used to be, but I'll say thank you to them even though they've already been thanked.

Another thing that I can still talk about because nobody has mentioned it is the Doan Brook Watershed Partnership which I used to talk about fairly frequently when we were in the formation stages and I haven't mentioned it in quite a long time. So, in case anybody doesn't know what that is, that is a non-profit organization that our city belongs to with Cleveland and Shaker Heights and it is to provide stewardship for the Doan Brook Watershed which is known to us in Cleveland Heights as Lower Shaker Lake and Horseshoe Lake, but which actually begins up by Green Road and then extends all the way to Lake Erie because that is the brook that runs along Martin Luther King Boulevard. I will also add to that, that the partnership is really a wonderful example of regionalism-at-work. In reporting on this, it's been a little over a year since the partnership hired its first full-time executive director who is Victoria Mills. When she came to us she was already a person familiar with and familiar to the influential watershed related people in the Cleveland area. Having her presence as the executive director of the Doan Brook Watershed Partnership gives Cleveland Heights a place at the table, so to speak, in all the decisions that are made regionally that affect the watershed, such as the restoration work that is being proposed for Rockefeller Park. So, in conjunction with that there is an event coming up that I thought our residents might want to participate in. It is called the Doan Brook Fishing Derby and Water Quality Day. It will take place throughout the day on Saturday, September 19th right near the gazebo at Martin Luther King Drive. This is an official part of international event called, Coast Week, which was hailed last year as last year's largest volunteer effort in the world. So, September 19th will be filled with family activities like fishing in the lagoon and making rain barrels. There will also be a clean-up along the Doan Brook. I just would like to urge all our environmentally oriented residents to enjoy the fishing derby and water quality day on September 19th and in so doing take part in the Doan Brook Watershed Partnership stewardship of the watershed that we have here close to home. That concludes my report."

REPORT OF THE MAYOR

Mayor Kelley stated, "We do not have a regular meeting like this for about three weeks and a day so I want to remind everybody, in the next few weeks our fantastic schools will be opening. What that really means is to slow down in the areas that we have children going to and from school, where the buses are in and around school and obviously those who drive your kids to school, slow down, be careful, don't be in such a hurry, you will get to work and if you are a minute or two late, your boss better be accepting that you're getting your children safely to and from school. So, slow down. We don't want to have any fatalities. We don't want to be on the news. Just take it easy. We all know where our fantastic schools are at. Just be careful. Follow the directions or we'll have the appropriate police out there to ticket those of you who don't want to behave in a proper fashion, but put our children first. Drive safely and the other thing is our fantastic high school and actually Lutheran East and Beaumont are also fantastic high schools also. They will be beginning their football and volleyball seasons and cross-country and soccer. Get out and see a game. They'll be starting within - by the time we meet again they will already have had a game or two in. Get out and see a game. Fantastic things are happening at our schools with our children. Sometimes it doesn't have to be a varsity game at high school. You can go to a JV game, you can go to a junior high game or you can just go and watch someone like Sean Sullivan who is the soccer coach who runs our soccer program in Cleveland Heights - our flag football program. Get out and see the kids, support the kids. If you want an hour of just good clean fun that you can watch and enjoy in a nice environment that's not too competitive. So far there has been no unruly fans or dads including myself. Come out and visit. Everything we do is in our beautiful parks and our beautiful facilities. So if you are at Forest Hill Park for flag football or cross-country event or come up to Denison to see soccer or whatever else is going on or to our high schools to see football or even Beaumont for what they're doing, come and see and support our children, support the volunteer coaches and make a difference in our community. It's good clean fun and in most cases it won't cost you a penny unless you get a refreshment or two.

This meeting is adjourned at 8:34 p.m. Our next meeting, as I said will be on Tuesday, September 8, 2009. However, this Council will be working the next two weeks every Monday night as we always do. So, we won't be taking any time off. Thank you for coming. We're here to answer any questions."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc