



CITY OF CLEVELAND HEIGHTS, OHIO

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY EVENING, SEPTEMBER 17, 2007

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, Mannarino, Niermann
O'Neil, Ruane, Wagner, Wong

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

Council Member Tumeo moved to adjourn into Executive Session at 7:42 p.m. Second by Council Member Caplan.

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, Ruane, Wagner, Wong

Topic of discussion included possible litigation.

Executive Session concluded at 7:50 p.m. along with Committee of the Whole.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:57 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, Ruane, Wagner, Wong

Mayor Kelley stated, "Good evening. Welcome to our meeting. I do want to apologize for the delay in starting the meeting. Sometime when you have a short agenda like this we get caught on a lot

of other things, but we were working vigorously, but I do want to apologize to everyone who is here tonight for the lateness of the start and hopefully it won't happen again for a long time. So, I do apologize. I also do want to welcome a number of students that are here tonight to view this Council meeting for I believe classroom projects. We always welcome the students from the various schools in the neighborhood and various universities and high schools. We are glad to have you here tonight. I promise to get you home at a nice early hour to see your democracy in action."

The minutes of the Regular Council Meeting held Tuesday, September 4, 2007 were signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

Mayor Kelley continued, "Normally, we would move to personal communications from citizens, but tonight we are very happy to have our group, "Friends of Cain Park" here tonight, David Budin and Chessie Bleick, who are here with us tonight. First off and most importantly, on behalf of Council we want to thank you for the excellent work you do at Cain Park for many, many years. You make things happen down at Cain Park. You are like one of the many reasons why Cain Park is such a beautiful park. People come to visit the park year after year and we thank you for what you do. I am going to invite you up to the podium here tonight to tell us why you are here. Chessie, you want to come up too? [She declined]. David, you're here, why don't you tell us why you are here tonight. Take your time, because we certainly made you wait, so we're here to listen."

David Budin stated, "I'm here - this is the third year in a row that we have had a winner of a Schreckengost print picked here, so I guess you can call it a tradition now. Friends of Cain Park, as you probably know is a support organization for Cain Park. As I always say, we do two things, we raise money and we give it away. We co-sponsor concerts that take place at Cain Park, many of which are presented free to the public and almost all of which are family-oriented. We sponsor the artists' prizes during the arts festival and most of the entertainment during the arts festival. We sponsor the plaques, the historical brass plaques on the significant buildings in the park and other things. We do three \$1,000 scholarships per graduating Heights High students in the arts every year and we raise money by selling bottles of water at the arts festival and by holding a couple of small benefits and mainly by selling raffle tickets at every event at the park. We have a regular raffle for prizes which are donated by Heights' merchants. For the past three years we've had a print by Viktor Schreckengost who is in his 101st year. Is it?"

Mayor Kelley replied, "Yes, he is."

Mr. Budin continued, "He's a Cleveland Heights' resident, known around the world for many design innovations and art things. He has been kind enough to donate prints. This year's [print is] Severance Hall and he has signed it. The print was signed, but he actually signed over it, so it's double signed, makes it worth more and I guess we do this year because the tickets for that are five dollars each and the print is worth a lot of money and people don't trust us otherwise. It's on tv - we can't cheat. So, we have a volunteer, whom I've never met."

Mayor Kelley asked the person to introduce herself, name and address for the record.

"My name is Jody Nissa-Gossom. I live at 3274 Beechwood Avenue."

Mr. Budin continued, "We sold this year, actually, we sold a record number of Schreckengost raffle tickets, more than two hundred. They are all in this hat and you can just reach in and pick one. Don't make it someone in California, [Ms. Gossom picked a ticket] well almost California, it's in Parma. I'm not sure I can read the name, Sharon possibly Riennerth, it looks like R-i-e-n-e-r-t-h, in Parma, Ohio."

Mayor Kelley said, "You also performed at Cain Park this summer, didn't you?"

Mr. Budin replied, "I did."

Mayor Kelley continued, "An award winning show. Will you be back this summer?"

Mr. Budin answered, "Yes. I mean that's my plan. In my opinion I'll be back this summer."

Someone asked Mr. Budin who did the framing?

Mr. Budin answered, "The framing was done by Wood Traders, it was donated."

Mayor Kelley added, "Wood Traders, which is at Cedar and Taylor, actually at Hampstead near Taylor. So it is all Cleveland Heights and gratefully going over to Parma. That should be in the - well it won't be in the Times, it'll be in the Muckraker. Thank you for all you do, we really appreciate it."

"Good evening. My name is Oliver Henkel. I'm a resident 35 years of Cleveland Heights. My address is 1803 North Park Boulevard. I'm an employee of the Cleveland Clinic and I serve as the Cleveland Clinic's Chief External Affairs Officer. I'm here tonight to talk about the proposed construction of an interchange off of I-90 at Avon and I understand, but it's just an understanding that this council has passed a resolution to oppose the construction - -"

Mayor Kelley interjected, "Let me stop you right there. We have not passed any resolution."

Mr. Henkel continued, "I apologize."

Mayor Kelley continued, "On anything having to do with that. Go ahead."

Mr. Henkel continued, "It was my understanding. That's why I qualified it. As you may know, the Clinic has proposed to build a 170,000 square foot family health center in Avon. Which is on - it's on the eastern border of Lorain County, just across the Cuyahoga County border. A couple of pieces of background information about the Clinic that may be helpful. As you may know, the Clinic is the second largest private sector employer in the State of Ohio, second only to Wal-Mart. We have a total of over 37,000 employees. Of particular interest, I think, to this council, is the fact that over 50% of our employees are residents of the City of Cleveland or the inner ring suburbs and all of the cities from which we draw employees, Cleveland Heights only after Cleveland, has the largest number of employees at the Cleveland Clinic, well over 3,000 employees at the Clinic. The ability of the Cleveland Clinic to grow really depends upon our financial soundness. That financial soundness depends on the economic viability of our entire health system. We have nine of the ten community hospitals of the Cleveland Clinic Health System are located within the City of Cleveland or its inner ring suburbs. That's nine of our ten community hospitals. We need, as a practical matter, to follow the residential growth of the community that we primarily serve and 93% of our patients come from a seven-county area surrounding the main campus of the Cleveland Clinic. We just feel that we are at a point where it is necessary for us to build where the population has spread and it has spread in several directions, but most notably to the west, across the border from Cuyahoga County to Lorain County and in the area of Avon and Avon Lake and North Ridgeville where the growth has been absolutely phenomenal. The building of the interchange is something that the Cleveland Clinic supports not because our building of a family health center is dependent upon the interchange, because we have committed to build the family health center whether or not the interchange is built, so we've taken that off the table. We plan to build on 40 acres of land made available to us by the Jacobs Group, representing about a fifth of the total acreage owned by

the Jacobs Group in that area. They own a total of 212 acres. We believe that the interchange should be built for at least two reasons and one is that it will significantly relieve traffic congestion in that area and traffic engineers who have performed their engineering services pursuant to the standards of the Ohio Department of Transportation and the Federal Highway Administration have concluded that if the interchange is built at Avon there will be an improvement of the rush hour traffic at Crocker / Bassett in Westlake, 47% during the morning and in the evening an improvement in that rush hour traffic of 57%. So we believe, contrary to some speculation, that the record composed by the traffic engineer certainly supports the fact that traffic congestion will be eased in that area, now at a time that has become very, very difficult.

Secondly, the issue that is raised most frequently in opposition to the interchange is that it will contribute to suburban sprawl and recently there has been concluded an economic impact study by D.B. Hartt & Associates which concludes to the contrary. One, they do conclude in their economic impact study that the City of Avon will benefit from the interchange, but they also conclude, very importantly from the point of view of Cleveland Heights and other inner ring suburbs and those suburbs frankly that border on the western side of Cuyahoga County that the building of an interchange will have no material impact on the region. They have stretched their study out to the year 2030 and they have looked at it very carefully and they have said that in effect it will have an impact of less than 1% on the total area. Now I don't want to rely on my own information with respect to the meaning of suburban sprawl, so I've gone to the Brookings Institution to talk to their traffic efforts and Bruce Katz is a well-known expert around the country on suburban sprawl and the effect that the development of highways has had on metropolitan areas and his associate Rob Pwentaze have had conversations with me and have concluded that they don't believe, based on the paper that was prepared for Brookings earlier that [is] entitled, 'Do Highways Matter?' that the appropriate way to look at suburban sprawl really is occurring by virtue of the development of an interchange at Avon off I-90 is to look at the total metropolitan area and what we really need to do as a metropolitan area is create a metropolitan planning organization that really does focus on the issue of urban decentralization, which I think all of you as council members of an inner ring suburb are very appropriately concerned about. They feel that the answer to the effects that highways have had on the development of communities in a sprawling nature, really should be taken under the advice of a metropolitan planning organization to help the entire metropolitan area, plan for the growth of the broader community. I would urge that the appropriate thing to do, in this case, is really not to focus on a particular development which in the case of Cleveland Heights is far removed from this community, but rather focus on the need for all of us to create the kind of region that we all are looking for, one that has great economic vitality, one that is going to grow in the future so that the whole nation of suburban sprawl can be put to bed because the entire central city as well as the inner ring suburbs can grow with the growth of the entire area and a metropolitan planning organization, I feel, would be of great benefit to all of us who have spent an adult lifetime in the Cleveland area and who are concerned about our economic future. So, I would urge that as you think about whether an interchange should be built in Avon at I-90, that you think in a broader context and consider in a very serious way whether in point of fact an interchange in Avon is really going to contribute to suburban sprawl and I would very much appreciate - I know the context of tonight's meeting and that a discussion is not appropriate, but I would be delighted to meet with any or all of you at a time that is convenient for you to have a full discussion about this proposed interchange, which is going to be voted upon by NOACA, as you may well know on October the 12th at it's regularly scheduled meeting. I know that it's important for the City of Cleveland Heights, as an inner ring suburb, you have a seat on the governing board of NOACA and I would welcome the opportunity to share ideas with you at a time that's convenient for you sometime prior to that meeting. Thank you very much."

Mayor Kelley inquired, "Thank you, Mr. Henkel. Do you have information there you want to share with us that's part of your - -"

Mr. Henkel replied, "I was going to leave these behind, if I may. They include the economic impact study and various other things about the development of this project. Would you like to see them?"

Mayor Kelley replied, "Sure."

Vice Mayor Montlack added, "In almost all cases when there is personal communication from citizens, most of us on council do not feel that it is appropriate to speak or respond at this point. Our job is usually to listen to those comments and simply take them under advisement. However, there are cases when a particular perspective is being presented with the assistance of television and the public is involved, that it is appropriate right at the same time and place to make some comments and I'd like to do that very briefly.

Certainly, I personally, very much appreciate the great contributions and the jobs and the support to the economic vitality of the region that is brought by the Cleveland Clinic as well as all of University Circle. Anyone who is in a decision-making mode in Cleveland Heights probably should offer a small prayer of thanks every time he or she travels in or around University Circle. I do respectfully disagree with a number of points and perspectives that have been raised by the speaker and I do feel strongly about that. I don't agree that what we're looking at is a situation where residential growth has been followed. That would take, in my view, a very narrow view. In fact, our county and our entire region is not in a growth mode. What is happening is that we have a kind of a continuing shell game in which residents, particularly middle-class residents, businesses and jobs are simply transferring from one part of the region to another and will come as no surprise to anyone that the general direction is always 'out there'. It has been pointed out, but not by this speaker, that of course, public money is not being relied on for the construction of the interchange which is kind of interesting. We don't need to look very far to understand what happens when these new interchanges or new road widenings in the interstate system happen in and around Cuyahoga County or other places in Northeast Ohio. All we have to do, for example, is look at what happened at State Route 615 east of Cuyahoga County, serving Mentor. There is no coincidence that contemporaneous with the decisions to build that and the actual construction, there was tremendous development - private development that occurred bringing in more residents, more jobs and the continuing sprawl to 'out there' just was accelerating.

Why should we care about this particular interchange that's being proposed? Well, first of all, contrary again, in my opinion to the D.B. Hartt study, there are important consequences. Yes, maybe businesses and jobs will, as I believe his words were, *back-fill* into the western parts of Cuyahoga County, but as has been pointed out by another commentator the addition of check-cashing places in shopping centers and in strip malls isn't the kind of back-fill that makes for progress and there is only so much business at this point to go around in a non-growth area. So, again, the question, why do we care what happens to Lakewood, Fairview Park, and even Westlake, hardly an inner ring suburb? Well, what happens there happens to all of us, and it is time to have this more universal approach. I acknowledge that halting an interchange or halting a road widening in and of its self is absolutely insufficient and if that's all we did, we'd be like a bunch of *what-ifs* simply trying to throw a wrench into the works. And I do agree, that what we need is true metropolitan organization. It's starting to sound like regionalism, real regionalism, but we're not quite there yet. Until we reach the promised land, in this particular case, the closest thing that we have to that kind of metropolitan organization, at least in transportation related decisions is NOACA and NOACA appropriately will have to face this issue. It's had this kind of issue before and it usually, almost faces it, not quite. Now here is another opportunity. I hope that NOACA follows its own rules, its own principles, the principles that its own committees have forged to say that this kind of decision would be wrong. And, I will only end with this comment, we have made some progress, in that during the last few years, we've heard exuberant mayors and others begin to

make nice sounds and kind words about the kinds of anti-sprawl actions that are needed and to actually recognize the First Suburbs, essentially the older built-out suburbs, many of them inner ring suburbs have special needs also and all that should be addressed. Yes, we need things like a redevelopment fund, a state and county funded redevelopment fund - all that to help those established communities remain vibrant places. But, until we have that and until we have reached that promised land that I've heard discussed and commented about in kind words, I think that it behooves us to stop making decisions that accelerate our demise and when I say *our demise* I specifically mean Cuyahoga County and with all those comments I certainly would always welcome the chance for more dialogue, but I just thought it was important to express another view here tonight. Thank you."

Council Member Dietrich stated, "I agree with Vice Mayor Montlack about the fact that we don't usually comment publicly right after someone from the public has presented something to us, but as I'm listening tonight I'm finding myself feeling very passionate about this. Although, I haven't prepared what I want to say, my heart is pounding as I listen, makes me think I'm going to need the Clinic, but I respect the Clinic very much and I want it here. After all that we as a council and as a member of the First Suburbs Consortium have talked about, for me, for the last ten years, to do anything that encourages growth of that doughnut hole is something that I can't get myself behind. In case people don't know what the doughnut hole is, it's a little bit of jargon for analogy that's common to people who talk about urban sprawl. The hole represents the inner city and it represents the first ring suburb and that hole is growing as wealth, people, jobs move outward and it leaves behind disinvestment, poverty, problems, while the outer suburbs grow more wealth. I have to say that I'm distrustful of some of these studies. Anything I've ever read from the Brookings Institute is also pretty passionately anti-sprawl. As far as this study about the traffic patterns, there is a study, kind of an older study that I trust very much and that is the League of Women Voter's Transportation Study which emphasizes how all these growth of interchanges certainly contributes to sprawl and contribute to disinvestment of inner cities and inner suburbs. You did mention a 1% (I don't know how we measure a contribution to sprawl) but you said something about that this transportation study said this interchange would only impact sprawl by 1%. One percent impact on urban sprawl by one project is enormous, that is a huge impact. Similarly to what Vice Mayor Montlack said, a metropolitan planning organization sounds like a wonderful thing. I'm concerned that people are interested in forming this now, when something is wanted, as opposed to having joined in on conversations that the First Suburbs Consortium has been having for fifteen years or so. Finally, a comment on the quote that the growth in Avon Lake and there about is absolutely phenomenal. That absolutely phenomenal growth in Avon Lake represents disinvestment right here. That's all I have to say."

Council Member Tumeo stated, "First I want to say thank you. Having been on your side of this kind - I want you to know that I appreciate the willingness to bring this in, because you can have a conversation - I would welcome the opportunity to discuss this with you so you don't feel like you're kind of just sitting there being lectured to. There are a couple things that I would like to highlight because I, too, feel strongly about this. First of all, there are a lot of facts regarding this and I'm a great fan and supporter of the Brookings Institute and of other transportation departments as an engineer myself. I've had a chance to work with them. I think that there are some definitional issues of sprawl and what's happening and what impact is that could lead to the conclusions that they've come about. So, I don't think it's going to behoove us to argue this fact versus that fact, 1% versus 2%, it's going to have some impact, I think that's the first thing. Second, I'm grateful to hear the Clinic is going to build there, regardless. I am a very strong supporter of the Clinic but I also understand that the Clinic can't just survive being a downtown Cleveland institute. Healthcare is critical across the entire region, across the state, across the nation and I'm glad to see the Clinic growing, being economical strong and I'm very happy that's going on. So, I want to congratulate that. Here is where I divert from your approach to this and it's more on fundamental policy beliefs than it's on specific facts. First of all, the impact of one small

project, this is a long time habit - an environmental impact assessment. If you carve it up small enough the impact's always small. The problem is the cumulative impact can really kill you. Very small nails can build a very large coffin and I'm not particularly interested in putting any more nails in the coffin that's already pretty large in this region. Second of all, the environmental impact, more people have to commute and transit, the more pollution we have, that more fossil fuels we burn, the more green house gases we put into the air, the more pollution we cause - yes, there are a lot of people out there. It might behoove them to move closer in and start walking or taking bikes, that would also cut traffic.

Finally, I think that the real important concept here is this concept of a regional approach and we've all sung the praises of regionalism and I think it is a very important and valid point, but the reality is the entire region is not growing, it's moving down. So, when we use the traditional definition of sprawl, it's a city that has population, and population growth is spreading out. We don't have population growing anywhere. We have a vacating downtown. The benefits of growth are not entirely distributed. They're not evenly distributed and the proposal to look regionally at what impact this would be on the population truly merely masks the reality of the social injustice and the economic discrepancies and just the disparity across the board that's the hallmark of the urban/suburban sprawl issue in this region. For that reason, I think it's a really bad idea to put that interchange in. I think it will hurt the inner ring suburbs. I think it will hurt Cleveland. I think it will hurt this entire region and that's why I would strongly oppose it. Thank you."

Council Member Wilcox stated, "I wasn't going to say anything either, but I'll weigh-in as well. I agree with most of the comments that have been made by my colleagues here and I also would welcome the opportunity to meet with you to discuss these things, but just to add a couple of things. One, I just want to recognize what a great contribution the Cleveland Clinic makes to this region and to our city and the eastern suburbs and the entire region, and recognizing all those great contributions I am happy to hear that they're going to go forward with the health center, but I would point out that it will continue to sprawl and I think the point that kind of struck me was in the study it was not going to have a material impact, but I think that's just semantics. I mean, many of these types of things have a great impact and I think it does have a material impact. When you look at 40 acres being used for this health center and then I understand that a developer has 200 plus acres to develop, this interchange is going to serve that development, it's not just for this particular health center, it's for that development is what this interchange will be used. So, I think we have to take a regional approach and NOACA is our regional agency to look at it. I'm sure they're going to study this even further and make sure they have all the information before they vote, but for the reasons that have been stated here, I understand why they should look at this very carefully before deciding to contribute to more sprawl in our region which is something which we don't need."

Mayor Kelley stated, "I just want to briefly also chime in. I want to thank you for your 35 year commitment to Cleveland Heights. I thank the Cleveland Clinic for being such a major contributor of employees to the city. I want to thank the Cleveland Clinic for providing my healthcare for about 30 years or more, although I have noticed lately when I go to the main campus for a checkup I get asked to be outsourced to Beachwood or Fairview Park or somewhere else for some kind of a specialized test, which to me is urban sprawl even though it is to one of the inner ring suburbs - well, Beachwood is not an inner ring suburb. You know you mentioned building an interchange, this is more than just building an interchange, this is definitely urban sprawl whether it's 1% or whatever. You mentioned the congestion of rush hour traffic at Crocker/Bassett. I'll be honest, I could care less if it helps them out in Westlake. Even the west side mayor, I don't think is favorable to this project. I sit on the RTA Board, as you may know. Our RTA vote is not for this project, because there are no plans to incorporate any transit into this Avon/Avon Lake interchange which I think is a big mistake. You did say you were going to build it whether or not you get the support of NOACA, so go ahead and build it, but I think it's

very important that you not forget the roots of where the Cleveland Clinic came from and it came from 9500 Euclid Avenue to where they are today. It would not be buying all these other different hospitals whether it be Hillcrest, Huron Road, Fairview Park or doing this development here without the good hard work on what happened there at 9500 Euclid Avenue and I think sometimes you forget that in the message there.

I was somewhat hoping today, that you'd come here and talk to us the same way the people with the medical mart and Continental Airlines did with the City of Cleveland, re-enforcing the base city - the core city and more of a regional approach. I understand the need to grow, but you know, sometimes you need to take a step back and not be ready to just to sprawl out, out of the county, out of the city, out of this city. I can't imagine the time when the Cleveland Clinic had any plans to do anything even on a small scale in our city. Although, indirectly you did give us the beautiful Kaiser Building when you kicked them out of the emergency room at the Cleveland Clinic and we competed with Mayfield Heights for them and I thank you for that. But, to be honest with you, we are not going to support this as a council or as a city or as our vote, as Mr. Downey with NOACA, even if it costs us our change money to do the Cedar Fairmount Traffic Study. We'll just have to pay for it ourselves. As a member of the RTA Board we're not supporting it either with Mr. Calabrese and his vote, because there isn't any public transportation component in this project and as I said before if the people want to get off at the Crocker / Bassett exit to stay a little bit longer, that's just too bad. That's not a reason to do this type of project. Thank you."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have just one item this evening. In your packets you received a copy of Bid Document 2007-12, Cain Park Site Improvements, the lowest and best bidder for that project was Apex Construction and Management in the amount of \$280,053.75. Also, Bid Document No. 2007-13, Forest Hill Park Path Resurfacing. The lowest and best bidder was the Burton Scot Contractors, LLC in the amount of \$85,950.00. Your Honor, I would request that the bid tabulation and award of contract be made a matter of record."

Mayor Kelley made them a matter of record.

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

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

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "Thank you. I have no legislation this evening. I would just like to make a comment. For our students that are here, thank you for coming. I would like to urge everyone to have a little more interest in local government. Every now and then we have some fireworks and some topics to discuss. I also want to let you know - that was our citizens - well aware of this *[sic]*. What you see at the public meeting is only the tip of the iceberg of the work of local government and the city council. We meet every Monday. We start around 5:45/6:00 and we have lots of discussions as was evidenced regrettably by our late start tonight. I would urge you to stay informed and be involved and I would urge everyone in Cleveland Heights to do that. Thank you."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, "Thank you. I have no legislation. I always feel like the comic relief of the report because we do all these weighty things and then I come along and start to announce

little recreational things that are happening in town, but, be that as it may, here I go. I want to congratulate a couple of our local non-profits. First of all, Heights Community Congress for a wonderful house tour weekend this past weekend. Saturday night, the preview party at Oakwood Country Club - the preview party gets better and better every year. There have been times when people thought the food was a little scrimpy because it is a fund raiser. This was a feast at Oakwood County Club. Dinner was fabulous, dancing, silent auction. I think the reputation of the house tour preview party is quickly taking off and more and more people are knowing what a wonderful party this is becoming. It was very crowded. Sunday, the actual day of the tour, was very festive at every location where houses were being on display. I heard great comments about Cleveland Heights just from people I happened to overhear. The house tour that Heights Community Congress does every year in and of its self, even though it is their fund raiser, showcases our city in a really wonderful way. This is a real spirit builder and I congratulate them on a wonderful weekend.

Secondly, to Reaching Heights, Susie Kaesar is announcing her retirement after eighteen years as the Executive Director of this organization that has been focused on boosting public involvement in the public schools. Susie will actually be on through November, but her replacement takes charge on October 15th and that is Patrick Mullen, who people may know as a Coventry resident and past president of the Coventry PTA. A celebration is in order, I'm sure, for the outgoing Executive Director Susie Kaesar, I hope so.

On to recreation. I want to reiterate something that I said a couple of weeks ago. If you have a child, a young child aged five to ten who is interested in hockey - ice hockey, now is really a wonderful time to introduce your child to ice hockey, because this is the first fall that we have an elementary school hockey league, so that kids can play hockey with a team from their own elementary school. This is all aimed for beginners. It only costs \$35.00 a session and most equipment is provided on a loan basis for the season. We really are trying to build up this program because it sounds like a really fun thing for young kids and a great way to start hockey. The person to call if you are interested is Chris Kendel. The number is 691-7347.

One other upcoming event that I want to alert people to is a golf outing. The first annual golf outing to scramble and it is a fund raiser for the Heights High boys and girls basketball teams. This will be held Sunday, October 7th at Fowler's Mill. The shotgun starts at noon and if you make a hole in one you will be the winner of a new Honda Accord given by Honda Motorcars. If you want to reserve a place you have to do it by the 20th of September and you do that by calling Barry Eigen and that number is 740-262-5359.

Two other things to talk about. This is a little more serious. This has to do with emergency preparedness. Ever since 9/11 every once in a while a citizen asks me how citizens can get involved in preparedness for emergency and there is a way. This has to do with a mass inoculation program in case we'd need to give mass inoculations in our community. In order for us to get the vaccine a community has to develop something called a MI/POD and that means Mass Inoculation Point of Dispensing and you have to have like a volunteer structure in order to be a point of dispensing for inoculations. We are holding a meeting for anybody that would be interested for being a volunteer should there need to be a community inoculation. Fire Chief Mohr is heading this up. The Community Center would be the point of dispensing and the meeting who is interested in volunteering for this is on October 10th at 7:00 p.m. at the Community Center. You don't need to be a nurse or medical personnel or anything. Citizen volunteers are what is required for this. You would be given an assignment and people have to commit to working twelve (12) hour shifts. It's a big deal. I know people have asked about being involved in this so October 10th is the time to get involved.

Finally, it's time to register to vote, if you need to register to vote. If you are unregistered or if you have moved recently since you last voted. You only have about three more weeks to register to vote before the November election. Easy places to do it, you can do it at City Hall, very easy places - at any library branch and just remember if you don't vote, you're not really represented by anybody. Make sure that you register and we'll talk about absentee ballots another time. It's time to think about that too. Thank you, that's all that I have."

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "There is no report tonight. Thank you."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have one piece of legislation and that is Resolution No. 123-2007(MS). Although we hate to think about it winter is coming and so this is Resolution No. 123-2007(MS), authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation for participation in the Department's contract for the purchase of sodium chloride; providing compensation therefor; and declaring an emergency.

We all know that is the salt that goes on our streets when it's going to snow or freeze.

Section 5313.01(B) of the Ohio Revised Code provides the opportunity for political subdivisions to participate in contracts of the Ohio Department of Transportation ("ODOT") for the purchase of machinery, material, supplies or other articles. Another section, Section 171.10 of the Cleveland Heights Codified Ordinances authorizes the City to participate in the ODOT Cooperative Purchasing Program. It would be in the best interest of the City and its residents to enter into an agreement with ODOT to participate in the Department's contract for the purchase of salt for the 2007-2008 winter season. Therefore, be it resolved by this Council that the City Manager be authorized to enter into an agreement, as agent for the City, with the Ohio Department of Transportation for participation in the Department's contract for the purchase of sodium chloride for the 2007-2008 winter season. The agreement shall be for a one year period, effective as of the date of award, and shall contain the following terms:

- a) The City shall purchase between 50% and 150% of the estimated salt tonnage of 10,000 tons;
- I. The City shall be bound by the terms and conditions of ODOT's contract with the successful bidder/ vendor;
- II. The City shall be responsible for payment directly to the vendor for quantities purchased under the contract; and
- III. The City shall hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in the contract.

The agreement shall contain such further terms as recommended by the City Manager and Director of Law. Notice of passage shall be given and this Resolution is determined to be an emergency for passage tonight. I offer Resolution No. 123-2007(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 123-2007(MS).

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

Nays: None

Resolution passed

Council Member Caplan stated, "Thank you, and before we get to winter and talk about salt, leaf collection will begin October 1st and I think it will go through, I believe it's November 9th or so. We encourage you not to put your leaves into the street. Pile them on your tree lawn, it is dangerous when you put them in the street and the city will come and get them.

Also, summer doesn't appear to be over yet and it really isn't, and so many of you have gotten new trees or trees that have been planted in the past year or two. Remember to water them. It's been very dry and if we'd like to have little green trees in the spring now is the time to do some watering. So, please pay attention to the trees and give them a drink too.

Recently, you got a Focus Magazine from the city in your mail. There was a wonderful spread about recycling. Please read it, because it explains lots of things about recycling in the city. I think there were a couple of things that were confusing, perhaps. We talk about techno trash. Techno trash, you can put out on your tree lawn for your regular pickup and that. It covers things like your computers, monitors and those kinds of things and cell phones too, actually. If you have a tv and you want to throw it away, you have to throw it away - it's not techno trash. It doesn't come under that definition. Batteries, too, we collect and the batteries we collect outside on the curb are from your automobiles, they're from wheel chairs. The little batteries that come in your flashlights or things like that - toys, you want to recycle those. There are bins here at City Hall and there are bins at the Community Center. So, don't throw those in the trash. They are really terrible for the landfill and if you bring them to either of these two sites we can have them recycled. If you have other questions about that techno trash business do look in the Focus Magazine and the people both at City Hall would know about it also. I encourage you to continue doing your recycling. We're really getting good at it and we need to get even better, because it is good for our environment. That's all that I have. Thank you."

Mayor Kelley added, "Next year, at the Emmy Awards we will be going for the award for the *Best City of Recycling*. We do take recycling very seriously and we are trying to improve."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation from this committee but I did want to just make one announcement and that was to give an update on our Top-of-the-Hill project or the potential development at the Top-of-the-Hill. This is at Euclid Heights and Cedar. This is our kind of contribution to anti-sprawl by looking back at our own city and trying to redevelop it. As you may recall, the city has done a feasibility study through a consultant about a potential development at that area. There were two public hearings that were held earlier this year to present the results of that feasibility study. We had good attendance at those and many questions. Council is now ready to take the next step in this process and that is developing the design guidelines for this S-2 zoning district. The way that works under our Zoning Code is the Planning Commission and our Planning and Development staff will have work sessions to develop basic concepts and ultimately develop design guidelines for any potential development at the Top-of-the Hill. There will be a number of these public meetings and there will be an opportunity, again, to make comments and ask questions at these work sessions and we have scheduled the first one of these work sessions for Wednesday, October 3rd at 7:00 p.m. at our community center. We are planning on having followup meetings the first Wednesday of November and December that would be November 7th and December 5th. So, hopefully you can attend one or more of those meetings and follow the process. Again, Wednesday, October 3rd, 7:00 p.m. at the community center is the first one of the design guideline meetings. That concludes my report."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. The next three resolutions are nuisance abatement resolutions. Each property in the individual resolutions have not been maintained for a number of years and they are in a state of severe disrepair. The City Manager and the Certified Building Official have further reported that the property, each property has deteriorated over the years to the point that they are hazards to the health, safety and welfare of occupants, the public and they are each blighting and deteriorating factors in the neighborhood adversely affecting the value of the neighboring property.

I'd like to start with Resolution No. 124-2007(PSH), declaring the property at 3561 Atherstone Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. This property was reported to this Council that 3561 Atherstone Road is owned by Deutsche Bank National Trust. It has been found that pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights, that this property, again, as I said before, is in a state of disrepair. I'd like to present Resolution No. 124-2007(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 124-2007(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "With this one as well as the other two, the owners will have an opportunity to make the corrections. If they haven't been made within thirty days, then the city takes care of it and as you know that the cost associated with these repairs and corrections does come back to the city after the property changes hands in most instances. In this particular property it requires painting, scraping, and doing the appropriate trim for almost six thousand dollars.

Next is, Resolution No. 125-2007(PSH), declaring the property at 3462 Monticello Boulevard to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. Again, I state that this property is in a severe state of disrepair. I'd like to present Resolution No. 125-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 125-2007(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "This property has a huge dead tree in the western corner of the property and it needs to be removed and the cost is approximately \$1,200.00.

Last of the three resolutions is Resolution No. 126-2007(PSH), declaring the property at 1137 Sylvania Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. There again, this has been found to be in a severe state of disrepair and it does constitute a health and safety hazard. I'd like to present Resolution No. 126-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 126-2007(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "This particular property needs to have the exterior painted, scraping and trimming and gutters need to be cleaned and the garage roof needs to be replaced and there is a French drain in the rear yard that needs to be replaced and there is some yard work that needs to be done and that approximately will cost us almost ten thousand dollars.

I'd like to present Resolution No. 127-2007(PSH), remembering the victims of the terrorist attacks on September 11, 2001 and the thousands of firefighters, police officers and other persons who participated in the rescue and clean-up operations, and to pay tribute to our local safety forces; and declaring an emergency. Whereas, on September 11, 2001, this nation suffered the most serious attack on American soil in its history, leaving almost three thousand persons dead, including hundreds of firefighters and police officers. Whereas, the 9/11 tragedy reminded us of the thousands of everyday heroes such as firefighters, police officers, paramedics and other safety force personnel who place their lives on the line on a daily basis to provide security and protection to their fellow citizens; and, this sacrifice is exemplified by the recent killing in the line of duty of Cleveland Heights Police Officer Jason West, who dedicated his life to the protection of the people of this community; and, this Council and the residents of Cleveland Heights are grateful and proud every day of the excellent services provided by our police and fire safety forces. Now, therefore, be it resolved by the Council of the City of Cleveland Heights, Ohio, that: This Council remembers the victims of the September 11, 2001 terrorist attacks on the United States and the thousands of firefighters, police officers and other persons who participated in the recovery and clean-up operations, and pays tribute to our local safety forces, and this Council further urges all residents to use this sixth anniversary of the 9/11 tragedy as an opportunity for reflection and remembrance. I would like to present Resolution No. 127-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 127-2007(PSH).

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

Nays: None

Resolution passed

Council Member Evans concluded, "Although, we're reading this six days after the actual celebration day, it is just as important to us as it was then and will continue to be. I certainly hope that everyone in our country will continue to work towards being a more secure and strong country.

Council Member Dietrich talked about the voter registration. I would like to remind people that if they moved, if they are living some place and they've not voted in that community that they should call the Board of Elections or visit the Board of Elections to see if they are registered to vote where they think they are. After having turned in petitions a couple of weeks ago, a number of signatures were invalid and I just believe that people don't understand that they are the ones that have to make the change at the Board of Elections. They can't think that just because they moved, changed address that the Board of Elections will just then automatically know that. They have to make arrangements themselves so that they will have an opportunity to vote on November 6th. It's your responsibility to make those changes. That completes my report this evening."

REPORT OF THE MAYOR

Mayor Kelley added, "The number at the Board of Elections is area code 216-443-3200 or area

code 216-443-3201. So, if you have questions, concerns, register to vote, registration or even absentee ballot, use those numbers and use them wisely.

Just a very quick comment, thirteen days ago on September 4th, I returned home from our meeting to get a call from an irate University Heights resident complaining on how the University Heights City Council voted by a 6 to 1 vote to allow the [Heights] High School to play their high school game against Shaker Heights at John Carroll University. I couldn't hold my overjoyment at that fact this finally happened after nearly ten years of trying to get our high school athletes to use John Carroll University for a football game. Now, it comes to pass almost two weeks later that this game is no longer at John Carroll University. Why? No one seems to know the complete or the accurate answer and I will not rest until I find out why. This is a great opportunity for the young men and the young women on our football team and for the cheerleaders and the band and the fans from our city to go to John Carroll, a first-class facility, to have a football game played on a Friday night under the lights in University Heights and have a game there and to play our natural rival, Shaker Heights. We've been working with John Carroll, we've been working together to try to make this happen for many, many years and to finally get the school board and the University Heights Council by a 6 to 1 vote to approve this - to even think that something has to be voted on by a council for something so simple as a football game. This year Case Western Reserve University opened up its dormitory and its football facilities to the Heights football team for nearly a week for summer practice, which I thought was simply outstanding, that CWRU which is not in our city or the City of University Heights, then to hear the better news that our young men and the two young women that are on our football team will have the opportunity to play here, that our band will be able to play here on a fantastic surface, artificial turf surface under the lights on a Friday night, great stands, great concession, the whole things - a college atmosphere. And now to find out in the last few days, that it's not going to happen. Simply, we need better answers than maybe Shaker didn't want to play here or something like that. This is just not acceptable in our community. Our young athletes deserve the opportunity to use this first-class facility and I will not rest until I find out why or until we schedule Euclid or Bedford or someone else at this facility. I am a proud graduate of John Carroll University and it's at least what my alma mater can do to open up that facility to these young athletes to give them an opportunity to showcase their talents under the Friday night lights' game and let some of the local college recruiters come and see our athletes play. It's good for our community. It is good for the University Heights' community to be in a college atmosphere and playing Shaker. I can guarantee you we will have six to eight thousand fans minimally there to watch this game, because it will be a very important game in week nine of the series. So, we'll get to the bottom of this. Stay tuned for more.

I will adjourn the meeting at 9:03 p.m. Our next meeting (and I hope I'll have an answer before then) will be Monday, October 1st at 7:30 p.m. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc