Monday evening
June 18, 2012

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 5:31 p.m.

Edward Kelley, presiding

Council Members present: Caplan, Dunbar, Kelley, Stein, Wilcox

Council Members absent: Stephens

Staff present: Carter, Gibbon, Nierrmann O'Neil, Raguz, Thompson, Wagner, Wong

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

Council Member Wilcox moved to adjourn into Executive Session at 5:59 p.m. Second by Council Member Caplan.

Edward Kelley, presiding

Council Members present: Caplan, Dunbar, Kelley, Stein, Wilcox

Council Members absent: Stephens

Staff present: Carter, Gibbon, Nierrmann O'Neil, Raguz, Thompson, Wagner, Wong

Topic of discussion: Personnel and litigation.

Executive Session concluded at 6:55 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:43 p.m.

Edward Kelley, presiding

Council Members present: Caplan, Dunbar, Kelley, Stein, Wilcox

Council Members absent: Stephens

Staff present: Carter, Gibbon, Nierrmann O'Neil, Raguz, Thompson, Wagner, Wong
The minutes of the Regular Council Meeting held Monday, June 4, 2012 were approved and signed by Mayor Kelley along with the ordinance and resolutions passed at that meeting.

Kerri Whitelouse stated, “I live at 1896 South Compton. I am here tonight to talk to you a little about an initiative that is underway. I’m involved with the Cain Park neighborhood association commonly known as CPNA. It’s an alliance of citizens living near and around Cain Park that seeks to make the park a safer more welcoming place. CPNA as you might know was formed to unite the community in a productive way to address the crime and violence that has happened in Cain Park over the past couple of years. Under the CPNA umbrella there are a number of committees that have convened and various community oriented events have and will take place. I’m chairing the Dog Project Committee and this just had its first meeting last Monday, so we are just getting started. There are currently about 10 people on this committee, including a few that are here tonight. I think we have a couple of other folks that are involved in CPNA, Harvey is one of them, he’s also part of the CPNA. The dog project’s focus is to encourage Cleveland Heights City Council to lift the dog ban that is in place at Cain Park for a test period of six months to a year. With the ultimate goal of making all of Cleveland Heights Parks dog friendly.

Specifically, we would like responsible pet owners to be allowed to walk leash dogs that are not dangerous as defined by City Code. I have had a few conversations with Councilman Jason Stein, I know he’s in favor of exploring this issue, so we thank Jason for that. I’d like to tell you a little bit about the thinking behind this initiative and what we are driving at here. We feel that allowing leashed dogs in Cain Park will help promote safety in the park, encourage foot traffic, park use, social and intergenerational opportunities as well as wellness. Furthermore, walking dogs I think has been found to increase a sense of safety and actually reduce crime. I think dog friendly works, many families, kids and dogs are successfully co-existing in the U.S. and Northeast Ohio cities including Shaker Heights, Beachwood, Mentor and other places. The City of Lakewood I think will likely serve as a good model. They instituted a similar pilot program a few years ago as well. I think it’s time, dogs are really a part of the 21st Century family for many Cleveland Heights residents, singles, couples with or without kids, families. Pets are really a cherished family member. I think going dog friendly would not only encourage bonding time for the whole family but would also help the tracts, people who are considering moving to Cleveland Heights as well. How are we going to do this? It’s a big project but we do have some creative public relations and sort of marketing ideas as we get started thinking about this. We intend to encourage responsible pet owners by creating awareness around several things.

Number one, cleaning up dog waste. Number two, taking charge of your dog’s behavior and three, just general common sense, common courtesy to others and the environment as well. Something I want to clarify about this, the Dog Project Committee is just one facet of the Cain Park Neighborhood Association. Obviously the Dog Project Committee is in favor of this initiative. There are people involved in the Cain Park Neighborhood Association who don’t agree. So, this dog park initiative and our stance on this does not represent the stance of CPNA as a whole. Now some really very valid concerns have been voiced about making Cain Park dog friendly, for instance dogs biting, dogs scaring kids, others, people not cleaning up. Those are real
concerns. The Dog Project has every intention of giving these concerns careful thoughts to find reasonable solutions that work for everybody. We welcome input and ideas really anybody and if we want to begin starting to have open dialogue with City Council as well. As far as next steps this is what we have in mind: As I said the Dog Project Committee is really just getting started and from here what we plan to do is craft some language for the petition and develop a more detailed case for support. From there we will start gathering signatures with the goal of obtaining of 700 if not more. We are shooting for submitting this petition probably sometime mid to late July but there is a lot to consider and we intend to take the time needed to do this right. So, instituting a change like this is clearly going to require some funding and resourceful input and we are willing to partner with City Council towards seeking such funding for such things such as signs, dog waste dispensers and education. So that’s about it. Thank you very much for the opportunity to share our plans and I look forward to continuing the conversation.’

Mayor Kelley asked, “Thank you. What kind of dog do you have?”

Kerri Whitehouse replied, “I did have a basset hound for ten years and his name was Clyde and we had to put him to sleep last fall unfortunately he had cancer. I would say we are in between dogs right now.”

Carolyn Cary stated, “I live at 3961 Orchard Road. That is in the Noble/Monticello area and in my neighborhood what I’m here to speak about is a problem with the current trash collection system. I emailed Councilwoman Dunbar she was nice enough to get back to me. Thank you. In my neighborhood once the trash is put out there are both domesticated and wild animals that get into the trash and what happens frequently in that area is that people the next day don’t clean up what is left on their tree lawn. So, there is this problem of a lot of refuse being left over. I am a dog owner and I walk my dog regularly and it’s just an ongoing battle to pull the chicken bones out of her mouth and pull her away. Many times throughout the week that we go through this. We also walk in, because that’s near South Euclid. We walk in South Euclid sometimes and it seems like we have fewer problems in South Euclid because people can put their trash out in trash cans. I feel like the system is flawed and something needs to change if only that we buy trash cans and most people have them anyway and just put the trash out that way or if it means changing the entire collection system but for me it’s a big problem. That’s what I wanted to say. My trash day is Thursday morning.”

Mayor Kelley stated, “We can give your street more attention when they get done picking up. I just got a new puppy myself and she got into somebody’s baked potato the other day so I know what you are talking about. Alex is not here tonight, he is on jury duty but we can tell the foreman to give your street a little more attention and clean up more around the mess and maybe flyer the neighborhood also. Let people know the fact that if they don’t clean up after themselves they are really causing a problem for pets. We can do that for you.”

Mike Gaynier stated, “I live at 2933 Berkshire. I’m here to support Carolyn. We have talked about the trash issue on previous occasions and it was an issue that since I first moved here
five years ago has been a bit of a nuisance wherever I have gone on in the City. Just a loose survey tonight as a left my home and drove two blocks down Berkshire to Lee Road to come up here to the meeting tonight, I quickly counted 24 pieces of litter. Monday is our trash day on our street. Dennis you know that it’s always been a problem in our City I feel and on an ongoing basis. I don’t want to talk so much about trash but I want to talk about the image it creates. This Saturday we had a neighborhood wide yard sale and in our Grant Deming’s Forest Hill Historic Hill neighborhood this past weekend. We had 36 homes participating. I had somebody come up to me out of the blue, knew who I was, asked me if I would go talk to Council because we have the greatest schedule we’ve had, since I’ve been here at Cain Park this summer I think and the park is going to be really busy and he had just gone by the Sunoco Station right across from the entryway which always looks horrible. I was really pleased to see that the weeds were all cut and so forth as I came here tonight.

My point is sometimes our trash pickup system leaves a very bad impression. I’m one of these people who puts it out first thing in the morning because I just don’t want to deal with the rodent problem and the animals and I really want to encourage us to think about a closed container system. I know we’ve tried it in the past, I have lived in other communities that do it successfully and it really does help reduce the amount of litter that we have, not all of which is from the rubbish that people put out. We have problems with teenage litterbugs and so forth in the City and that’s not going to change. I think if we try to think about it, make some plans, figure out a way to better address this we won’t have as many issues with it. If I’m realtor in this City, realtors don’t like to show houses on trash days on certain streets. If I’m a seller, in fact I talked to a woman who was trying to sell her house recently because I ran into her as she was out there cleaning up the street nearby her home from the pickup off of Noble Road and there was a lot of debris around there. It’s not a problem that I think is going to be easy to solve but I’d like us to revisit the issue as a community so that we can try to put our best foot forward as we promote ourselves as an absolutely terrific place to live. There are 100 great reasons I think of why I want to be there, there are four or five that kind of upset me now and then like the litter problems that we are challenged with. I would just ask Council to please get it on your agenda and maybe revisit how we can improve this to try and reduce the amount of litter that we have on our streets. Thanks for listening.”

Greg Coleridge stated, “I live at 3016 Somerton Road. I just wanted to come before you this evening to thank this Council for considering this Resolution that you are likely to be voting on this evening. Resolution No. 77-2012 that deals with the Citizens United Supreme Court decision 2010. The Resolution under consideration that you are dealing with is not all that we would have liked you to consider but it is a start and do appreciate you allowing this arena for discussion and education to take place on an issue that quite honestly for most of us has been unfamiliar and pretty complicated. It is a somewhat difficult learning curve to get on the other side of dealing with issues that have been buried for more than a century in some cases when we are talking about corporate Constitutional rights and as a result we all too often will leave it to the experts, the Constitutional professors and attorneys to sort of maybe sway our opinion instead of coming up with our own opinion and that’s a function of not being familiar with these issues. I appreciate the opportunity that this Council has allowed for us to raise this issue and realize that it
is a start and your step in passing what many of us may feel is not quite a complete resolution, nevertheless may serve as a spring board for us to consider a citizens initiative at the community level and if and when that happens we hope that one or more of you will join us in spreading the word about the need to end never intentioned corporate Constitutional rights and as a short hand expression, the notion that spending ones money in elections is a kin to free speech, appreciate the opportunity that this Council has allowed us to provide education and hopefully we have done a little bit of that there and haven’t distorted too much of the issue and that this will be not an end but rather a beginning. Thank you.”

Garry Kantor stated, “I live at 3624 Cummings Road. This is something of a cliffhanger, to be continued from last time. I understand you did not bring your handouts from the previous meeting. There will be a quiz at the end. In the meantime I would like to discuss the developer’s public words, I will start with a mailing that he sent out. I mentioned it once before it says “Dcn’t be confused by outrageous claims”. He’s talking about the opposition. Interestingly developers the person who put out this yard sign and tv ads and cable ads and newspaper ads. It says Yes 96 and look there is a picture of an oak tree, I’m guessing, that’s why the place is called Oakwood. A nice bushy tree, creates 700 jobs, we already talked about that. Costs us nothing, we really haven’t talked about costs us nothing. What does that mean? Nothing costs us nothing. Who is us? Us the developer. Well, okay maybe it cost him nothing because he cut down 218 mature healthy trees. I don’t know, maybe he sold those trees so it cost him nothing. I would just like to reiterate that the reason I’m here is because I love Cleveland Heights. I graduated Heights High in 1975, it’s the only school system I ever attend. I was gone for thirty years and I’m back and I love it here. I’m the biggest booster of Cleveland Heights you’ll find anywhere.

So, don’t be confused by outrageous claims back to February 21 his own rental agent, leasing agent puts a brochure up on the internet boasting about Walmart. Walmart themselves say that they are looking at Oakwood Commons as a solution for local families. Even the pious and unbiased Heights Observer, Bob Rosenbaum writes, Fran Mentch gets to say “I told you so”, this is on February 21 and yet the developer is still saying nothing has been signed, I can’t say anything yet, I’ll let you know. Interesting - finally, it is announced that Walmart is going to Oakwood but what they didn’t announce is that Walmart purchased the property that they are building on. So, in January when it’s still not officially Walmart, 20 acres were sub-partitioned, 20 acres in South Euclid. February 21 the brochure comes out, Walmart says they are coming, the developer issues a non-denial, denial. He doesn’t say Walmart is not coming he just says nobody signed anything yet. Then on March 22, this is from the County records, on March 22 Walmart purchases the 20 acres for $5,060,000.00. The developer had $2.5 million into it all total. He paid a little less than $2.5 million for the Cleveland Heights acreage of 92 acres. So by my calculation his bank account is whole, he still owns 20 acres in South Euclid because he sold 21 acres to South Euclid for $1.00 and he owns the 92 acres in Cleveland Heights and the best part about it was those 218 trees that were cut down cost us nothing. Thank you.”
REPORT OF THE CITY MANAGER

Ms. Niermann O'Neil stated, "I have one thing to announce tonight. Our current Fire Chief Kevin Mohr advised us a few months ago that he will be retiring at the end of August. In order to fill the position of Fire Chief we have recently gone through our civil service protocol and that is how the fire and police chiefs in Cleveland Heights are selected. The candidates were independently evaluated and judged by six fire chiefs by the Ohio Fire Chiefs Association Testing Agency. The results of that testing was then given to our Civil Service Commission. Tonight I'm proud to announce that Lieutenant William Dave Freeman is the top candidate to be promoted to Fire Chief for our Cleveland Heights Fire Department. Lt. Freeman has been a member of our Fire Department for twenty years and during the last five years he has served as our paramedic coordinator. In that time he has overseen budget, planning, training and personnel issues. During the next eight weeks Lt. Freeman will shadow our current Chief Kevin Mohr. We want this to be a very strong transition because the Fire Chief position is so very important. So, when Chief Mohr retires at the end of August we will have a swearing in ceremony for Lt. Freeman to be promoted to Fire Chief. Thank you Your Honor."

Mayor Kelley stated, "Just so you know this will be a very public ceremony, possibly held here in Council Chambers or maybe at one of the fire stations since family will be involved and many of the men and women who work for us in the safety forces will obviously be invited. We would love to have the public there and obviously the newspapers will be writing stories about this in the days and weeks to come and we look forward to a strong, smooth transition and we will have more to say as we get into August."

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Raguz stated, "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: BNB, CF LLC, d.b.a. Burgers N Beer; transfer D5 and D6 permits from Heinika, Ltd., premises 1854 Coventry Road, 2nd Level, Suite E, 44118. Your Honor I need to make this a matter of record."

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

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Councilwoman Caplan stated, "There is no legislation from this Committee. I just want to remind everybody that Cain Park has begun. It is time to go to $2.00 Tuesdays and all the programs that are going on at Cain Park. It is a wonderful venue. Some of the shows are sold out. You can find out what all the shows are online. If you haven't gotten a brochure, it's really a wonderful opportunity. The other thing is the pool is open, Cumberland is gorgeous. I have been there several times this past week. It's a wonderful way to get a little exercise, to see your neighbors and I encourage you to take advantage of all of the wonderful assets in the whole City. We have new
tennis courts that have been refurbished and Denison is starting to get a new little facelift and wonderful walking path. I encourage you to get out there and use our facilities. It’s a great opportunity. That’s all I have.”

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Wilcox stated, “There are three pieces of legislation. These all have to do with our Community Development Block Grant Funds which the City receives every year. These are federal funds that our action committee reviews and then makes recommendations every fall and this time of year we approve the contracts for each of these awards. So, Resolution No. 80-2012(F) is a Resolution authorizing the City Manager to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for use of Community Development Block Grant funds for the payment of operating expenses; providing compensation therefor; and declaring an emergency. The Heights Emergency Food Center provides emergency food services to approximately 13,000 people in 2012 in the Heights area and this covers some of their administrative expenses. The Resolution authorizing the City Manager to enter into an agreement to provide $5,000.00 of funding to the Heights Emergency Food Center and all of these agreements will be from July 1, 2012 through June 30, 2013. I offer Resolution No. 80-2012(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 80-2012(F).

Roll call: Ayes: Dunbar, Kelley, Stein, Wilcox, Caplan

Nays: None

Resolution passed

Vice Mayor Wilcox continued, “Next I have Resolution No. 81-2012(F). This is a Resolution authorizing the City Manager to enter into an agreement with the Heights Youth Club, Inc., a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Project Learn: The Educational Enhancement Program; providing compensation therefor; and declaring an emergency. This Resolution authorizes the City Manager to enter into this agreement to provide funding in the amount of Twenty Thousand Dollars ($20,000.00) to the Heights Youth Club. This is for a program that enforces and enhances the skills and knowledge that youth learn at school. It serves 480 youths in our community with 51% being from low and moderate income households. I offer Resolution No. 81-2012(F).”

Mayor Kelley accepted Resolution No. 81-2012(F).

Roll call: Ayes: Kelley, Stein, Wilcox, Caplan, Dunbar

Nays: None

Resolution passed
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Vice Mayor Wilcox continued, "Next I have Resolution No. 82-2012(F). A Resolution authorizing the City Manager to enter into an agreement with Noble-Nela Merchants Association, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with the administrative costs of the Association and its activities; providing compensation therefor; and declaring an emergency. This contract is for Four Thousand Five Hundred Dollars ($4,500.00) and it benefits the Noble-Nela Merchants Association. There are approximately 40 businesses in this district. It will provide with streetscape management and marketing of the district. I offer Resolution No. 82-2012(F) for passage tonight."

Mayor Kelley accepted Resolution No. 82-2012(F).

Roll call:
Ayes: Stein, Wilcox, Caplan, Dunbar, Kelley
Nays: None

Resolution passed

Vice Mayor Wilcox concluded, "Other than to correct my notation, it’s the Citizens Advisory Committee, it finally came to me. So, just to correct that for the record. That concludes this report."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Councilwoman Caplan stated, "I have one piece of legislation. It is Resolution No. 87-2012(MS). This is a Resolution approving the purchase and installation of a compressor for the North Ice Rink on an emergency basis; providing compensation therefor; and declaring an emergency. It was necessary to replace the compressor in the North Ice Rink on an emergency basis. Tempest, Inc. was the only available source for this emergency purchase. The price charged by Tempest, Inc. for the sale and installation of the compressor was reasonable and competitive and also Issue 27 if you remember some years ago we voted on Issue 27 and it’s Issue 27 money that pays for it. Therefore, be it resolved by this Council that the Council approves an agreement with Tempest, Inc. for the purchase and installation of a Vilter model compressor for the North Ice Rink at the Community Center on an emergency basis at a total cost of Thirty-seven Thousand Forty Dollars ($37,040.00). Any contracts related thereto shall be in a form approved by the Director of Law. Notice of passage shall be given and this Resolution is declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to provide essential services and meet contractual obligations. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be enforced immediately upon its passage. Otherwise, it shall take effect and be in force from and after the earliest time allowed by law. I offer Resolution No. 87-2012(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 87-2012(MS).
Roll call: Ayes: Wilcox, Caplan, Dunbar, Kelley, Stein
Nays: None

Resolution passed

Councilwoman Caplan continued, “I would like to comment about the collection of garbage and the litter that has appeared and just distresses all of us actually. We did not so long ago revisit the whole issue of using trash cans. We used to have trash can pickup, we used to even have little carts that would come to the back by our garages and pickup our garbage and take it out. We sold those carts, this has been a long time ago, more than 20 years and we did discuss what it would cost us to reinstitute garbage cans. It would probably be over one million dollars for that to happen. I think it would really be a whole lot easier and certainly cheaper if we could figure out a way to educate all of our population about how do we put out garbage so that it is not affected by the animals that walk around. A lot of it has to do with how the garbage is put out, also when it is put out but it also has to do with how it is packaged in our bags. There is one advantage to having the trash bags on the tree lawn and not having garbage cans, is once the trash is picked up, except for that which is left behind, there is nothing else, it’s clean, my block is clean. I go into South Euclid who happens to have garbage day the same day it is garbage day for me and those cans are out there for several days, I don’t think that’s a pretty sight either. So, we need to figure out and I think we really should, how do we do this in a better way, how do we educate those people who aren’t doing it so well, how to encourage people to use a little common sense that if week after week there is litter from their garbage on their tree lawns maybe they aren’t doing it exactly right. Maybe if they recycled more they would have less garbage to be trash and litter. We’ll work on it and I take it seriously and I’m glad that somebody brought it to our attention. That’s all I have for Municipal Services.”

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Wilcox stated, “I don’t have any legislation but I did want to make one announcement and that is a number of our business districts have come to us and asked for free parking at times for different events and so forth and what we have come up with through staff and Council discussing this is basically to have three weekends in Cleveland Heights this summer that are going to be free parking throughout the City. I know there are a lot of parking meters in the City of Cleveland Heights but on those weekends which will be essentially the last weekend of the month of June, July and August, June 29, June 30, July 1; July 27, July 28, July 29; and August 24, August, 25 and August 26. You will be seeing posters throughout the City and this is called Summer in the City. We’ll try to have signage out there and this will be promoted by the business districts but one thing we do hear on Council is about our parking meters. So, this will be three weekends this summer to visit our business districts and not have to spend any money on parking that means you have more money to spend on the businesses in those districts. We look forward to you spreading the word and taking advantage of this opportunity. That concludes my report.”
REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Councilman Stein stated, “Before I present Resolution No. 77-2012 I want to thank each of you that have brought this issue to the attention of Council. Thank you for your involvement and passion in protecting the rights of every person. The Supreme Court was wrong to find that corporations are people for they most certainly are not. In writing the dissent Justice John Paul Stevens took issue with the majority’s decision. According to Justice Stevens the majority’s opinion is contrary to the purpose of the First Amendment. As explained by Justice Stevens, corporations have no conscience, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings to be sure and their personhood often serves as a useful legal fiction but they are not themselves members of we the people by whom and for whom our Constitutional was established. From all around the Country, cities like Los Angeles, Portland, St. Paul and Pittsburgh are passing similar Resolutions. It is time for Cleveland Heights to lead by example and Northeast Ohio. I urge passage of this Resolution tonight. I also call upon other Ohio cities to join with Cleveland Heights in supporting an amendment to overturn this severely flawed decision.

I now present Resolution No. 77-2012(PSH), a Resolution opposing the United State Supreme Court’s interpretation of the Constitution in the case of Citizens United v. Federal Elections Commission regarding the constitutional rights of corporations, supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections or rights of natural persons. Specifically so that the expenditures of corporate money to influence the electoral process is no longer a form of constitutionally protected speech; Calling on Congress to begin the process of amending the Constitution. Whereas, in 2012 the United State Supreme Court issued its decision in Citizens United v. Federal Elections Commission, holding that independent spending on elections by corporations could not be limited by government regulations. Whereas, the Supreme Court decision in Citizens United severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity. Whereas, corporations should not be afforded the entirety of protections or rights of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech. Now, therefore, be it resolved this Council opposed the Supreme Court’s interpretation of the Constitution in the case of Citizens United v. Federal Elections Commission regarding the constitutional rights of corporations and supports amending the Constitution to provide that corporations are not entitled to the entirety of protections or rights of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and hereby calls on Congress to begin the process of amending the Constitution. A copy of this Resolution shall be delivered to Senators Sherrod Brown and Rob Portman, and House Representative Marcia Fudge. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents prepared by the Director of Law once in one newspaper or general circulation in the City of Cleveland Heights. I offer Resolution No. 77-2012(PSH) for passage tonight.”
Councilwoman Dunbar stated, "Mayor Kelley, I would like to take this opportunity to explain my position on this Ordinance. I sought election to City Council to work on our local issues. I do not wish to take a position on this Ordinance because it is a complex national issue. Doing the research that I would want to do to take a position on Citizens United is not the best use of my time, when I have all I can do to focus on how to enhance our City’s housing, quality of life and financial strength. Believe me I spend a lot of time working on City issues, I will spare you the details. I would like to abstain from voting on this issue, however, it seems unless I have a conflict of interest I am required to vote either for this Ordinance or against it. So, I’m going to vote against it. In brief, here are my opinions about this Ordinance.

Number one, dealing with Citizens United is not a good use of City Council’s time. We have such a full agenda that Mayor Kelley recently asked members of City Council to start coming a half hour earlier so we can make more progress. We have to set priorities and only we can deal with the local challenges, we need to stay focused on them. Number two, putting our Law Director and Law Department to work trying to devise an appropriate Citizens United Ordinance for this Council is not the best use of our legal talent and tax dollars. Believe me our City lawyers have plenty of other important things to do for the better of this City. Number three, I like and respect the activists who have been pushing for this agenda but in my opinion there have to be more appropriate and effective ways for them to promote their cause. As just one example of the right way to do things, the League of Women Voters is collecting signatures to change the Constitution so that redistricting non-partisan in the future. We have all seen the strange districts created through current partisan process. I have one of the leagues petitions with me tonight and would be grateful to any Cuyahoga County registered voters who will sign the petition after this meeting. Also, watch for League volunteers who will be collecting signatures for this valid issue at Zagana’s on June 24 and July 1. To conclude, I am glad that the citizens of this community are not apathetic but I ask them to weigh carefully whether asking City Council to take stands on national issues is the best use of our limited resources of time, money and talent at the municipal level. I will be voting against the Citizens United Ordinance because making a truly informed decision on this issue, which I owe to myself and to the citizens of this community, is not a good use of my time at a time when this Council has so much other pressing business to deal with."

Mayor Kelley accepted Resolution No. 77-2012(PSH).

Roll call:

Ayes: Caplan, Kelley, Stein, Wilcox

Nays: Dunbar

Resolution passed

Councilman Stein continued, "I have Resolution No. 84-2012(PSH). A Resolution declaring the property at 13151-13153 Cedar 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 13151-13153 Cedar Road owned by Deutsche Bank National Trust Company, as Trustee for Argent Securities Inc., Asset-backed Pass-through Certificates Series 2004-W1 has not been maintained for a number of
years and is in a state of severe disrepair. The City Manager and the Certified Building Official have further reported that the present and prior owners of the subject property have been cited by the Housing Inspection Department for numerous housing code violations on the property over the past three years and that no progress has been made towards correction of the violations. The City Manager and the Certified Building Official have 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 potential occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property. It is hereby found and determined by this Council pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights that the premises known as 13151-13153 Cedar Road is in a state of disrepair to the extent that it constitutes a health and safety hazard and blighting influence and is hereby declared to be a public nuisance. I offer Resolution No. 84-2012(PSH) for passage tonight."

Mayor Kelley accepted Resolution No. 84-2012(PSH).

Roll call: Ayes: Dunbar, Kelley, Stein, Wilcox, Caplan

Nays: None

Resolution passed

Councilman Stein continued, "I have Resolution No. 85-2012(PSH), a Resolution declaring the property at 3228 Oak Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. Whereas, the City Manager and Certified Building Official have reported to this Council that the residential property known as 3228 Oak Road owned by Karka, Inc. has not been maintained for a number of years and is in a state of severe disrepair. Whereas, the City Manager and Certified Building Official have further reported that the property has been abandoned and vandalized and no work has been done or will be done to correct the code violations. It is hereby found and determined by this Council pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights that the premises known as 3228 Oak Road owned by Karka, Inc. 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 offer Resolution No. 85-2012(PSH) for passage tonight."

Mayor Kelley accepted Resolution No. 85-2012(PSH).

Councilwoman Caplan stated, "I would also like to comment about this property that the property owner was recently convicted of mortgage fraud and has had properties forfeited and this property was one of them. It was Yuri Gofman who you may have read about in the paper who did damage to many municipalities in the area by his fraudulent conducting of business if you would call it that. Just so we know that some things are moving along and this particular property will be ultimately razed."

Roll call: Ayes: Kelley, Stein, Wilcox, Caplan, Dunbar
Nays: None

Resolution passed

Councilman Stein continued, "Finally I have Resolution No. 86-2012(PSH). A Resolution declaring the property 14514 Superior Road to be a nuisance; authorizing abatement of the nuisance and declaring an emergency. The City Manager and the Certified Building Official have reported to this Council that the residential property known as 14514 Superior Road owned by Controlled Systems, Inc. has not been maintained for a number of years and is in a state of severe disrepair and the City Manager and Building Official have further reported that the owner of the subject property has been cited by the Housing Inspection Department for numerous housing code violations on the property over the past two (2) years and that no progress has been made toward correction of the violations. It is hereby found and determined by this Council, pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights that the premises known as 14514 Superior Road, owned by Controlled Systems, Inc. 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 offer Resolution No. 86-2012(PSH) for passage tonight."

Mayor Kelley accepted Resolution No. 86-2012(PSH).

Roll call:  Ayes: Stein, Wilcox, Caplan, Dunbar, Kelley

Nays: None

Resolution passed

Councilman Stein concluded, "That’s all I have tonight."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Councilwoman Dunbar stated, “I’m pleased to announce that the Administrative Services Committee and Council as a whole are filling a vacancy on one of our boards. Nancy Dietrich will be the alternate on the Board of Zoning Appeals. The alternate fills in when regular members of the Board of Zoning Appeals are unable to attend meetings. Nancy attended Board of Zoning Appeals for eight years while serving on City Council so she is fully ready to assist as needed. Thanks to Nancy for agreeing to fill this important role and to all Board and Commission members for their willingness to serve. As openings occur Council actively seeks residents for memberships on Boards, Commission and Committees. If anyone present this evening or watching the televised presentation later has expertise, interest or experience that would be of value please contact the Clerk of Council’s office at (216) 291-3925 or look on the City’s website www.clevelandheights.com for information on and an application for all Boards, Commissions and Committees.

Also, I would like to ask anyone so implied to contribute to two bicycle surveys. One is to identify locations in the Heights where you would like to find bike racks. We want bike parking to be more convenient and the City supports this. The other is a brief twelve question survey by the Northeast Ohio Areawide Coordinating Agency (NOACA) which wants to update its regional
hikeway plans. Please go to the Heights Bicycle Coalition website for information and links to both of these surveys. I want you to know that there was a terrific response to the Circle Heights Bicycle Network and Missing Links Transit survey this spring, 790 participated in that survey, an awesome response. So, thank you, I hope we will have a good participation in these two current surveys as well.”

Mayor Kelley stated, “We do have to work on Nancy Dietrich. You put her name in nomination for the BZA Committee, effective immediately. So, we need a second.”

Second by Vice Mayor Wilcox.

Mayor Kelley stated, “Now we need to actually vote on putting Nancy Dietrich, former retired Councilwoman Nancy Dietrich on our Board of Zoning Appeals as the alternate.”

Roll call: Ayes: Wilcox, Caplan, Dunbar, Kelley, Stein

Nays: None

Appointment confirmed

Mayor Kelley appointed Nancy Dietrich as an alternate to the Board of Zoning, effective immediately.

REPORT OF THE MAYOR

Mayor Kelley stated, “Two things. Probably by the end of the month we will have our RFQ out to hire a company to help us in the search for a new City Manager, so stay tuned. Probably sometime middle to late next week we will also have the idea of the Council replacement, how you apply for that position that will also probably be finalized sometime about the middle of next week. So, we will let you know. Certainly we will use the media and our own website and will announce it at the meeting. We are very close.

I say this every year about this point of time, this is the time of year when most City Councils including City Cleveland Council takes the summer off. Your City Council does not take the summer off, we never have taken the summer off and probably never will. We are very busy, it’s a testament not only to this City Council and the City Council before us but our staff. We have a lot on our agenda, we have a work session for Public Health and Safety, we are coming in earlier, we are getting a lot of work done in a clear and concise fashion but it’s a lot of hard work and a lot of time away from our families and things of that nature. So, let us know what is on your mind. The parking is a good example, that came through the Cedar Lee SID wanting to do something maybe a little bit different and we talked about it, worked with staff and worked with the SID representatives from Cedar-Fairmont and Cedar-Lee and Coventry and came up with this. It’s just one more way to draw people back here to Cleveland Heights. So, bear with us, I’m sure the issue that was talked about tonight about dogs being on leashes in the parks will get a full hearing by City Council in the not too distant future. We are here to work for you and we will continue to
ANNOUNCEMENT: Retirement of Fire Chief Kevin Mohr, at the end of August. Appointment of Lieutenant William Dave Freeman.

**BNB, CR LLC d.b.a. Burgers N Beer**, premises 1854 Coventry Road, 2nd Level, Suite E, 44118; transfer D5 and D6 permits from Heinika, Ltd.

**RESOLUTION NO. 80-2012(F), PASSED:** Authorizing the City Manager to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses; providing compensation therefor; and declaring an emergency.

**RESOLUTION NO. 81-2012(F), PASSED:** Authorizing the City Manager to enter into an agreement with the Heights Youth Club, Inc., a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Project Learn: The Educational Program; providing compensation therefor; and declaring an emergency.

**RESOLUTION NO. 82-2012(F), PASSED:** Authorizing the City Manager to enter into an agreement with the Noble-Nela Merchants Association, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with the administrative costs of the Association and its activities; providing compensation therefor; and declaring an emergency.

**RESOLUTION NO. 87-2012(MS), PASSED:** Approving the purchase and installation of a compressor for the North Ice Rink on an emergency basis; providing compensation therefor; and declaring an emergency.

**RESOLUTION NO. 77-2012(PSH), AS AMENDED, SECOND READING, PASSED:** Opposing the United States Supreme Court's interpretation of the Constitution in the case of *Citizens United v. Federal Elections Commission* regarding the constitutional rights of corporations; supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that the expenditures of corporate money to influence the electoral process is no longer a form of constitutionally protected speech; calling on Congress to begin the process of amending the Constitution; and declaring an emergency.

**RESOLUTION NO. 84-2012(PSH), PASSED:** Declaring the property at 13151-13153 Cedar Road to be a nuisance; authorizing abatement of the nuisance and declaring an emergency.

**RESOLUTION NO. 85-2012(PSH), PASSED:** Declaring the property at 3228 Oak Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency.

**RESOLUTION NO. 86-2012(PSH), PASSED:** Declaring the property at 14514 Superior Road to be a nuisance; authorizing abatement of the nuisance and declaring an emergency.

**APPOINTMENT:**
Nancy Dietrich to Board of Zoning Appeals commencing immediately and ending 1/31/2015.