



CITY OF CLEVELAND HEIGHTS, OHIO

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY EVENING, DECEMBER 3, 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, Ruane, Wagner, Wong

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

Council Member Caplan moved to adjourn into Executive Session at 6:40 p.m. Second by Council Member Dietrich.

Edward Kelley, presiding

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

Council Members absent: None

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

Topic of discussion litigation.

Executive Session concluded at 7:10 p.m. and reconvened into Committee of the Whole adjourning at 7:25 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:44 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

The minutes of the Regular Council Meeting held Monday, November 19, 2007 were signed by

Mayor Kelley along with the ordinances and resolutions passed at that meeting.

Mayor Kelley stated, "Before we move to personal communication from our citizens, it gives me great pleasure and honor tonight to honor our Cleveland Heights High School Varsity Hockey Team. I will begin with a proclamation and I am going to ask our Head Coach Sean Sullivan to receive the proclamation. I'll read it first and then I'll have you come up and embarrass you just a little.

Whereas, the Cleveland Heights High School Varsity Soccer Team, led by Head Coach Sean Sullivan and Assistant Coaches Mike Kenney, Rob Helfgot and Justin Yarham, all Heights High graduates, Heights Soccer Alumni and Cleveland Heights residents, brought intensity, determination and confidence to a season that had them facing formidable opponents; and

Whereas, the team embraced the challenges the season brought, and made it to the district championship for the second time in five years; and

Whereas, there is a rich tradition of success in the Heights soccer program, and this year's team is no exception, with players receiving special honors: Eli London, Stephen Buchholz, and Johan Londono were named to the All Lake Erie League Team; Eli London, 1st Team All Greater Cleveland; Stephen Buchholz, 2nd Team All Greater Cleveland; Johan Londono, 3rd Team All Greater Cleveland; and Alex Gazis and Andrew Brandt received All Greater Cleveland Honorable Mention;

Therefore, on behalf of the Council of the City of Cleveland Heights, I hereby present this proclamation to the Heights High Varsity Soccer Team. This has been a great season and you are all fine examples of the excellence for which Cleveland Heights is known. To the coaches, thank you for your strong leadership and commitment to this team. To the seniors, good luck in college next year and we thank you for the talent and dedication you've given to your school. To the freshmen, sophomore and juniors on the team, here's to more winning seasons. *Go Tigers!*

Edward J. Kelly
Mayor, City of Cleveland Heights

Members of Council:
Kenneth Montlack, Vice Mayor
Bonita W. Caplan, Nancy J. Dietrich, Phyllis L. Evans
Mark A. Tumeo, Dennis R. Wilcox

Robert C. Downey
City Manager

Sean, if you'd come up here to accept this proclamation on behalf of the City Council. I do also have proclamations for the coaches. We will take a big picture at the end so we'll be snapping pictures for a while. We have to outdo the school board a little bit. I just want to talk about Sean a little bit. In addition to coaching the Heights Soccer Team, Sean has taught at Oxford School for the past fourteen years and I think it was five years ago you won Teacher of the Year Award?"

Coach Sullivan answered yes.

Mayor Kelley continued, "Fourth grade?"

Coach Sullivan replied, "First grade."

Mayor Kelley asked, "You always taught first grade?"

Coach Sullivan replied that he always taught first grade.

Mayor Kelley continued, "You taught at Oxford School for fourteen years. You own your own soccer academy."

Coach Sullivan affirmed such.

Mayor Kelley continued, "You don't mind that plug. You have been involved with the Heights Soccer Team for the past seventeen years; three as a Heights soccer player under Richard Dietrich from 1985 to 1988 and fourteen years as a coach. We commend him for the hard work and long hours he has invested in the team, but especially for his commitment to the youth of our community.

Not only do you do this, but I see you Saturday mornings doing the youth soccer at Denison and Forest Hills, so I also have a separate proclamation for you to take home if you want to come back up. I am going to ask you to help me pronounce all the students' names so I don't butcher them up to badly. This is for you. I'm going to have your coaches come up and receive one also. This is for you, Sean. Is Mike Kenney here tonight? [He was not present.] Alright, I'll have you hold on for this for Mike, Sean. Is Rob here tonight? [He was not present also]. Are they out scouting indoor league or something or do you have them working at the academy? Justin. [He was not present either].

We'll start with the freshmen. So, if you call their names, I'll hand out the certificates."

Coach Sullivan called the following soccer players up, "Freshman William Sharon, Freshman Cioran Coen, and Freshman Jared Alcorn."

Mayor Kelley congratulated the soccer players.

Coach Sullivan continued, "We also have two juniors here. Junior Seth Baroney and I know that his form will be coming later and Junior Stephen Buchholz. I'm very proud to introduce my senior class. Senior Phil Montano, Senior Evan Knoblauch, Senior Andrew Brandt, Senior Alex Gazis, and Senior Eli London. I would also like to announce the names of players that are not here. We have Freshman Brian Harte, Freshman Evan Lanese, Junior Obe Bhadra, Junior Peter Roberts, Junior Andrew Haber, and Senior Johan Londono. I have some juniors I would like to announce too. Junior Michael Carlisle and Junior Hamza Dodo."

Mayor Kelley requested that the boys sit down for a minute and added, "We're going to have Sean talk about the season for a little bit and then Council wants to say something to you guys. Go ahead, Sean and then we'll take a picture at the end."

Coach Sullivan stated, "I'll make it real brief. We had a very successful season this year. We started off a little bit slow, but what I can say is when we had our numbers come out at the beginning of the year, we had twenty-two players come out for the team the first day as opposed to some other communities that have 150 - 200. These players out here were really willing to sacrifice and really dedicate themselves to athletics and to school. Something that I am very proud of. We finished the

regular season 6-8 and 2 but the real magic started to happen in the post season. What happened was, in the district tournament we were seeded 9th out of 12th and about 196 teams in the State of Ohio and in the first game we went up against Geneva. They were number 4, I believe, number 5, I'm sorry, in the district. They were undefeated 14-0-2. But, what we do at the high school, as I firmly believe in playing teams at the highest level, so we get prepared for post-season play. That really went to our advantage. We were able to beat Geneva and hand them their first loss and Heights moved on to the sectional semi-finals and from there we faced Madison. They were 12-4-2. This game was played away at their place and again Heights was victorious taking us to the district semi-finals where we faced number 2 seeded East Lake North, who we have not beat in 10 years and we beat them at their place in a fantastic game, Heights winning 3 to 1. From there we were eliminated in style against Mentor, but again, making it to the district championship was a fantastic finish to a great season. So, I am very proud of these young gentlemen. And on a side note, they are just fantastic young men and I am very proud and honored to be associated with these players and be a part of this community. So, thank you very much."

Vice Mayor Montlack stated, "Congratulations to each of you student athletes for your terrific team work, your terrific individual play. All of your practice, all of your work, everything has come together and I know you'll remember that you are part of another team that includes your parents, your siblings, your teachers, certainly your coaches, everybody who has supported you and will continue to support you. And I know looking out at you, that you know you are student athletes and than in addition to everything that you have done and will do on the playing field, you're going to go on, you're going to study hard and continue to be great successes. What a wonderful, wonderful evening you've made this. And, I have to say, on a personal basis, this is a lot more fun than talking about the budget."

Council Member Evans added, "Wow! That must have been a truly thrilling ending to a great season. I can only imagine what it must have been like being there, particularly for the parents who have been supportive throughout all the years, but to see you really shine at a time like that and pull it all together must have been totally exhilarating. I congratulate you. I'm glad you are here this evening. Way to go, 'Tigers'."

Council Member Caplan stated, "Congratulations to all of you and congratulations to your parents. They get a big hand too because I know they've been driving and feeding you. You must come home starving and going to all the games and cheering you on and making sure that your homework is done. Playing as part of a team, especially a team that wins is a wonderful lesson in life. It's about learning to work together, it's about savoring wins and feeling sorry about losses, but knowing if you do your best and you do win, that it gives you a taste of what could happen to you really for the rest of your life. Because, one way or another you're always part of a team. So, I wish the seniors lots of good luck in the future. We're looking forward to hearing lots of good things from the freshmen, sophomores and juniors and good luck to all of you, no matter what you do. Winning's great and we're looking forward to hearing more about you, both academically and in your sports. So, congratulations."

Council Member Dietrich stated, "I'm especially happy to acknowledge and congratulate this team tonight, because Heights High soccer played a huge role in my family's life for many years. Two of my boys played on the Heights team and my husband coached it as Mayor Kelley said for five or six years in the late 80's and the 90's, so I have wonderful memories and a huge place in my heart for Heights soccer and I think a good appreciation for what team play means in the life of a young person. Well, we've also known your coach, Sean Sullivan, actually Mike Kenney as well since both of them were about eleven or twelve years old, I think. Sean was a member of the original, I think the very first east side kicker team that existed when you were a little boy. One of my boys was on it, too, so many a game did I watch with your parents. Sean and also Mike, Assistant Coach Mike Kenney, have certainly

grown to be young men that give back to their community. Sean, I cannot believe you have been teaching 14 years, it sounds like such a long time. Sean and Mike are people who really have good ideas and the energy to implement them and I'm very happy that you're still part of Cleveland Heights. I mean you are a big asset to this community and I actually even think that my daughter might have taught Karen in fourth grade at Coventry School, so I feel like I go back a long time with some of these people. I have one word of advice for anybody who wants to continue playing in college and that is to take a good hard look at Division 3 schools because if you go to a Division 3 school you have a much better chance of actually playing, not warming up the bench. So, thank you so much for representing Heights as well as you have."

Council Member Wilcox added, "Thank you. Congratulations on a successful season. It is very impressive when you have a good regular season, but you come into the tournament facing an undefeated team, sometimes that can be a little overwhelming, but you obviously had great confidence and played as a team and were able to defeat that undefeated team and continue on in the tournaments. So, congratulations to you on that. I'm a soccer dad. My daughter played in the varsity at Heights and I think Mentor might have beat us a couple times back then, too. I think next year is the time to get Mentor and show them you can beat them. But, again, congratulations on a great season and thanks for all the parents that came out tonight and all your support throughout the season and to your coaches, Coach Sullivan and the assistant coaches, again thanks for all the time you devote to this. Congratulations."

Council Member Tumeo stated, "I always get to go last so everyone has already said everything. Congratulations. It's been, as the council knows, I'm a real fond devotee of sports and I learn more about sports here because of all the winning teams that we have from Cleveland Heights and it is quite an honor. You've actually not only brought a great honor upon yourself and your family, but the city, which is why we bring you here and subject you to this. Thank you very much for your hard work and for those of you who are seniors and thinking about college, Cleveland State does have a very good soccer team. Thank you."

Mayor Kelley added, "I just want to wrap up and say that my son plays football at Gilmore and we had an exceptional year in Gilmore and we got to play Geneva, Madison and some of these football teams and we got to go to the playoffs and we did experience the high of winning a playoff game and then I did - I don't call it a lull, but of losing a playoff game and getting the phone call from Eddie when he came home. So I can really appreciate what you guys did, and both on the field and off the field. I know you're tremendous academic scholars. I see your families here. I always point to the families here whether it's a 4th grade league or whatever you're playing. It's so important your families are behind you making sure as with serving you your meals, are there for your rides, the cars are available, your brothers or sisters are there - putting up with you when you come home - a little mad because Sean made you run an extra mile or so or it was a close game and it ended in a tie. But, it's really - soccer is such a team support and a family sport. We drive for miles. My son, Eddie, did do this for a couple years. He may have played with one or two of you since he is a junior in high school. But, it is nothing quite like soccer as far as being in shape and performance and basically playing the sixty minutes or whatever. Congratulations to all of you. We would like to see you back here next year, no matter what you do. So often we honor people because they did this or they advanced here, but we really do appreciate what you do for the community. Our Heights' teams - I had the pleasure this year and council has heard me say this before, I've spent some time with Jeff Rotsky and the football team and I'm going to be spending some time with the basketball team. So you guys are more than welcome to come back next year, no matter what your record is, because of your commitment to the community. We would like to continue this tradition, whomever you beat, even if you are 0-0 and 16 next year. We are proud of what you do. I love soccer. Sean will tell you I'm in the flag football now with my six year old, because

we were there before you, but what you guys are doing in the community is very important not just on the soccer field but what you do in the classroom. Your parents are here. Your families are here with you and it is truly a team sport and we are very, very lucky to have Sean Sullivan in this community, not just with our soccer program, but teaching our children at Oxford. I've been there with him first hand, I see what he does and I am very lucky to have him living on Lynn Park with my mother. You're still on Lynn Park aren't you?"

Sean nodded that he was.

Mayor Kelley continued, "That's part of the speech. I'll stay on Lynn Park. We're very lucky to have you. If the guys would come up with the coaches, we'll take a picture with you for our Focus. But, thank you. This will be rebroadcast on Channel 23. Thank you."

Pictures were taken with the players, coaches and council.

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 printing services for the Focus Magazine."

Mayor Kelley made it a matter of record and referred it to the Community Relations and Recreation Committee of Council.

Council Member Dietrich 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 stated, "Thank you, your Honor. I need to notify Council that one notice has been received from the Ohio Department of Liquor control advising that application has been made by the following: Ann Mar Inc., new D3 and D3A permits, premises 1633-35 Lee Road, 1st Floor only, 44118. Your Honor, I need to make this a matter of record."

Mayor Kelley made it a matter of record and referred it to the Public Safety and Health Committee of Council, the City Manager, and the Director of Law.

Mr. Malone continued, "I also need to notify Council that three resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following: BZA Calendar No. 3140(a) Winslow Crocker, owner of property located at 2300 Bellfield Road, minimum yard requirements for principal uses regulations; BZA Calendar No. 3140(c) Winslow Crocker, owner of property located at 2300 Bellfield Road, improvement and maintenance standards for off-street parking; and BZA Calendar No. 3140 (d) Winslow Crocker, owner of property located at 2300 Bellfield Road, continuation of nonconforming use regulations. Your Honor, I need to make these a matter of record."

Mayor Kelley made them a matter of record and referred them to the Planning and Development Committee of Council for disposition during the committee report on Monday, December 17, 2007.

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Ordinance No. 151-2007(PSH), authorizing an agreement with Statewide Ford Lincoln Mercury, Inc. for the purchase of ten (10) new 2008 Ford Crown Victorias for the Police Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring an emergency. Whereas, the City has determined to purchase ten (10) 2008 Ford Crown Victorias for the Police Department. The Ohio Revised Code Section 125.04 authorizes municipal corporations and other governmental entities to purchase supplies, equipment and services through the Ohio Department of Administrative Services Cooperative Purchasing Program without obtaining competitive bids. The City Manager has determined that the selected vehicles may be purchased through this State Cooperative Purchasing Program at a lower price than could be obtained through bidding, and that it would be in the City's best interests to purchase said vehicles by this means. Section 1 states that the agreement shall provide for the purchase of ten (10) 2008 Crown Victorias, at a total cost, not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00). I'd like to submit Ordinance No. 151-2007(PSH) for passage."

Mayor Kelley accepted Ordinance No. 151-2007(PSH).

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

Nays: None

Ordinance passed

Council Member Evans continued, "Next, is Resolution No. 152-2007(PSH), declaring the property at 1176 Sylvania Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. Whereas, the City Manager and the Certified Building Official have reported to this Council that the residential property known as 1176 Sylvania Road owned by Lasherri A. Leathers has not been maintained for a number of years and is in a state of severe disrepair. It has been further reported that the subject property has been cited by the Housing Inspection Department for a dangerous housing code violation on the property over the past year and a half (1 1/2 years) and that no progress has been made toward correction of the violation. It has been further reported that the property has deteriorated over the years to the point that it is a hazard to the health, safety and welfare of the occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property. Be it resolved by the Council that Section 1 states that it is hereby found and determined by this Council, pursuant to Chapter 553 that the premises at 1176 Sylvania Road is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and is hereby declared to be a public nuisance. I would like to present Resolution No. 152-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 152-2007(F).

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

Nays: None

Resolution passed

Council Member Evans continued, "This particular property is recommended as you may have noticed from the pictures that it is the garage that has caused the most problems and it is recommended to have it razed at a cost of about \$1,800.00.

The next thing I'd like to mention is our city has been recognized as one of the safest cities amongst cities of this size. Our city does publish from time to time little safety tips, community safety tips, and as we know in this day and age it is wise to be smart about how we live, how we do things. One thing to remember is to keep your windows and your doors locked. Do not leave valuable things such as your cell phones and purses viewable through your windows. Remember to lock your cars and to keep your CD's and other things that people might want to break a window and just grab out of the car. Make sure you use your lights effectively. It is recommended that if you are going to be gone for any length of time, to use timers. It is always good to let a neighbor know that you are not going to be at your house and perhaps they can keep an eye on your home. That brings to mind that it is good for neighbors, neighbors to be aware of what's going on around them. We've had some concerns about people breaking into homes that are not occupied and stealing copper plumbing and taking some things and really doing some real damage to homes. We'd like for you, if you take notice of these things, to please call the police department. It is better for them to go out, check out the situation than for nothing to be said and for these people to have an opportunity to do greater damage to these homes. I'm rather fortunate in that I have a neighbor who is - she considers herself as the mayor or the watchman of our street and she does take notice of various different things that go on and she makes phone calls. I think that is really good. I don't think that we should feel that we're putting our nose in places where we shouldn't have them, that we are doing each other a real service if we keep our eye out on what's going on in our neighborhood.

Other than that, if you see there is a broken street light, than it is good to call and report it at 1-888-lightss (with 2 s's at the end) and on each of these poles that have the light there is a code number that you can go out to the pole, look and see what the number is and include that with your report. It makes it much easier for them to trace and come out and fix that particular light.

Other than that, don't open your door to strangers and certainly if you have a glass door. I think sliding doors, most of us know that we need to put a little extra wedge or a pen or something to make it a little bit more difficult for people to get in. The police do their job effectively, because of the tradition of resident involvement and support. We consider this being a good neighbor. Most of you are. Some of you need a little bit more encouragement to be a little bit better. Get to know each other so that you'll know when you can see an unusual occurrence. That concludes me report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "I have no report tonight, your Honor."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, "Thank you. All I have are a couple of announcements that might be of community interest. The Heights High Alumni Association is holding its annual holiday party this Thursday night, December 6th from 7:00 to 10:00 at the Rockefeller Building. You don't actually have to be an alumni to go, anybody with any association with Heights High past or present, parent or just interested, active supporter is welcomed to attend the party. It costs \$20.00 at the door and there will be plenty of food and drink and a raffle and all sorts of fun things.

Actually, it is two meetings, but they are both sort of the same, so you would go to one or the other. Both Tuesday and Thursday evenings of this week, which are December 4th and 6th at 7:30 at the library, Rabbi Yakov Travis is hosting informational meetings about a new project that will be in the Lee-Meadowbrook Kensington Neighborhood. It is called Tifferet Village. Something interesting - something I've never heard of and I think it is just very cool. It involves the purchase of several homes where

young Jewish people like in their 20's and 30's will live and here's the quote, "In a fellowship program integrating spirituality, the arts, as well as social and green activism", unquote. I always think this ad is an exciting new dimension to our diversity. If anybody is interested in hearing more about it, Tuesday and Thursday at the library.

Finally, if you have a child interested in playing youth basketball this winter, registration begins this Saturday. That's all that I have."

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There are two pieces of legislation on for first reading only tonight. These ordinances or similar ordinances are read about this time of the year and will be on for second reading at the next meeting, it is anticipated, and will be discussed by council and staff between the two meetings. As to the first, Ordinance No. 153-2007(F), (we might refer to this as the clean-up ordinance for the 2007 budget) to amend certain subparagraphs of Ordinance No. 140-2006(F), as amended, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2007; and declaring an emergency. It provides in separate line items increases and/or decreases in each of the line items for each of the departments. In a very, very rough summary, where the increases tended to outpace the decreases it was found that due to the gasoline prices of which just about every consumer is aware of at this point, approximately 109,000 dollars over the various items in the budget were increased. Natural gas accounted for increases of about 84,000 dollars, electricity accounted for increases of about 83,000 dollars, transfer for earned benefits - that obligation that the city has each and every year amounted to about 258,000 dollars. So, the bottom line, as presented in the ordinance on first reading, is for the general fund. The total budget, if approved along these lines, would amount to 42,720,242 dollars and then as to that other portion of the overall budget, the special funds, that would amount to 95,621,857 dollars. Ordinance No. 153-2007(F) is presented on first reading only tonight."

Mayor Kelley accepted Ordinance No. 153-2007(F), first reading.

Vice Mayor Montlack continued, "Ordinance No. 154-2007(F), (the second part of this annual exercise), to make appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio, for the period of January 1, 2008 through December 31, 2008; and declaring an emergency. This is the first draft, as it were, of the 2008 budget, including the budget for the general fund which per this ordinance is estimated at 44,546,137 dollars and as to the special funds at 83,180,317 dollars. Again, there are many line items in this budget and for those persons who are interested in seeing the actual the document, please contact the Finance Director/Clerk of Council. Ordinance No. 154-2007(F) is presented on first reading only tonight."

Mayor Kelley accepted Ordinance No. 154-2007(F), first reading.

Vice Mayor Montlack continued, "Thank you. Now, with apologies for perhaps raining on this wonderful holiday spirit, I would like to comment again or as a followup on our report concerning the budget. At our last council meeting, two weeks ago, I received major reasons for Cleveland Heights' declining general fund balance that included loss of the state tax revenues, following the General Assembly's 2002 changes in that shared revenue fund. It included the flat growth or non-growth of other state revenues which have been shared with local governments. And now for the first time as reported also, the decreased municipal income tax receipts, mostly resulted from the mortgage related plague of foreclosed and vacant housing in Cleveland Heights and for that matter throughout our region. This development is of special concern, because municipal income taxes have accounted for slightly

more than one half of the general fund revenues in our mostly residential community. I also discussed with you the city government's efforts to trim expenses without impacting quality of life standards. This discussion included reduction of the city's full-time staffing, the related expansion of individual staff job duties, and increased health insurance co-pays to reduce those insurance costs. However, even with the minimal general fund budget growth of about 1.3% only on the average in 2003/2004/2005 and 2006, the trend of carrying forward balances in our general fund has been one of decline. Here is a summary in that regard, at the end of 2002, the unencumbered general fund balance, that is the balance for our operating fund that carries over to the next year was just over 6 million dollars and the carry-forward balances at the end of the succeeding years were about 4 million dollars at the end of 2003. About 2,900,000 dollars at the end of the each of the next two years and about 2,125,000 dollars at the end of 2006. Currently, our best estimate is that 2007, which will shortly end, will end with a general fund balance of 1,650,000 dollars and that without timely revenue and/or expenditure changes that balance would or could disappear by the end of 2008. No cities are immune from the impact of our regional economy. Faced with similar challenges, it is not surprising that several of our neighbors including Euclid, Maple Heights, Parma, Parma Heights and University Heights have increased their municipal income tax rates above 2%. The council and staff are reviewing our revenue sources and expenditures, item by item, and as I mentioned before we will be doing this along with the discussion of the two ordinances which were on for first reading tonight. We are doing this with the objectives of maintaining a responsible general fund balance, going forward year by year, and attempting to limit any request for increased tax revenues or fees, while at the same time continuing to deliver the high quality services that our residents expect. As we continue our discussions and a lot of work that is going forward on this, we certainly will keep reporting to you on these important items of concern. Thank you."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have one piece of legislation. I have Resolution No. 155-2007(MS), authorizing the City Manager to enter into an agreement with Mackay Engineering & Surveying Company for engineering and surveying services for the replacement of a waterline on Revere Road between Staunton and Grosvenor Roads; providing compensation therefor; and declaring an emergency. The City has determined to replace a waterline on Revere Road between Staunton and Grosvenor Roads. Mackay Engineering & Surveying Company has submitted a proposal to provide the necessary engineering and surveying services for this project, the terms of which are reasonable and competitive. Such services are professional services for which no bidding is necessary. Therefore, be it resolved by this Council that the City Manager be authorized to enter into an agreement with Mackay Engineering & Surveying Company for engineering and surveying services for the replacement of a waterline on Revere Road between Staunton and Grosvenor Roads. The scope of the work shall be as set forth in the Engineer's proposal dated November 16, 2007, a copy of which is on file. Compensation for such services shall be at the Engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Sixteen Thousand Three Hundred Fifty-four Dollars (\$16,354.00). The agreement and any related documents shall be approved as to form by the Director of Law. Notice of passage shall be given and this Resolution shall be declared an emergency for passage tonight. So, I offer Resolution No. 155-2007(MS)."

Mayor Kelley accepted Resolution No. 155-2007(MS).

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

Nays: None

Resolution passed

Council Member Caplan stated, "Thank you. I have a few announcements. You had read and gotten notices that the pickup of those great big piles of leaves was to have ended last week, but the trees did not cooperate and did not begin to shed their leaves until really, it feels like almost a month late. So, there will be at least one more good round, probably this week, depending on the weather, to collect those big piles [end of tape]. - - worry about shoving them out and into Kraft bags. Do what you can to get them out, because we're nearing the end and the snows are coming, so we don't want the leaves piled up there when the snow falls on top of them, so try and get your leaves off of your lawn and into the big piles, but not in the street.

The other thing, talking about trees, this past year we have planted 467 new trees. We took down about 100, fewer than that, because they were dead and it is our job to keep the dead trees down and plant new ones so that we always look the City of Trees, so we've been planting big varieties and if you want a tree in the spring, call the forester, you can have one on your tree lawn. We like that.

It is the season of holidays. Tomorrow night is the first night for Hanukkah and I want to sound a little bit like Scrooge and to tell you to try and be - pay attention to what it is you're throwing out. During holiday time, there are lots of cards, there are catalogs, there is wrapping paper, there are boxes, you could recycle them all. When you open up the card, recycle those envelopes if you want to display the cards you're getting. Take all that wrapping and recycle it, the boxes, recycle the boxes. It is really important that you do that. You recently received a marvelous little pamphlet. You got it in your water bill. So I hope you kept it. I know you kept it, so you can see what is recyclable and what is not. So, I encourage you to refer to it and if you can't find it or you have a question and you have a computer or access to a computer go to the city's website because it will tell you what you can recycle and what you cannot not. We want you to have a good holiday, but we also want you to pay attention to the environment and to help us be good citizens in the world and you can do your part by doing your share of recycling. Do remember my little trick about opening your mail over a bag, it really does work.

I wish our Jewish neighbors a Happy Hanukkah, it is a fun holiday, and a Happy Holiday season as it's beginning to everybody. Thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is one piece of legislation tonight, the BZA Calendar Resolutions are being deferred to the next meeting. I do have Ordinance No. 156-2007(PD), authorizing the City's participation in the United States Department of Housing and Urban Development's *\$1 Home Sale to Local Governments Program*; authorizing the City Manager to purchase homes under such Program; providing compensation therefor; and declaring an emergency. The United States Department of Housing and Urban Development ("HUD") operates a program entitled the *\$1 Home Sale to Local Governments Program* (the "Program") under which foreclosed houses acquired by the Federal Housing Administration ("FHA") which have been on the market for over six months may be sold to local governments for One Dollar (\$1.00) plus closing costs. The Program provides the local government with discretion as to disposition of the Dollar Home properties, requiring only that all profits from the resale of the such properties are utilized to support local housing/ development initiatives. It would be in the best interests of the City and its residents to participate in said Program.

I did want to make a couple comments about this prior to reading the rest of the ordinance. This Ordinance is one more attempt to address the problem our city and region face concerning foreclosures and vacant homes. We all know that there are far too many houses in foreclosure or vacant as a result of foreclosure. This has a negative impact on our residential neighborhoods from a quality of life stand-

point. In addition, it continues to have a negative impact on the city's finances. This is a subject that Vice Mayor Montlack addressed at our last meeting in some detail and again here tonight. Unfortunately, there are no quick fixes and this Council has enacted a number of pieces of legislation this year and the city has taken other steps to try to deal with this issue. Simply put, the economic resources the city needs to spend to deal with vacant and foreclosed homes has become a drain on our budget. However, the city will need to continue to spend these resources in order to maintain neighborhoods and to increase the likelihood that these properties can be economically viable again. Therefore, this HUD Program, allowing local governments to purchase houses for \$1 is one more program that the city can try and use to improve this situation. This legislation is simply the first step and additional legislation will be required for any actual disposition of these properties. But, by enacting this legislation, our staff will then identify various approaches to the properties that may be acquired to this program, including transfers to non-profits for rehab or use in our first-time home buyer program and in some cases these houses may be demolished to rid ourselves of an eyesore or non-productive property. In any case, our city's resources will be utilized only after careful thought and consideration with respect to each property that may be purchased under this program.

So this Ordinance in Section 1, authorizes the City's participation in the Program, and authorizes the City Manager to purchase any or all homes available under such Program as he deems appropriate at a purchase price of One Dollar (\$1.00) per home, plus all customary closing costs not to exceed Three Thousand Dollars (\$3,000.00) per home. Disposition of such properties shall be for a public purpose in accordance with HUD regulations, and shall require further legislative approval of this Council. I offer Ordinance No. 156-2007(PD) for passage tonight."

Mayor Kelley accepted Ordinance No. 156-2007(PD) and commented, "I just really want to say this is a good positive step that we are taking as a city council, this idea of what is the city going to do about foreclosed houses - it's been on Council's plate for at least a year if not more. It came up in my State of the City Address when someone asked the question. It came up in the Top of the Hill meeting in November, as one of the reasons, why are we concentrating on Top of the Hill when we have foreclosed properties? We have seen 36 homes that are in this category. Twenty-four of which look like possible homes to do something with. Twelve homes that definitely look like eyesores for their neighborhoods. It is possible homes to be razed. So, we have not just been sitting by idly while these properties are in foreclosed or vacancies on streets. We realize and we realized long before I got on council or Councilwoman Caplan and I got on council, the value of nuisance abatement, about doing something about properties that really hurt a neighborhood. Tonight, we just had a house with a garage that's falling down because it's not just a good property to effect the rest of the properties on the street. We've been doing things like this for years. This is cutting edge. We are probably one of the first cities in the area to do this. I hope we can do this more and more and more often and make something happen here and get people to work with us to find investments, whether it is in people, non-profits or whatever and start reversing the trend. We have to start somewhere. This is a great situation to do it and to be able to work with HUD on something like this will be a positive - and we'll start turning around houses one at a time, street by street, neighborhood by neighborhood. Some of these have houses that we've seen in these first 36, there are two on a street or 2 or 3 in an area in a concentration. This is what we need. We've been waiting for something like this. If we only get one and buy a house and knock it down - the difference it will make in the neighborhood will be fantastic. So, we will be supporting this and this is what your active council is doing to make a difference in your neighborhoods and in your streets and in the City of Cleveland Heights. So, I want to thank Rick Wagner, our housing commissioner who is sitting there researching. I want to thank Councilman Tumeo for coming up with this. I think it was your research - wasn't it Councilman Tumeo that found this - new ideas - new ways to do things and pushing the envelope a little bit and asking 'why not' instead of sitting back and letting this number rise and rise. Hopefully, we can do this and get more involved and maybe before spring of next year have

some of these houses in our possession and out of our possession or actually bring some of these houses down and make a neighborhood a little bit better even if we just bring them down and leave them vacant. It makes a big difference to the neighborhood. Anyone else want to comment?"

Seeing no one, Mayor Kelley called for the vote.

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

Nays: None

Ordinance passed

Council Member Wilcox concluded, "The flip side of this issue is important for the city to continue our efforts to look for new housing opportunities and new development opportunities in the city, so with that in mind, our Top of the Hill Planning Commission meeting will continue December 5th, that is this Wednesday at 7:00 at our Community Center. This will be another opportunity for public comment and I would expect that the Planning Commission at that meeting will at least be considering the adoption of design guidelines for that potential project.

I did want to say one other thing and Councilwoman Caplan kind of reminded me that holiday season kind of starts, I guess tomorrow night, with Hanukkah. I mentioned this last year and I think it is important for all of us to make every effort that we can if we shop locally for our holiday shopping. We have some shopping districts in this city. We have great merchants. We have great restaurants which sell gift certificates as holiday presents. But, this is an opportunity to really help our community and our local businesses because this is the time of the year when they really depend on the shoppers to make a difference for their year. I would encourage everyone to do that to the extent they can and that concludes my report."

REPORT OF THE MAYOR

Mayor Kelley stated, "Speaking of shopping locally, Heights Arts store is open, two doors down or so from the Cedar Lee Theatre, same side of the street, and it's a great place to shop and support our local artists, and Peggy Spaeth usually does a great job and the hours seem to fit the Cedar Lee traffic. I know we talked two weeks ago about our garage being open and it is open. It is still free, so take advantage of it.

I do want to talk about two other issues, the Top of the Hill. The design guidelines probably will be coming at our next meeting. I do want to put to rest the fears of the people out there, that we are going to be building something there that will not mimic a Taco Bell or a tanning salon or something like that, if indeed we do move forward, which probably would be the next stage after this. It will be something that Cleveland Heights can be proud of and something that we will all look forward to. But, there is a long way to go before we get there. The next stage would be kind of proposals and there will be all kinds of opportunities for people to participate in the discussion, as there has been now. It is a long way from happening, but again, it will be a long process where people will have ample opportunity to come forward and talk and we are just finishing what we call Phase Two right now.

I do want to speak a minute on the idea of taxes. I'm hearing out there, whether it is on clevelandheights.com (which I don't go on often) that this Council is just going to put a tax through and not let the people vote on it. I think I can speak for everybody on this council that, if indeed, there is a situation where there is a tax to move forward with, I think the voters of this city will have an opportunity to vote on it and I don't think you'll have to worry about this City Council putting some kind of a tax ahead without a vote of the people. So, let me clear that up for you, whether it is clevelandheights.com

situation or people talking in the grocery stores, at our community center or at some of the various places people hang out. We will probably be spending a lot of time on this, not just this month, but in the future, talking about what to do to balance the revenues and expenditures and look at that. But, I think you can rest assure that a vote of the people will be forthcoming, if indeed that is the road we travel down somewhere in the future.

I do want to wish the people who celebrate Hanukkah a Happy Hanukkah season and I do want to say that we are still going to pursuing the salt dome issue no matter what happens in the next couple of days. Obviously, the dye may have been cast already by now and we will probably be reading about it in the next few days, but we are prepared, as a council, as a city, and as our law director to move forward wherever we may have to go, wherever that road leads us to. But, we are still in a situation where we would be more than happy to work with the folks in the City of University Heights - to have a partnership with the City of University Heights, if necessary.

Thank you for coming. Our next meeting will be Monday, December 17, 2007. This meeting is adjourned at 8:46 p.m. Again, thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc