



# CITY OF CLEVELAND HEIGHTS, OHIO

## MINUTES OF THE CITY COUNCIL MEETING OF MONDAY EVENING, OCTOBER 22, 2007

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

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Czaga, Downey, Gibbon, Malone, Mannarino, Niermann  
O'Neil, O'Donnell, Wagner, Wong

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

Committee of the Whole adjourned at 7:25 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:40 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, October 1, 2007 were approved and signed by Mayor Kelley along with the resolutions passed at that meeting.

"My name is Lita Gonzalez. I reside at 2971 Scarborough Road. I'm here to speak in support of the levy. I want to thank Councilman Wilcox and Councilwoman Dietrich for publicly supporting our schools and our children by endorsing the levy. The CH-UH School District, administration and Board of Education have responsibly monitored the district's finances, adopted zero-base budgeting, encouraged creative ways to save on expenditures and have already made over seven million dollars in difficult cuts to the district's operating budget, while still providing the high standard of quality education that our children deserve. This levy is the smallest levy in twenty years and demonstrates a high level of fiscal recountability and responsibility to the residents of CH-UH School District. Its passage will assure that academic progress this district has made over the last four years will continue. The list of accomplishments by this district is very long and includes test scores that continue to rise, a graduation rate of over 96%, numerous national and regional awards for academic excellence and significantly closing the minority achievement gap. None of these accomplishments are by accident and anyone who thinks that this district has no vision or strategic plan for where it wants to go and what it needs to do to get there has never listened to our Superintendent Deb Delisle speak about the incredible innova-

tive educational programs and initiatives she's working to provide for this school district and her commitment to providing quality education to all the children living in the district. She and her administrative team have assured that the children of this district are positioned to be successful life long learners in a global economy that is changing on a daily basis. Her educational vision is dynamic, progressive, ever evolving as additional opportunities become available and is an educational vision that this community should be embracing and that every student and family deserves. Our public school system is by definition an education-system for all children regardless of their race, color, religion or socio-economic status. Public education is a public good and quality education is not a luxury, it is a necessity. No child is expendable. No child should ever be denied an equitable quality education and public school systems must never reach the point of hand-selecting who they should or should not teach, who they should or should not welcome through their doors or who should benefit from the valuable educational resources that can make a difference between future success or failure.

A strong school system can mean a strong community, but only if the community it serves supports the democratic concept of making quality education available to all children. This district's superintendent and her administrative team, the teachers and support staff and the board of education have proven to this community that excellence can be achieved in a fiscally responsible manner. They have been guided by two important questions. Will this equitably improve the quality of education for all children and is this a fiscally responsible use of tax payers money? This is why I am so amazed that at this critical point you would turn your backs on the children of this district by not supporting the levy. This is not the time to abdicate your responsibility to guarantee that every child who moves into this district and attends our city's public schools either by choice or necessity continues to receive a level of education that we as a community can be proud of. It is not okay to say that you will vote for the levy, but will not publicly endorse the levy. That amounts to playing political football with the future of our school district. The children who attend our schools and the families residing in this city deserve the highest quality public education and the kind of enrichment and support programs that would help them achieve success. Passage of this levy will ensure that. I am asking you all to publicly endorse this levy. Thank you."

"Jason Stein, 3510 Severn Road. We, the residents of South Taylor are here tonight, because of the current negotiations that are taking place between the Cleveland Heights-University Heights Board of Education and the City of University Heights to sell school land on Taylor Road to University Heights. University Heights in turn plans to build a salt dome, maintenance garage and outdoor basketball court. In plain English, this is a real bad idea. The salt dome and maintenance garage would hurt housing values, hurt the Taylor Road Commercial District, the trucks would be noisy at all times of night and the salt trucks and garbage trucks would turn the Cedar-Taylor intersection into a permanent road construction zone as these heavy trucks destroy the street. No one wants the salt dome or garbage trucks in their back yard or across the street. As far as the proposed outdoor basketball court - why? Across the street is Cain Park, which already has a basketball court. Taylor Road is perhaps the most diverse area in the most diverse city in the entire country, but there is no diversity of opinion when it comes to our opposition to the Board of Education selling land on Taylor Road to University Heights.

Mayor Kelley, you've been a strong and clear voice against the sale of Taylor land to University Heights. Thank you for your support of the families of Taylor Road.

The issue here tonight is not about a salt dome or maintenance garage or basketball court. It is about the residents of South Taylor. It is about the children that live here and are growing up here. We want them to grow up in a beautiful, dynamic and thriving area. The children deserve nothing less. The issue is whether the Board of Education supports the residents or are in opposition to the residents. If they support the residents of Taylor Road, they must publicly say that they oppose the sale of Taylor land to University Heights. We do not want the Board of Education to sell land on South Taylor to

University Heights. We request that the Cleveland Heights City Council ask the Board of Education to make a public statement that they will not sell school land to University Heights for their salt dome, maintenance garage or basketball court. Thank you.”

“My name is Rabbi Simcha Mann. I live at 3594 Shannon Road, Cleveland Heights. I’ve had the honor and privilege of being a resident of Cleveland Heights for close to twenty-one years. I’ve had the opportunity to travel extensively and see many communities in all over the United States, and I can say without a doubt that our city is definitely better than any other one. We know no one is perfect, but there are times that problems or different concerns come up with residents, whether it has something to do with the city or between residents and I was asked many times to act as a liaison and I’ve had only positive results from - I could go down the list from whether it was City Manager Bob Downey, Rich Wagner in Housing, Tony Carbone in Building and I’m just reminding you who works for you - Alex Mannarino, Utilities, Chief Lentz in the Police Department, Richard Wong in Planning and the Honorable Mayor Kelley and his crew - a wonderful city council. We like it exactly the way it is. We don’t mind if you add one more seat, but everything is fantastic. I would like to take this opportunity to thank publicly Rabbi and Mrs. Wolf and David Lipins for being a liaison for all of us in the past and I think we all owe them a debt of gratitude.

There is an old saying, you can’t fight City Hall. I really don’t think there is a reason to fight City Hall, you can work with them. Every single one of these people work with you, and if there is a problem they will come to some conclusion that is good for everybody, and again, I thank you for your time.”

“Good evening, Mayor Kelley, Members of City Council. My name is Malia Lewis and I live at 3274 East Monmouth Road. You already know the Ohio system of school funding requires local school districts to pass a tax levy every three years. You already know that our school district has made permanent budget cuts of seven million dollars over the last four years. You already know that our school treasurer has won state-wide awards for the clarity and accuracy of his financial statements. You already know that our superintendent has delivered on her promise to create a system where there are no excuses for poor performance and each child succeeds. But, did you know that our high school graduation rate is now ten points higher than the Ohio state average. Did you know that eight buildings in our school district ranked effective on the Ohio Department of Education Report Card last August? Did you know that outside the confines of Northeast Ohio the reputation of our school district is soaring? Did you know that failure to pass the upcoming levy on November the 6<sup>th</sup> will destroy the gains for which our students, teachers, families and administrators have worked so hard? As City Council Members you are proud of the city services offered to Cleveland Heights’ residents. You trumpet the strengths of our local businesses, you revel in the relative stability of our housing values, you praise the variety of housing options available in Cleveland Heights. You tout the strength of the arts in our community. All this to attract new residents because the population of Cleveland Heights has been dropping for decades. Census data tell a clear story. The city has been losing adults between the ages of 30 and 45 and young children at a faster rate than other age groups. Cleveland Heights has been losing white residents, but we have gained, in relative and absolute numbers African-Americans, Asian and Latino people. Cleveland Heights has been losing married couples with children, but we have gained female heads of households and their children. As City Council Members you need the population of Cleveland Heights to remain above 50,000 residents. Don’t chase off the ghosts from the past. Target your strengths, serve the residents of Cleveland Heights who are here now and go after potential residents who want everything we have to offer and that includes our public schools. You say that our public schools are an integral part of our community and yet you stonewall school board members with statements like, ‘We already do a lot for your kids’. By not endorsing the levy you undermine the work of all those who volunteer their time for our children and do make the schools an integral part of our community. You say you stand behind all the schools of Cleveland Heights - public, private and parochial, and yet you

turn your back on those fighting to improve our public schools, fighting to give each child in the classroom the best possible education with the resources available. By not endorsing the levy you deny our children in public schools the resources they need to continue their journey to success. You say that our children make our future and yet you hold our children hostage to petty political adult revivals. By not endorsing the levy you deny our children their right to a better future. You say you value a diverse community and yet you support those who say our community is at some tipping point. You support those who think there are too many African-American children or too many poor children in our schools to make them attractive to white middle-class parents, too many African-American children or too many poor children to make them good effective schools. Let me tell you, the effective schools in Cleveland Heights have some of the highest percentages of African-American students and/of poor students. Once middle class white parents open their eyes wide enough to see past the color of the students, to the quality of the education, they will wonder why they're shelling out eight - ten - thirteen thousand dollars a year to a school that does not provide the same quality of education, the same breathe of programming or depth of services, the same commitment to providing each child with the tools and support that child needs to succeed. Now is the time for city council to replace lip service with action. Use your clout to help, not hinder our schools. Propose a resolution to endorse the upcoming school levy. Take a vote for our schools, for our children and for our community. Endorse the levy. Thank you for your time."

"Good evening. My name is Hindy Wolf Bluestone. I live at 3797 Bendemeer Road in Cleveland Heights. I am a parent, a teacher in the Cleveland Heights community, and although several years ago my husband and I had the opportunity to purchase a home in University Heights, we chose Cleveland Heights instead because of the closeness and safety of this neighborhood. We know that in times of happiness, joy or crisis our neighbors will attend to our needs. I grew up in this city and I have a true and honest love for this community. I've watched this community grow, experienced instances of shared happiness and grief, mourned our losses, and celebrated our victories. As a neighborhood, we have grown only closer, all the while swearing that we will bind together and remain a close-knit community. The selling of a building to the City of University Heights to use as a recreation and maintenance will divide the city rather than bring us closer together. A maintenance garage this close to our children will put our youth at untold risk. An unwelcome factor will be introduced to our city and the City of Trees will become a city of trash. University Heights does not want to build in the midst of their own city because they are aware of the dangers of putting a salt dome and maintenance garage within city limits of their own growing children, but they have no compunction about exposing our children to those risks. Cedar-Lee and Taylor Roads are home to a number of schools. As it is, the traffic situation gets risky for those children walking home from school. How will adding traffic and trucks make our city any safer? Please consider you decisions carefully. The City of University Heights wants to put their trash in our backyards and the long term safety ramifications will far outweigh any amount of monetary compensation that could possibly be gained. One simply cannot put a price on a life of a child. As a city, we work together, all of us, regardless of background, to do what is best for our children. We are fully aware that if we raise educated, intelligent and safe children, they're more likely to come back home as educated, intelligent and safe adults. We have to be pro-active about introducing dangerous factors to our kids, and allowing a maintenance garage and salt dome so close to our children are - which is risky at best. The Cleveland Heights-University Heights School Board is simply showing once again that they lack a compassion and caring for our city. Time and time again the school board has made decisions that does not necessarily reflect what is best for our city. Protests, have not seemed to make a difference, but in this case, we must absolutely and irrevocably put our children first. Cleveland Heights is a city known for lovely trees and greenery, an amazing and community support of city council, and positive neighborhood feelings with smiles and waves as one drives through neighborhood streets.

However, Cleveland Heights is also known for some of the highest property taxes. As far away as Portland Oregon (where I used to live) people knew about the high property taxes. Consequently,

the comments regarding these taxes were met with comments about how excellent our school district must be. However, the Cleveland Heights-University School Board have not proven that they're fiscally responsible for any funds or the way that those funds are allocated. In 1972 a bond was passed to build four new schools. Thirty-five years later, three schools: Millikin, Coventry School and Taylor Academy have been closed. Two of these, built from the 1972 bond. Two of these buildings now sit empty in spite of at least one valid and financially beneficial offer to purchase one of these properties. Now the school board wants to put a tax levy on the ballot which will give more money to individuals that consistently show that they are not responsible enough to work with what they already have. They want those of us who already work two, sometimes three jobs to pay an average of an additional \$300.00 a year in taxes when approximately 50.5% of students in this district already come from economically disadvantaged backgrounds. That's a huge number. That being said, it is sad to note, with the passing of each school levy for this city, teacher and support positions have been cut, and yet administration and operating maintenance costs have consistently remained amongst some of the highest costs in the district. In the 2006 comprehensive annual financial reports, the district had been noted to have financially improved, but according to schoolmatters.com a website that monitors school and student progress, Cleveland Heights has consistently spent \$13,696 per student, which is the highest in the county and the state, with the math and reading proficiencies being reported as the lowest in the state being at 74.6% and math at 63.8% compared to 78.8% and 72.3% state-wide. That means, that in spite of several tax levies being proposed and passed in the past ten years, there remains an almost 30% chance that a student leaving our school district will be C- reading level and a D- math ability. Financially, the school board has not proven that they are able to raise those numbers. Passing another tax levy will not solve the educational difficulty that this school district has, rather it will increase negative responses towards the city and the school board, which in turn will increase the number of homes that sit empty while people chose to live in cities with lower taxes. Thank you."

"Meghan Zehnder, 2241 Maplewood Road, Cleveland Heights. I thought we were kind of on the same page, which I'm thinking we still kind of are, though she was saying taxes are too high, so maybe selling land would reduce taxes, but she doesn't want land to be sold. I get that - it's a little contradictory, but we'll move on from that.

The reason why I came is because - you know I work for the school district - active - very proud to have bought a house back in Cleveland Heights, love Cleveland Heights, most of my friends moved back from all over the nation. My sister would like to in Portland, Oregon, but her schools are closing because the state cannot fund the schools. So, I'm back in Cleveland Heights working in Cleveland Heights, believe in Cleveland Heights, proud of the work you do, proud of domestic-partner registry when it passed, proud of civility, proud of the rec center, all of the things that you do, beautiful Cain Park, the city - the pretty flowers that are hanging all over the city, simple things like that, I appreciate. I pay taxes. I'm okay with paying taxes. I get a lot of services in Cleveland Heights, maybe it's because I live in Cleveland, but now in Cleveland Heights - it's worth it. I also work for the district, so I understand maybe my job is not worth it, I get it, but I feel like it is. I work with these kids every day. I'm not asking you for you to support the levy anymore. Your voices have been heard. All I want to say is that I'm very disappointed that I can't support this board anymore like I used to and that's frustrating and sad, but then I look here and I see all these people and I'm very happy they're here and I support the fact that they're here. It's great. And I think why are they here? They're here because the cities are divided, Cleveland Heights and University Heights are divided - that's it. That is why all these people are upset. I'd be upset too. I don't want the land to go with what it's supposedly rumor-viled [*sic*] associated to go with. I don't want it to go with that either. Let's form a group to talk about (another group in Cleveland Heights) to talk about how we can work this issue out. Clearly, well, civil, positively - we're adults. The city needs to join together and stop holding the school board hostage. Please, I will do what I can, give up another evening, like I had to tonight to help you if you need it."

“Stuart Greenberg, 3367 Berkeley Road. I sat here and listened to many members of the community and I don’t believe you can see all the members that turned out that are sitting way back in the hall - standing in the hall. They’ve all pointed out rational points for not building a salt storage facility, maintenance facility and a basketball court. I don’t know how many people are aware that there is a salt storage facility and maintenance facility in South Euclid, not more than two miles away from us. It is an eye sore. You can stand there in the winter and watch the chemicals of rock salt, which are poison, pour into the sewer system and get into our environment. Taking away the trucks, you want to put a basketball facility there. Let’s keep in mind that most communities now are taking down basketball nets because of the troubles that circle around basketball courts. Children of this community can no longer go into Cain Park. You can sit there and watch drug deals right in front of you. No one is trying to hide it by the basketball courts. You can watch children knock other children off their bikes and steal them. You can watch gang fights and you can watch children being mugged. It is deteriorated in the last year. It has come up out of Cain Park. To put another basketball facility in would be the absolute worst choice that this community could make, because basically what you would be saying is that it is alright for the dregs of society to come up to the surface.”

Mayor Kelley stated, “Thank you, Mr. Greenberg. Before anybody else speaks, I want to be clear on a few things here. This City Council, city administration/staff, we oppose any type of salt bin, municipal service facility, basketball court(s) - plural - on any site on South Taylor Road or any site on Taylor Road. We have opposed it. We have let the powers to be in University Heights to know about it. Our law director has contacted the University Heights law director about it. We have let the school board know on no uncertain terms a number of times, including the October 5<sup>th</sup> meeting when Mr. Downey was present, Susanna Niermann O’Neil our Community Service Director with Kal Zucker, the board president, with the Superintendent Deb Delisle and Steve Shergalis, the business agent. So let’s be clear about one thing in this room before we move on. We, all seven of us on City Council oppose this. We will do everything necessary to stop it including going to court. Is that correct, Mr. Gibbon? [Followed by applause and the Mayor continued]. Is that correct, Mr. Gibbon, the going to court part?”

Mr. Gibbon replied, “Yes.”

Mayor Kelley continued, “We are prepared to go to court if necessary and that is not an idle threat, we do not take this idly, but we will not sit by idly while things are going on. There are plans in University Heights City Hall. The Service Director Chris Vild does have plan showing a salt bin on that site, including the board property as earlier as last Friday, I was made aware of this. So, you know we can sit here and talk about this all night, we’re more than happy to listen to you, because that’s what we’re here for and I’ll take more comments if necessary, but we oppose it from top to bottom on this Council and our staff and we are working to make sure it does not happen. Okay! And that’s what we’re going to continue to do on this Council and we’re going to continue to work for everyone, it’s not just certain people in that area. I’ve been talked to by African-American people that live there, by white people, by anybody who lives there. Nobody wants it there. You are correct. It will bring down property values. It will ruin the quality of life in that neighborhood and it’s not what we want there and the Mayor of University Heights knows it and we’ll move forward from that point.”

“Good evening, Mayor Kelley and Councilpersons. My name is Tracy Hill-Adognravi. I live at 2509 Queenston Road. I come before you this evening to convey my disappoint at the non-endorsement of Issue 6, the Cleveland Heights-University Heights operating levy, by the majority of this council. I moved to this community over eight years ago because I wanted to live in a community that embraced diversity. I am a licensed teacher and pupil services administrator, who has worked for over fifteen years as an educator. I hold two masters degrees in education. Over the last eight years I have witnessed the dramatic improvement in our schools, academic programs and curriculum. As a member of a newly formed minority achievement parents alliance, I’ve met numerous times with district administrators to focus on eliminating the achievement gap and providing rigor and excellence in equity in

programming to all of our students, regardless of their race or socio-economic class. I recognize, as an educator, that the most up-to-date and effective research and practices are being utilized in our district. We have a lot of work to do. We've made a lot of improvements and we are on a journey to excellence. One of the most perplexing things to me is your non-endorsement of the levy, but the endorsement of board candidates who want to focus on increasing enrollment to attain some optimal balance of race and class instead of pursuing excellence. One of the strategies that they propose to attract students or families to our district is the promise of smaller class sizes. Now here is a little fact for all of you, our schools would have to enroll over two thousand students, additional students before we would see another red penny from the state. Now what does this mean for all of the University Heights and Cleveland Heights residents who are here in this room? A shorter levy cycle and more taxes. So it seems hypocritical to me that you would embrace candidates whose lack of knowledge about school funding and whose efforts will increase spending and taxes for everyone in this room, but you won't endorse a levy that would provide the needed support to the students who are currently in our schools."

Mayor Kelley asked, "Mr. Coble, do you want to speak on that issue?"

"Thank you. My name is Eric Coble. I live at 3011 Edgehill Road. I don't want to turn this into a debate. I am a candidate for school board. I'm running with Nancy Pepler. We both support the levy. We are both firmly supportive of the public schools. We are working to make the board more communicative with both communities. I would like to address the question which has been raised by several people here, saying that our candidacy is based on trying to attract white students and trying to attract the right students and trying to determine who will come into the community. This is blatantly false. We have never said this, we will never say this, we do not hold this to be true. We do want to increase attendance, we do want to increase enrollment, we do want new families moving into this city. I think everyone here would rather live in a city where families are choosing to come here because they think our education is good than to live in a city where people are leaving because they think our education is bad. Nancy Pepler and I believe our education is very strong in this system and we believe that it can get stronger. We want to attract more families and to become a more attractive city for everybody regardless of race, class, economic status, we want this to be a welcoming environment and we want people to want to live here for all the right reasons. Thank you."

"My name is [Rabbi] Sruly Wolf. I live at 3555 Bendemeer Road. First of all, I want to respond to some remarks that were made. The City of Cleveland Heights is one of the most diverse cities in the country and one of the greatest cities in the country and that's [applause] - -. I don't think that not supporting a levy indicates a lack of diversity and I would like to say that it's about time that City Council took a stand when it comes to the Cleveland Heights-University Heights School Board. Now, it might be to some, petty politics, however, since I live in the city, I don't recall a time that the Board of Education has sat down and consulted with the City Council of Cleveland Heights, the Mayor, the City Manager or anybody else in any decision they make, number one. Number two, try to get something done from the Board of Education of University Heights-Cleveland Heights, that it's almost impossible if it doesn't meet their agenda. Case and point; a year ago August, a resident on Bendemeer Road, went to Mr. Shergalis (I think that's his name) and asked if they would move the bus stop a hundred feet so five or six girls didn't have to walk a block in winter time. The bus made that turn past that stop which they desired. It took - first of all - the Mayor of this city made some phone calls and never got his phone call returned. Where I come from, if a Mayor of a city makes a phone call, he deserves at least the respect of a returned phone call whether you agree with him or not. It took six months to get that bus stop moved and that's not acceptable and it's just indicative of the way you think of the residents of Cleveland Heights that are not directly involved in your little click. So I say to the City Council this and to the Mayor, it's a free country. You could afford \$360 every three years for your taxes to go up, God-bless you. I can't. If the school system was outstanding it would be easier to tolerate, but at least [if] they came with a levy that's acceptable then there is something for us to look at. However, \$360 a year which

is \$22 a month for a \$100,000 [home] is a very steep tax. But also, it's not petty politics, it's about time that you took a stand and said that you deserve a certain amount of respect from the Board of Education that comes to the city and they have to take into consideration the actions that they do that affects the residents of our city. So, whatever you ultimately decide to do, I can tell you that I'm very proud of you that you took a stand finally and said that, your Honor, as representative of the City of Cleveland Heights means something and as a matter of fact, the way I see it the Board of Education has held you hostage for four years and it's about time the ransom was paid and you got out of the kidnaped situation and took a stand. So, I personally appreciate the fact that whoever it is that you took a stand - and I hope you'll take a further stand, but at least get something in return for your endorsement and is it petty politics? No. It's politics - and that's the way politics goes. Nobody gets anything for free and if you find me a political situation where it's one way, I'd like to know where it is. But, again, thank you very much for all you do for the city. Thank you for being so kind to the residents. Thank you, Council, for being so responsive and for truly making this a diverse city for us to live in."

"I didn't come prepared to speak. Elieazer Eisenbach, 3566 Severn Road. Just want to repeat a conversation I had last summer. I received a call, late evening, maybe 6-7:00, 371-7171 which everyone knows is the Board of Education, having a daughter of special needs, I'm familiar with that number. I was having a busing issue, as well, which I was trying to get my daughter's special needs to a closer bus stop, which eventually did get resolved after a month of calling, so I thought it was about that. So low and behold, was a question, will I support the tax levy or not? Where I came from there, I don't know. But, I told them and I'd like to say it publicly at this time as well, I have a daughter with special needs and the city does get a lot of money for her from the state and when it comes to bringing that money back to the students, you know, we do have a choice to go to public school and utilize that money or basically forfeit it. So, I told her basically, you know, that's my donation to Cleveland Heights. When the Board of Education can try to work together with the city and with the students where that money is coming from and give back a little bit to us, maybe they'll see a little bit more support toward themselves. Thank you."

"Gordon Weiser, 3501 Bendemeer Road. I'm a graduate of Cleveland Heights High School. I'm also a graduate of Coventry School. Coventry School, beautiful school - wonderful school. I'm a CPA. That's a result of Coventry School. As a CPA, I have clients that are moving out of the Coventry area because of the school board. We have to as Cleveland Heights' residents, we have to put a stop as to how the Cleveland Heights-University Heights School Board is destroying our city. I have a nephew who is a special needs. He was going to Coventry School. He's not going there anymore. We are being taken advantage of. We pay about the highest taxes. Many of the people in this room send their kids to the private schools, so we're not getting our monies back in every way shape or form. But, why is it that Millikin School, which had beautiful playground equipment and is sitting empty, they removed it? Residents were using that playground. I used to bring my grandchildren there to play. It was beautiful equipment. We're being abused by the school board. Why would we want to vote for that school levy? Thank you."

"I'm Susan Efroymson, 3825 Severn Road. I don't have any prepared remarks. But, in response to something I heard tonight there was an implication that those who send their children to private school do so out of some kind of racist feelings or to that effect. I would like to assure people that the choice to send to religious school is strictly a religious choice and it's one that we have no second option because we want to pass on our traditions and our religion to our children and that's important to us. In the United States we have the freedom to do that. In Cleveland Heights we have the diversity to do that and that's something that we greatly appreciate.

However, when these comments come up and they come up again, and the come up again, and they come up again they do [unclear] our schools and our family. And many of our families are teach-

ing in our school district, excuse me are teaching in our religious schools and we're paying for raises and we're paying for a school system, again, which has been said tonight, we don't get benefit from that directly. So we do appreciate teachers and we do appreciate education and [tape change]. In fact we support them first. First our tax dollars do go to support the schools in the district, then we support our own schools with our tuition dollars. And very often - we have a gymnasium that doesn't compare at all to the gymnasiums in the public schools. We don't have a sports program that even comes close to the sport programs in the public schools and we appreciate what the public schools do to strengthen our city. But, we also understand that the best indication for success for a student, for any student, statistics have shown that it follows the socio-economic status of the family and of the community. And how impoverishing our community and sending more people out of the district and creating more foreclosures by a tax levy is going to increase the solvency of the people in this city, all across the board, we're pushing more people out - many who need to benefit from our schools. We do have some good programs in our schools. We do have some good teachers in our school districts. We do need to support them.

However, putting more money and more money and more money into it when we're taking it out of our community is only impoverishing the entire community and the schools along with it. The more foreclosures we create, the more families that we send out of the district, the lower the economic base for the entire city, that's not good for anyone. Not the students in the public school district, not anyone in this city. Thank you."

Vice Mayor Montlack stated, "I was going to save all my brilliant words to be given as part of my report, because this traditionally is the time when public comment is received, to simply listen, but this is one of those extraordinary evenings, as you can tell by your attendance and the passions that we've heard here tonight. I'm going to make a few diverse comments here. First of all, during this entire campaign season, and whether it's issues or candidates in a campaign you know that hyperbole tends to be the order of the day. But, during this entire season, I have not heard anyone, including any candidate speak to race as a factor in making policy decisions with regard to the school board or any other public decision making. I'm sorry that race seems to have been spoken to tonight, because this is not in our - not only not in our tradition, but it is offensive to me.

Secondly, I'd like to say and believe it or not this is all preliminary, that in the twenty years I've been on City Council, our council has not as a council passed a resolution of endorsement for these school levies. It is up to the individuals to speak in their own way as to where they stand on these matters. I'm going to get to my comments on that in a minute. Actually, I did address this last Wednesday, October 17<sup>th</sup> at the League of Women Voters Candidates Night. I addressed it in the same way that I almost always address what I'm going to be doing or not doing on a non-city issue, a school issue, simply to say how I intend to vote. In regard to the matters in this campaign, I am going to digress for just one more minute. None of which, up to recently, related to the specific discussions between the school board and University Heights regarding the salt storage area. And let me just comment on that. In my view, the Mayor has absolutely correctly stated what my attitude is and I believe the attitude of others on this City Council, so no one need have any doubts about that. In regard to the two matters related to the Cleveland Heights-University Heights School District that will be on the ballot, one being the school levy, the other being school board candidacies. I've listened for a long time. I've had discussions and I think it is important, for my actions, to try and separate the two, as difficult as it is. Regarding the school levy, here is what I said several days ago and here is what I believe.

First of all, I will add this again, I'm not so sure that the speechifying of any public official, whether he or she uses the magic word, 'endorsement' or not has that much impact on individual voters, especially in Cleveland Heights, where individual voters tend to be very individual. Never the less, I'm going to vote for the school levy. I believe that the public schools must be a viable choice for residents who value academic success, because those residents who come to Cleveland Heights and value academic success and will consider the public schools are vital to this entire community, espe-

cially one which like Cleveland Heights in an inclusive community. The Cleveland Heights-University Heights schools appear to be providing competent education for the students and therefore can hold out to the parents of students who do value education choosing our public schools. The lay finance committee has reported that the schools are competently administering their budget. I don't have an independent study of this. I will accept that conclusion. Now at the same time I do understand, believe me, that the property tax burden on Cleveland Heights' property owners is intolerably crushing, but I don't think that the Cleveland Heights-University Heights Board of Education or its staff are responsible for the funding system that we have in place in this state. Now, I said that there are two kinds of matters in this campaign and they do tend to get mixed up with each other. And again to attempt to separate, in the matter of the school candidacies, I intend to be voting for two challengers, Eric Coble and Nancy Pepler, because they seem to understand certain basic facts, at least facts that are basic to me, that in addition to focusing on its core mission of educating students who happen to show up at the school door each year, the Board of Education and the schools - public schools - are also responsible to broader critical community goals, as indeed is the City Council and the city government. The most critical of those goals, it seems to me, is attracting and retaining productive residents who value civil conduct and academic success. Now that means, that mutual cooperation between the city government and the board of education in doing both those big things and those little things necessary to set the table to attract and retain productive residents who value that conduct and academic success is very important. I will not read to you the laundry list of all the things that the city government, that Cleveland Heights, that we, the tax payers have done, to try and support the schools, but I will go with three broad categories and ask you to consider that. Both you who are here tonight and perhaps who are viewing this on your televisions.

First of all, in all of the major Cleveland Heights promotional materials, both to our Cleveland Heights' residents, as well as to the rest of that whole world, the schools - the public schools included certainly, always receive important coverage. For those of us, like me, who go to our community center - the field house for workouts and I see some other workout nuts in the audience, we who go there quite often, we know from the joyous sounds that come from the gym, from the skating rink, and from all parts of the community center including our field house, that we, the city, we all of us, have a variety of programs in all seasons to teach all youth - - and by the way, not once have you heard me say here, black youth - white youth - Christian youth - Jewish youth - Muslim youth - *there ain't no such thing* in any of our programs and there must never be. And finally, this city council and this city in setting up the student services program and going into the schools and setting up study tables has tried to be a direct partner in the learning experience for all students.

What I think, in my mind, is appropriate to ask of the public school system is this, and this really frankly gets to the reason why I am going to place my faith in the two challengers for the Board of Education seats that I mentioned. I believe that the school's part of this, the Board of Education's part of this cooperative (let's call it a deal if you will) include the following: making sure that youths and their parents or their guardians understand the responsibility that youth conduct themselves lawfully with civility in every neighborhood at all times. That we must, as a community set the table to encourage and attract others to use all of our facilities, including our educational system here in the city. That even includes cooperating at enhancing and redeveloping housing and our commercial areas. That the Board of Education take care of all of its property in the same way; the Coventry School, the Millikin building, the Taylor Road School, even little things that may seem insignificant to some, such as putting a simple enclosure around an ugly dumpster at Fairfax Elementary School, something that we have been pleading to happen for about a decade and something that every resident knows must happen. And finally, I will say this about every public entity, and I said this a few days ago and it bears repeating, if you can't do any of those things right away, at least follow the physician's rule - the physician's rule: *First - do no harm.*"

Council Member Caplan stated, "First of all, welcome. I'm so glad to see all of you here. This is why the seven of us do what we do. We believe in the diversity, the democracy, the energy, the vitality of Cleveland Heights and your being here tonight proves that what we do, you hear it and you enjoy it also. This is a complicated time right now. It always is before an election and I'm so glad I'm not running for something this year so I'm not going to ask for your vote for me. It's complicated because I think the people here tonight are presenting exactly graphically why I have not chosen to endorse the school levy and I'll tell you more graphically why. School levies are very complicated. Really, the problem for our schools and raising money has nothing to do with the Cleveland Heights-University Heights School Board, it's really our state. And I say it's even been found to be - the Supreme Court of Ohio has even said that how the schools are funded is really - my word is outrageous. It's illegal, unconstitutional and doesn't serve any of the people in our state well at all and it certainly doesn't serve the people here in Cleveland Heights well at all.

One of the reasons that our taxes are so high in Cleveland Heights is first of all because the state doesn't equitably fund our students nor do they do any students in Ohio, but also because of the students that we have in our system. We have students who are disabled, we have students who are special needs, we have students who come from impoverished families which means that education has not been brought to them from the time they essentially were born. I have three grandchildren, let me tell you, I've been reading books to them since they were a month old, two months old. People say they don't know, I don't know, but it sure doesn't hurt and holding them and reading to them doesn't hurt. We have lots of children who have not come to our system in that way. It costs more money to educate the children who have not had those kinds of benefits that many of the children of all of you in this room - your children and your grandchildren have enjoyed. So, consequently we support that. We support that because we tax ourselves every three years or every four years in a school levy. Since I've moved here, which is well over thirty years, I have never not supported a school levy. I have worked on school levies. I have given money for them. I have organized them. I've been chairman of this committee and that committee to pass levies. It pains me - it pains me to not endorse a school levy publicly this time and I'll tell you why I'm not doing it. And the reason I'm not doing it is because as an elected official I have a responsibility to every single resident in this community and I will tell you and I know many of you will believe this when you send us an e-mail, when you make a phone call to us, when you write a letter - hardly anybody writes letters anymore - I want you to know that, they send e-mails and expect an immediate response, we talk about those every week. Did you read the e-mail from Miss so and so? Did you talk to the guy about the whatever? What should we do about this? We talk about the issues that one person brings up because we care about every single individual, every single family, every single child in this community. It distresses me that we have - I even remember a time, not so many years ago, when the University Heights Council did not support a school levy and maybe this year some of them are, but this may be the first time and we invited them to lunch. Our Council and their Council went and we had lunch, so we could persuade them to support the school levy. Well, this time I had lunch with the president of the school board, a few weeks ago, and we have all met with the president of the school board, we've all had discussions with many members of the school board and said, I'll talk for myself, 'I cannot endorse this levy unless you remember that you also are elected, you are elected to do two things. One is to take care of the children that come to the public school system and do what needs to be done for them in the best way and you also were elected to be responsible to every single person who voted for you in Cleveland Heights and in University Heights and a piece of South Euclid. And your responsibility is not only to take care of the children that come, but it is also your responsibility to pay attention to what this community is and how the schools participate in that community.' And, the response I got is a stonewall. That if you all think that we should be endorsing the school levy, go talk to the school board and say to them, what do you need to do to get me to endorse this? And of the things they need to do, is to listen to everybody who spoke today. To the idea that they would consider selling that land for a few pieces of salt, literally, what is that about? Who would like to have a salt dome in their backyard and what does that do to us as a community? You talk to the school

board and remind them that they are responsible to every single resident in these cities, not just to the people that come to school. I can't remember being so angry about a disrespect that another public official has for our community. And consequently, if my non-endorsement means that maybe there is a way to push this school board into saying, 'Maybe I have some responsibility to all these people whether they vote or not'. If this passes, you know what guys, you gotta pay, even if you didn't vote for it, you have to pay and therefore, they need to be listening to everyone of the residents.

I probably will in the end, because I can't imagine that I would not, I probably will in the end vote for the levy. It isn't enough for the people who are supporting the levy and it certainly should not be enough for the school board, but it is not enough for me - if they do not listen to us - if they do not have a conversation with us, if they do not chose to understand that they are a part of a community and by not listening I cannot then endorse this in any public way. Again, I thank you for coming. Really, I do, and I thank you for being so open and so willing to share how you feel and no kidding, God Bless America, really. Thank you."

Council Member Dietrich stated, "Thank you. As you can see we are of many different minds here and I want to give four reasons why I am supporting the school levy and I actually do hope that if there are any undecided voters out there, I really hope that maybe one of my four reasons could give you a reason to support the school levy. First of all, I think it's important to separate one's vote on a school levy from one's feelings about school board members or individual decisions that school board members have made. To me, a levy vote is simply about providing needed funds for public schools to operate at their current level and that there is another place on the ballot for me to register how I feel about school board members and that is at the place where I vote for those school board members.

My second reason, has to do with the way schools are funded in Ohio, and I apologize to people who already know what I'm going to talk about, but I can already tell that there are some people, because of what they've said here tonight that do have, not really a full understanding of our less than stellar unconstitutional system of school funding in Ohio. Because of the way our funding system is designed and until we can convince our state legislators to change it, levies are a necessary evil for every school district every three or four years. I think what people really don't understand, is that asking for a levy is not really an indication of financial mismanagement or overspending and the reason is that as your property values rise and as the property taxes that you pay rise, the revenue that is distributed to school districts does not rise. That is crazy. That is a crazy part of our funding system in Ohio, but it is truth. The amount distributed to school districts remains flat, even when we pay more taxes. So the only way for revenue to school districts to increase and thus the only way that a school district can keep pace with its inflationary costs, like employee health benefits, for instance, the only way that can happen is if we voters approve a levy every three or four years. So, when I hear somebody say, 'Oh, the schools are asking for more money again. Why can't they just work with what they have?' I don't feel it's a fair complaint, because levies are what the system forces Ohio school districts to do and they do that only so they can provide the current level of services.

My third reason why I support the school levy, is that I do feel whether we use our public schools or not the existence of a strong school system really does make us a stronger community. Because we chose to live in a community that is primarily residential and that doesn't really have room to grow, the burden of supporting public schools really falls squarely on the homeowner. If we had industry, if we had lots of room for new housing our tax base would grow, but we chose to live in a place where we don't have a lot of congestion, we don't have a highway exit right here, we do have tree-lined streets and because of that the responsibility for a greater share of the tax burden does fall on residents and I accept that.

My fourth and final reason is that I agree with the slogan that the levy campaign is using right

now, which is, 'We Can't Stop Now', you may have seen it on some signs that support the school levy. Our school district actually has, in the past couple of years, shown significant improvement in academics based on state standard. There's a Catch 22 about education, where we want and we demand a strong public school system, but we sort of punish them every chance we can. Every time they do something we don't like, we withhold funds, so we kind of pull this financial rug out from under them and thus they can't perform to the level that we ask of them. Well, I feel now our school district actually has done what we've been asking. They've given us what we've asked for, which is higher performance standards on state-wide tests and so I agree with the slogan that, 'We Can't Stop Now', with our support. So just to reiterate my four reasons: that levy support to me is distinct from support of individual school board members, that Ohio school funding system requires levy passage every three years or so, because strong public schools in our mature residential community makes our community much more liveable whether we use them or not, and finally, that in order to keep this momentum going the schools need our support. I think we can't stop now."

Council Member Wilcox stated, "Thank you. I, too, was going to say something during my report a lot briefer and I'll try not to repeat some of the comments that have been made, but I do want to reiterate why I think we're all here tonight and thank you for all coming here and voicing your opinion, but to me it's a failure of some of our elected officials to realize that University Heights and Cleveland Heights are inextricably intertwined, both by geography and by our school system and when the City of University Heights or our board of education doesn't take into account decisions that they make and their effect on the entire community, they're not acting in the best interests of the entire community. Our school board is not there just to educate the kids that come in the door, they are part of the community. Their failure to see that this salt dome, municipal center or whatever it is, is a problem - is their failure to act in the best interests of this entire community. I would actually disagree with one thing Mr. Stein said, he said this was in your backyard of the Taylor Road backyard, no, it's in your front yard - this is in your front yard. I told school board members that and I think it's time for them to listen. Some of the decisions they made in the last couple years we have not agreed with up here on City Council and I think we're unified in our belief on that. Some of us though, myself included, are supporting the levy. Councilwoman Dietrich gave the reasons very eloquently as to why. I am supporting the challengers to this board, Pepler and Coble, for the reason that I believe that they do see the school board and its importance as being part of the community. But, at the same time, as a member of the lay finance committee it is clear to me that the upcoming school board levy, Issue 6, is absolutely essential to funding our public schools. The levy will not add any new programs, but simply is designed to maintain the existing academic and extracurricular programs that are essential to the kind of public schools that we all want. I want other parents in our district to have the same opportunity my children did to go through the Cleveland Heights-University Heights school system and have a great education, but because of the way the State of Ohio requires schools to fund their schools they have to seek money from property taxes and we rely too much on the property tax to fund schools, but the schools are forced to go back to the voters every three years and ask for sufficient funds to operate. We can talk about the fact that this has been ruled unconstitutional and nothing has really been done to fix it, but that is what we're faced with. If we support our public schools we have to vote for our levies.

There was a recent change in the budget bill that was enacted in June, Governor Strickland's budget, where the homestead exemption was expanded to anyone over 65 years of age regardless of income. That exemption now applies to the first \$25,000 of valuation to those homeowners, so many of those residents will see a reduction in their taxes from this change next year. That should make a new levy a little more palatable. Moreover, this particular levy is the lowest in terms of millage in years, it's 7.2 mills and is absolutely the smallest levy that could be placed on the ballot to maintain current programming and as a member of the lay finance committee I firmly believe that. The budget has grown in a minimal way in the last three years of this levy cycle, while academic achievement has improved. We owe it to the children, their families and to our entire community - and I mean that- our entire community to support this vital levy on November 6<sup>th</sup>."

Council Member Tumeo stated, "I'm truly reminded how much it sucks to go last."

Mayor Kelley added, "There are two after you."

Council Member Tumeo continued, "I want to thank everyone who came to speak tonight and all those who've written me about these two disparate issues, but I believe linked issues, over the past several weeks. I believe it's a testament to our community that people feel strongly, both for and against this levy and are willing to take the time to insure their elected leaders know their thoughts. I think it's also important to stress that as these issues develop we all have a duty to maintain a sense of civility and respect for each other. This is the hallmark of mature democratic debate. There's a lot of emotion vested in our schools and concerns about the future of our children and as eloquently expressed tonight by several of our speakers, there is equal emotion and concern on the other side. We can blame the state, we can blame each other, but the fact remains that we are in a crisis in our region. We are faced with a declining population, a shrinking economic base, and a high tax burden. The very action that many believe is critical to insure the future of our community may also be the very action that forces struggling middle-class families to leave and others to chose a different city in which to locate. It is true that schools are a critical factor in the decision to locate in Cleveland Heights, as is our diversity and our civility, but good schools alone are not sufficient. It must be accompanied by a fiscally bearable tax structure that allows families to grow and I'm afraid that in the case of the Cleveland Heights-University Heights School District some very difficult but substantive changes are necessary to ensure our long-term viability. Let me elaborate. I am sure you have read recently and we heard tonight that CH-UH has one of the highest per student spending rates, but yet we are not among the highest ranked school districts. I've looked into this. I've spoken with the school board. I've spoken with the levy chair and everyone argues that there are many reasons, including the high cost of living in Northeast Ohio and the fact that our teacher work force has a significant number of high-paid / high-experienced teachers. There are also significant programs not required by the state that provides the type of quality our citizens demand, yet other school districts in Northeast Ohio face the same situation, but still spend less. Others have argued that it's a function of building and administration costs. I know there are two empty schools and I'm not aware of what - if anything the school board is doing to address that issue. These are valid concerns that may well have reasonable and rational responses, but they are not responses that I have heard in the debate. The bottom line is the citizens of Cleveland and University Heights, of which I am one, need to have all the information, both positive and negative to allow a balanced reasoned decision. I do not feel that, that has been provided by the school board.

I also want to address another important issue in this debate. It has been said more than once and it is strongly argued by the supporters of the levy that this is not about the school board, rather only our children. This argument continues that the school board elections are where one expresses discontent with the school board and that to not support the levy is to not support our children. Again, I understand the passion, but I must respectfully disagree with the logic and the assertion of my fellow council members and levy supporters. I believe that the actions of the publicly elected body responsible for managing our schools is a valid issue when they come to that very same public and ask for our money. A public body must have the trust of the public and must respect the communities it serves, exactly, because, it is that public that will decide the funding the board wants. I am sure that it will come as no surprise that I feel that trust has been violated and that there has been disrespect shown for our communities. I would urge the school board to listen to the people that spoke here tonight about the transfer of land for a salt dome. They need to listen to the citizens. When an elected school board member says at a public meeting that if you don't support the levy, you should and I quote, 'Get the hell out of the community', unquote. We have moved to a point that should not be a part of the democratic debate about any issue, that type of action by the very board asking for our money cannot engender a great deal of support and may actually cause those on the fence to turn against the school district and this levy. So, what am I to do? First, I agree with what's been said here tonight. I do not believe that any

statement that I may make for or against the levy will have a significant impact. This levy will pass or fail on the merits and balances of the issues I have just outlined, and yes, the behavior of the school board over the past two years is one of those valid issues to weigh in that balance. As for me, I've always been and remain a strong supporter of public schools, but I find myself in a community where the school board appears to feel it is acceptable to willingly ignore public input and show disrespect to anyone that disagrees with them. Yet, they demand our support or order us to leave the very community we love. I cannot support this type of behavior nor can I bring myself to endorse the levy because of it.

But, as an elected leader, it is not sufficient in my opinion to merely say, I will not endorse the levy at this time. I think it is imperative to the future of our community that we find a way out of this morass, caused by the lack of communication between the school board and the elected councils of the cities the district serves. Therefore, I would like to make a proposal to this council, the Council of University Heights, and the school board, regardless of whether this levy passes or fails. I propose that these three elected bodies join together with the school administration, the teachers union, interested parents and students and appoint a blue-ribbon commission to look at serious and substantive changes to the way we all do business with respect to the schools. We need to explore ways to shift costs from buildings into programs, ways to influence perspective residents and promote enrollment, ways to lower the percentage of the budget that goes to salaries and ways to develop long-term channels of communication that promotes respect and mutual support demonstrated through action rather than the current situation of hostile rhetoric and angry threats. The commission would have a limited time-scope, perhaps about six months and a focused agenda, but no limits on what ideas they can bring to the table, but most importantly it **must** include all representatives of all stakeholders, including the union, parents and students and we must commit to give serious and honest consideration to the resulting recommendations. We must find a way to move forward together. To do any less would do more to threaten the long-term viability of our community than the passage or failure of any levy. Thank you."

Council Member Evans stated, "I'd like to certainly thank all of my colleagues for their eloquent statements. There is something I just want to reiterate, and that is this body has never, as far as I can remember, ever passed a resolution in support of a levy. We have always made our personal statements, if we felt, that's what we wanted to do. This particular day I am really disheartened that I am forced to make a statement and my statement, really, is one of neutrality. I don't care to really support the levy today or state public support nor do I want to state non-support. I have worked and lived in this city for over thirty years. I've worked on many committees. I was one of the founders of the Heights Concerned Parent Group. I worked on countless boards and commissions designated by the school board and the administration. It really hurts me that I have to sit here and listen to accusations of not being a good resident and I am far from not being a good resident. I have paid a lot of dues in this city. I continue to love and care about this community, but I am upset that there hasn't been the type of communication that this community, that this city demands about a good number of issues. And I don't really care to debate all of these things publicly. I will certainly be in favor of talking to anyone and, Meghan, when I look at you I am really heartbroken, because you're hurting. And I hurt too, but maybe not in the same way. I do believe that it is my responsibility to make the best decision for the entire city, not just for today but for tomorrow.

Oh, and the other thing I wanted to say is that I am in support of Eric Cable and Nancy Peppler for school board. I believe, from talking to them that they are really people who believe in good solid communication. They believe in collaboration and I believe they are consensus builders and I can tell that they really do like living in the City of Cleveland Heights and that they chose to live here as most of us do. That concludes my comments."

Mayor Kelley stated, "Thank you, Council Member Evans. Just briefly, because you know where

I stand. I am supporting the school board candidates, Eric Coble and Nancy Pepler. I did work very hard to get them to run. I have not been contacted by the one incumbent school board person to support her, although Mr. Silverman did call me afterwards when it was too late. What bothers me the most about this discussion, about my decision, is words like 'blackmail', 'held hostage' and even tonight, 'race' has entered into the picture. There is no room for that in any discussion in Cleveland Heights about any issue. We can agree to disagree on anything, we've had a lot of discussions in this room about diversity, about sexual orientation, about other things in my fourteen years and how dare any member bring up black-mail, held hostage or race - either in this room or in the school board room, I think that is totally inappropriate. And the other issue, when Mr. Cicero raised the issue, if you're not going to support the levy *to get the hell out of the community* that is entirely wrong and I cannot let that stand alone and he owes the community that he said it about an apology.

One other thing I need to correct is this idea about increasing enrollment that we shouldn't be doing it, that is so ridiculous. Would Unger's Bakery say we don't want anymore customers to come in our store? Would John Zagara at Zagara's Super Market say we don't want anymore people to come into the store? Would we say at the community center, we don't want anymore community center memberships or we don't want to do flag football? That is the most ridiculous thing I've ever heard in a campaign in twenty-five years of doing any type of campaigning. So, let's get our heads on straight. We're in business here to educate whoever comes through the door, wherever it is. So this idea that Coble and Pepler want to educate everybody that comes through the door or at least these students would cost us money, I've never heard something so foolishly thought. The reign of terror is about to end at the school board, minimally one new candidate and probably two new candidates elected and seated in January. The problem we have on Taylor Road - some of these other decisions - we have administrators who not only don't live in our community don't even live in our county making recommendations on what to do. The time for that to stop is now and if not now sooner than later. I'm made my points clear. We are going move on with our meeting. If you would like to leave, please feel free to leave."

### **REPORT OF THE CITY MANAGER**

Mr. Downey stated, "Thank you very much, your Honor. I have just one item this evening and that would be to request authority to advertise for bids for the televising of sewers."

Mayor Kelley referred it to the Municipal Services Committee of Council.

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

Second by Council Member Tumeo.

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

Nays: None

**Motion passed**

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

Mr. Malone states, "Thank you, your Honor. I need to notify Council that one (1) resolution of the Board of Zoning Appeals has been received pertaining to a variance in the Zoning Code and is requested by the following: BZA Calendar No. 3138 David Maltz, 2500 Fairmount Boulevard, accessory use regulations. Your Honor, I need to make this matter of record."

Mayor Kelley made it a matter of record and referred it to the Planning and Development Committee of Council.

## REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There are a few pieces of legislation from this committee. The first is an annual one at this time every year. Resolution No. 132-2007(F), requesting the County Auditor to advance taxes from the proceeds of the 2007 tax year collection pursuant to Section 321.34 of the Revised Code of Ohio; and declaring an emergency. And pursuant to that at this time, as I said, every year, we ask the County Auditor to give us our money, please. Resolution No. 132-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 132-2007(F).

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

Nays: None

**Resolution passed**

Vice Mayor Montlack continued, "Resolution No. 133-2007(F), also done about this time every year, accepting the amounts and rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Auditor; and declaring an emergency. From my brief research we have this in every county, the Budget Commission established by statute, a not very well know organization, but seems to have more power than the tri-lateral commission. Anyhow, one of the things that they certify or it certifies and determines is the amount of tax monies raised and millage to conform to the 10 mill limitation, whereby municipalities may not exceed 10 mills of taxation that is unvoted and beyond that votes are required. Pursuant to this, in the General Fund pursuant to the Budget Commission, within the 10 mill limitation or inside \$931,890 is to be raised and outside of that in the General Fund is \$6,563,753. The other portion of the 10 mill limitation goes to Bond Retirement (all that debt that you hear us ask for from time to time). Resolution No. 133-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 133-2007(F).

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

Nays: None

**Resolution passed**

Vice Mayor Montlack continued, "Resolution No. 134-2007(F), authorizing the City Manager to enter into an agreement with the Heights Community Congress, a non-profit corporation, for the use of Community Development Block Grant funds for fair housing audit services; providing compensation therefor; and declaring an emergency. This authorizes the City Manager to enter into such an agreement from the 33<sup>rd</sup> year CDBG budget, the 2007 budget, not the one that we just passed a meeting or so ago relating to the next year. This is probably, if not the last contract authorized under that and it was approved last year as part of our CDBG budget. It is Seventeen Thousand Dollars (\$17,000.00) to Heights Community Congress for audit services and as explained by our staff, this relates to a requirement of HUD whereby the most inclusive communities that are block grant communities are required to do impediment studies to detail the impediments to fair housing and to do the impediment right.

Now this is just Montlack talking, you better go out to exurbia and study why the exclusion area's exurbiant communities are creating the impediments to fair housing, but that's the end of that lecture.

Resolution No. 134-2007(F) is presented on first reading for passage."

Mayor Kelley accepted Resolution No. 134-2007(F).

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

Nays: None

**Resolution passed**

Vice Mayor Montlack continued, "Finally, Resolution No. 135-2007(F), is presented with great pleasure. Resolution No. 135-2007(F), authorizing participation in the Nuisance Abatement Recoverable Grant Program (this is a new program) operated by the Cuyahoga County Department of Development; and declaring an emergency.

Under this program, the County Treasurer and the County Prosecutor share in a small portion of delinquent tax payment recovery because those two entities do all the work or do much of the work in recovering property tax delinquencies. At this point, I believe they get five percent (5%), although Treasurer Jim Rokakis is looking into trying to increase that to ten percent (10%) and having a larger fund for foreclosure remediation. That's another story.

Under this program, the Council would authorize the City Manager to participate in the Nuisance Abatement Recoverable Grant Program as part of our nuisance abatement funding up to a maximum of Fifteen Thousand Dollars (\$15,000.00) per property, which could include demolition and to repay those funds when they are recovered from the property owner.

I think it's important at this point, as we sometime do, to thank our responsible county officials. We've been knocking a lot of other public officials tonight, but the county prosecutor and the county treasurer and the county commissioners through its Department of Development and its Director Paul Oyaski, all of those folks have worked diligently and remembering the First Suburbs and cities like Cleveland Heights, which are earmarked to receive at least one third of this entire fund that is being set up and I thank those officials for their hard work.

Resolution No. 135-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 135-2007(F).

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

Nays: None

**Resolution passed**

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

Council Member Caplan stated, "Thank you. I have no legislation this evening. I think I've had my say for the evening."

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

Council Member Wilcox stated, "Thank you, your Honor. There is one Resolution from the Board of Zoning Appeals from the October 17<sup>th</sup> meeting. Councilwoman Dietrich attended that meeting and is going to read that into the record."

Council Member Dietrich stated, "Board of Zoning Appeals Calendar No. 3138 David Maltz, 2500 Fairmount Boulevard, in an 'MF-1' Multi-Family District, has made formal application requesting a variance from the accessory use regulations of the Zoning Code, to permit extension of the existing 6'-tall wood fence into the front yard, 22' from the Fairmount Boulevard right-of-way. The Zoning Code provides a maximum height of 3' in the front yard. The Board of Zoning Appeals agreed and actually there were notes from all his neighbors also agreeing in support of what he was asking for, that there are

special conditions resulting in difficulty in complying with the Zoning Code, and that the variance would be in harmony with the intent of the Zoning Code. The Board of Zoning Appeals did grant the variance, saying that a Code-conforming fence is not appropriate due to the unusual lot and because it is adjacent to the Cedar Fairmount Commercial District, because of the high volume of vehicular traffic along Fairmount Boulevard and because the ease of pedestrian access to the homeowner's private property and that means that people were actually using his yard as though it were a public place. Just to explain that so that it makes sense to anybody listening, this is the end unit of a cluster of condos. The fence that is being proposed is actually only a few feet long. In order to be next to it, you have to enter the driveway of this condo property. Even though it is called the front yard, it really does not abut Fairmount Boulevard at all. It's actually something that the average person will never really see. The condition on here is that the approval of the Architectural Board of Review is required and that construction be completed within 60 days. I offer BZA Calendar No. 3138."

Second by Council Member Tumeo.

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

Nays: None

**Resolution confirmed**

Council Member Wilcox continued, "Thank you, your Honor. I did have a couple of comments to make. One, I just wanted to give a brief update on the Top of the Hill project or potential project. Good news to report from NOACA, at the last meeting a \$75,000 grant was awarded to do a comprehensive traffic study for the Top of the Hill area, that includes not only vehicular but also pedestrian, bicycle, etc. The city will be required to put up a \$15,000 match, but that \$90,000 traffic study will be the kind of comprehensive traffic study we'll need to look at before we proceed further in that project.

Also, to remind those that are interested, on November 7<sup>th</sup> at 7:00 the Planning Commission will be holding a meeting at again, at the Community Center to discuss design guidelines for the Top of the Hill project. This is the fourth public meeting we've had on this project. Again, there will be an opportunity for public comment at the end of that meeting.

Finally, if you haven't had enough talk about levies tonight, I did want to actually urge voters to support Issue 14, which is the Cleveland Cuyahoga County Port Authority levy. This is a renewal, so it won't raise anybody's taxes and at 0.13 mills is the smallest levy county-wide which equates to about \$4.00 per \$100,000 value of house per year. So it is about a penny a day. It supports 10,000 jobs in our community and it supports the maritime businesses in our community, so I would urge our support of Issue 14. That concludes my report."

Mayor Kelley added, "That's about 37 cents a month, something like that, Issue 14. I think I'm for that one."

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

Council Member Evans stated, "Thank you, your Honor. First, there is Ordinance No. 137-2007(PSH), authorizing the renewal of an agreement with the Cuyahoga County General Health District for public health services; providing compensation therefor; and declaring an emergency. In previous years, this Council has authorized agreements with the Cuyahoga County General Health District for such health services; and we believe it would be in the best interest of the City and its residents to renew this agreement for the calendar year 2008. This will authorize the City Manager to enter into an agreement with the Cuyahoga County General Health District for the provision of certain public health services to the City and its residents which are required to be provided under State law, including, without limitation, school health services, community health services, family health services and envi-

ronmental health and sanitation services. The agreement shall be for a period of one year, commencing January 1, 2008. The fee for the basic mandated services shall be the sum of One Hundred Seventy-nine Thousand Eight Hundred Forty-nine Dollars (\$179,849.00). The agreement shall further include an addendum which authorizes the City Manager to request certain additional, non-mandated health services to be provided by the District at its standard rates for such services, with the cost of such services not to exceed Seventy Thousand Dollars (\$70,000.00) without further authorization from this Council. I would like to present on first reading, Ordinance No. 137-2007(PSH) for passage.”

Mayor Kelley accepted Ordinance No. 137-2007(PSH).

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

Nays: None

**Ordinance passed**

Council Member Evans continued, “I’d like to also give a little bit more information, and that is that this raise that we talked about is the same as it was in 2007. It worked out to be about \$3.60 per resident and these services include environmental inspection of all food establishments, sanitation, swimming pools, mosquito surveillance, child care inspection. The county also responds to resident requests regarding rodent, bat, food poisoning and other issues. The addendum is included for bi-monthly blood pressure checks and vaccinations for employees.

Next is Resolution No. 138-2007(PSH), declaring the property at 920 Keystone Drive to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. This property is owned by Arthur and Rhonda Furlow and has not been maintained for a number of years and is in a state of severe disrepair. The Certified Building Official and City Manager have further reported that the owners of the subject property have been cited by the Housing Inspection Department for numerous housing code violations on the property over the past four (4) years and that little progress has been made toward correction of the violations. It has been reported that it is a hazard to the health, safety and welfare of potential occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring properties. Therefore, be it resolved by the Council of the City of Cleveland Heights that pursuant to Chapter 553 of the Codified Ordinances of Cleveland Heights, that the premises owned by the Furlows, known as 925 Keystone Drive is in a state of disrepair to the extent that it constitutes a health and safety hazard and is a blighting influence and is hereby declared to be a public nuisance. I’d like to recommend passage of Resolution No. 138-2007(PSH).”

Mayor Kelley accepted Resolution No. 138-2007(PSH).

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

Nays: None

**Resolution passed**

Council Member Evans continued, “This particular property requires that the garage is razed at a cost of about sixteen hundred dollars and keeping in mind that when the property changes hands those dollars will come back to the city.

Next is Resolution No. 139-2007(PSH), and as a twenty-year survivor, I’m really pleased to have the opportunity to read this resolution which is a Resolution joining with the United States Conference of Mayors and communities throughout the nation in proclaiming October, 2007 as National Breast Cancer Awareness Month and October 19, 2007 as National Mammography Day; and declaring an emergency. Whereas, an estimated 178,480 new cases of breast cancer will be diagnosed in 2007 and approximately 40,460 will die from the disease. Early detection and prompt treatment can significantly reduce

suffering and deaths caused by this disease. Mammography is an “x-ray” of the breast, is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt. In 1997 the United States Conference of Mayors launched a Mayors’ Campaign Against Breast Cancer, joining in the promotion of Breast Cancer Awareness Month and National Mammography Day. Therefore, be it resolved by this Council that we proclaim October, 2007 as National Breast Cancer Awareness Month and October 19, 2007 as National Mammography Day, and urges all women and men in the community of all ages to obtain and utilize information about screening and mammography and to seek appropriate services. I would like to recommend passage of Resolution No. 139-2007(PSH).”

Mayor Kelley accepted Resolution No. 139-2007(PSH).

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

Nays: None

**Resolution passed**

Council Member Evans concluded, “One more thing. We talked a lot about voting this evening. November 6<sup>th</sup> is election day. Please exercise your right to vote and no matter which way you vote, please go to the polls on election day. Thank you.”

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

Council Member Tumeo stated, “I have no legislation tonight and I wasn’t going to say anything, but I was unaware of Councilwoman Evans’ bout with breast cancer. I didn’t think it was possible that I could admire her more, but her courage in the face of those things just continues to astound me.”

Council Member Evans replied, “Thank you.”

Council Member Tumeo concluded, “Congratulations and thank you.”

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

Council Member Dietrich stated, “Thank you. I have no legislation. Two announcements, one is that the school year’s first middle school night at the community center is coming up on Friday, October 26<sup>th</sup>. What this is, if you have a 6<sup>th</sup>, 7<sup>th</sup>, or 8<sup>th</sup> grader doesn’t matter what school they go to, public, private, parochial, they can join the fun at the community center from 7:00 to 9:00 on Friday and this will continue every month for the rest of the winter. It costs a dollar to come in. You can play pool, foos ball, karaoke, if you want to ice skate it is two extra dollars and if you need to rent skates it is two extra dollars beyond that. Kids do need to bring some sort of ID that shows that they are indeed a middle school student. Just wanted to let you know to join the fun.

The other thing and this is also about voting. There is still time for an absentee ballot, so I think the people that we forget the most about is our students who might be away at college. We forget that we need to send them an absentee ballot application, and so you better do it now because it takes a while for the various phases of that process to go on. That’s all that I have.”

#### **REPORT OF THE MAYOR**

Mayor Kelley stated, “Just one thing. My favorite subject, the Heights football team did soundly thrash Shaker on Saturday, but more importantly to Coach Rotsky, who I just left a message for, continued thoughts and prayers for your father, who continues to remain in intensive care. I know it’s taken

a great deal of time for you, but we are very proud of the effort you've made with our young student athletes this year and look forward to talking to you once the season is over. But again, we did thrash Shaker.

This was a very long meeting tonight and I'm glad that we were able to have the meeting and have a very civil meeting and look forward to getting the election over with on Tuesday, November 6<sup>th</sup>. As Councilwoman Dietrich's point, if you are looking to get an absentee ballot, if you call area code 216-443-3200, you can get an application that way or go on line to [www.cuyahogacountyboardofelections.com](http://www.cuyahogacountyboardofelections.com) or [cuyahogacountyboe.com](http://cuyahogacountyboe.com) you can get that form on line and get it processed and get it sent back. There is still time even if you mail it the Monday before the election which is November 5<sup>th</sup>. If there is a postmark on it they will indeed count it. This is a very important election, so please exercise your right to vote.

Our meeting is over at 9:47 p.m. Our next meeting is back on the regular schedule of Monday, November 5, 2007. As Councilman Wilcox mentioned, our next meeting about Top of the Hill will be on Wednesday, November 7, 2007 at 7:00 p.m. at the community center. There will be plenty of parking, plenty of space. We will have a new sound system in there, please come forward, tell us what is on your mind. It will be more of a planning-type meeting with our Planning Commission and our planning staff, more active in this area. Thank you for coming tonight."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc