



# CLEVELAND HEIGHTS

## MINUTES OF THE CITY COUNCIL MEETING OF MONDAY, MARCH 15, 2004

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:25 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:35 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:47 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, March 1, 2004, one correction noted and corrected, were then signed by Mayor Kelley along with the resolutions passed at that meeting.

### REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have several items this evening, the first of which would be to request authority to advertise for bids for the purchase of three thermal imaging cameras for use for the Fire Department."

Mayor Kelley made them a matter of record and referred them to the Public Safety and Health Committee of Council.

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

Second by Council Member Caplan.

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

Nays: None

**Motion passed**

Mr. Downey continued, "Thank you very much, your Honor. I would also like to notify Council of the following bid tabulations and award of contract. Bid Document No. 2004-07, the purchase of asphalt, the lowest and best bidders are the Kenmore Construction Company and the Midwest Paving and Materials Company; Bid Document No. 2004-08, the composting of yard waste and loose leaves - bag yard waste will go to the William J. Horvath Company and Boyas Excavating and loose leaves will go to the Ohio Mulch Company and Boyas Excavating. Bid Document No. 2004-10, processing of our recyclable materials, the lowest and best bidder was Recycle America Alliance; and, lastly Bid Document No. 2004-11, the purchase of shade and flowering trees, the lowest and best bidder is Shemin Nurseries. Your Honor, I would request that the bid tabulations and the award of contracts be made a matter of record."

Mayor Kelley made them a matter of record.

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

Mr. Malone stated, "Thank you, your Honor. I 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: Sun Luck Company, d.b.a. Sun Luck Garden Chinese Restaurant, new D1 and D2 permits for premises 1901 South Taylor Road, 44118. I request this be made 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.

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

Council Member Evans stated, "Thank you, your Honor. I'd like to read Ordinance No. 163-2003(PSH), which was first presented back on November 3, 2003. This is the second reading. An Ordinance amending Section 505.18 and Subsections 505.07(a), 505.09(c)(1), 505.091(d), 505.091(f) and 505.091(i) of the Codified Ordinances of the City of Cleveland Heights to prohibit the keeping of more than one vicious dog on any premises in the City, to clarify the definition of an "unconfined" vicious dog, to require a tenant keeping a vicious dog to have the written permission of the owner of the property, to allow the City to seize and impound an unregistered vicious dog or a vicious dog which has attacked a person or animal, to clarify the intent of this Council that failure to control a dog or cat is a strict liability offense, and to permit a court to order the banishment of certain animals which have attacked persons or other animals or been kept in violation of the provisions of Chapter 505 of the Codified Ordinances; and declaring an emergency. This Council has previously determined that the keeping of certain dogs defined as vicious may constitute a nuisance and a danger to the residents of this community unless safeguards are in place to attempt to prevent the dogs from injuring persons or other domestic animals. This Council has determined that keeping more than one vicious dog on any one premises in the City dramatically increases the danger to the neighborhood caused by such dogs. Many vicious dogs are kept by tenants, rather than owners of the property, exposing property owners to legal liability to persons injured by such dogs. We believe it would be in the best interest of the City and its residents to amend the City's dog ordinances as specified hereinbelow, included an amendment allowing the Municipal Court more options with regard to the disposition of dogs involved in biting incidents or kept in

violation of City ordinances and a clarification of the charges relating to animals not under control.

Much of this Ordinance was read back in November but I will try to go over some of it. Section 1 will be amended to read:

- I. A vicious dog is “unconfined” as the term is used in this section if such dog is not confined on the premises of the person described in subsection (a) hereof as follows:
  - A. If the dog is outside, it must be in a securely enclosed pen or dog run area which has secure sides and a secure top attached to all sides, and which has a secure floor or bottom attached to all sides of the pen or which is embedded in the ground no less than two (2) feet. Such pen or dog run area shall be locked with a key or combination lock at all times when the animal is within the structure.
  - B. If the dog is inside, it may not be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure. A vicious dog may not be kept on a patio, porch or in any part of a house or structure which would allow the animal to exit the building on its own volition, whether or not such dog is on a chain or leash.

Section 2 which is Subsection (d) of Section 505.091, will be amended to read:

- I. No person shall own, harbor, care for, or control a vicious dog within the City of Cleveland Heights until such dog has been registered with the Animal Warden of the City and a permit is obtained. Persons presently owning, harboring or caring for a vicious dog shall register such dog with the City and obtain a permit therefor within sixty (60) days of the effective date of this section. The cost of obtaining the permit shall be fifteen dollars (\$15.00). No person shall keep, own, harbor, care for or control more than one vicious dog in any dwelling unit in the City of Cleveland Heights at any one time. No person shall keep, own, harbor, care for or control any vicious dog on any premises in the City of Cleveland Heights at any time unless such person is the owner of said premises or unless such person has the written permission of the owner of said premises to keep, own, harbor, care for or control such vicious dog on said premises.

Section 3 is Subsection (f) of Section 505.091 which will be amended and entitled, Impoundment of Dogs, which I think I will ask you to refer to the Clerk’s office if you’d like to see the exact wording of that page.

Section 4, Subsection (i) of Section 505.091, will read:

- I. Any vicious dog which attacks a human being or another domestic animal may be ordered to be destroyed or to be permanently banished from the City of Cleveland Heights when, in the court’s judgment, such vicious dog represents a continuing threat of serious harm to human beings or other domestic animals.

Section 5 which will be Section 505.18, entitled, Court Order to Remove or Destroy Animal, will be amended to read: In addition to any penalty provided herein, if the court determines that any animal, on one or more occasions, has bitten or attacked any person or domestic animal without provocation, or if the court determines that the owner of the animal has habitually permitted such animal to run at large, or violated this chapter on one or more occasions, the court may, in order to protect the health, welfare, safety and property of the city’s inhabitants, order that such animal be destroyed or permanently banished from the City of Cleveland Heights.

Section 6, Subsection (a) of Section 505.07 will be amended, entitled: Animals Not Under Control:

- I. No owner, keeper or person in charge of a dog or cat shall permit such animal to run at large or shall fail to control such animal anywhere within the City. Testimony that an animal was not on the property of its owner, keeper or person in charge, or was not held securely in leash by a person accompanying such animal when found shall be prima-facie evidence that the animal was not under control. For purposes of subsections (a), (b), (c) and (d) hereof, strict criminal liability is contemplated herein.

Section 7 is notice of passage and Section 8 declares this to be passed as an emergency measure. I would like to submit Ordinance No. 163-2003(PSH) for passage this evening."

Mayor Kelley accepted Ordinance No. 163-2003(PSH) for passage.

Council Member Hicks commented, "Thank you, your Honor. I believe that this legislation (I will be voting for this legislation) is a great start. However, I really believe that a Rottweiler should be a part of this ordinance. I know that - having that a part of this ordinance - would penalize some residents who have Rottweilers who take care of them, but they, Rottweilers, are becoming the dog of choice of some irresponsible individuals in this community and right now this legislation does not apply to them unless they actually bite someone and is deemed to be vicious. I do look forward to our staff, who did an excellent job on this, to gather the necessary data to back up what I feel to be the truth and that we can add Rottweilers to this legislation as an amendment at a later time."

Vice Mayor Montlack added, "I agree with Mr. Hicks, that Rottweilers ought to be specifically included and I also agree that this legislation is a good step and we will be monitoring its implementation. Thank you."

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

Nays: None

**Ordinance passed**

Council Member Evans continued, "Ordinance No. 48-2004(PSH), amending specified provisions of the Codified Ordinances to strengthen the City's ability to deal with property owners who maintain nuisance conditions of excessive litter; and declaring an emergency. This Council has recognized that the maintenance of litter on private and public properties may cause devaluation of property values and constitute a nuisance. Therefore, it is necessary to amend specified provisions of the Codified Ordinances to strengthen the City's ability to deal with this problem. Section 1 notes that the first sentence of Section 527.01, "Definitions", shall be amended to read: For the purposes of this chapter and Part Thirteen (which Part Thirteen actually will give more authority to the Housing and Building inspectors to act on this ordinance) of these Codified Ordinances, the following terms, phrases, words and their derivations shall have the meanings given herein.

Section 2, Subsection (a) of Section 1351.29, entitled, Exterior and Interior Property Areas, is amended to adopt and enact a new subsection (a)(6), with said new subsection to read as follows:

I. Litter, including, without limitation, litter on the public sidewalks, treelawn, tree well or planters.

Section 3 is Subsection (a) of Section 1369.07, also entitled, Exterior and Interior Property Areas, of Chapter 1369, the new subsection (a)(5) will read:

I. Litter, including, without limitation, litter on the public sidewalks, treelawn, tree well or planters.

This mainly pertains to the business areas.

Section 4, Subsection (a)(4) of Section 553.07, entitled, Criminal Activity as a Nuisance; Costs of Enforcement will be amended to read:

I. Littering and/or Maintenance of Litter in violation of Sections 527.05, 527.12, 527.13, 1351.29 and/or 1369.07.

Section 5 is notice of passage and Section 6 declares this to be passed as an emergency measure. I'd like to submit Ordinance No. 48-2004(PSH) for passage."

Mayor Kelley accepted Ordinance No. 48-2004(PSH) for passage and commented, "I think this is a very important piece of legislation. More often than not, certain neighborhoods look a little shabby when there are pop bottles or cans or candy bars or fast food wrappers strewn about on a property or two or three. This gives our housing department an opportunity to go out there and cite people and get it cleaned up. I think this ordinance, coupled with Ordinance No. 163-2003 shows that this Council is responsive to our neighbors, to our streets, to certain areas in town that need a little help and improve the quality of life here in Cleveland Heights and that's what this council's responsibility is to our residents, to take back the streets a little bit and make things a little healthier, a little cleaner. This is the Public Safety and Health Committee of Council, this is the right place for this to happen and it just shows our responsiveness and we want to make things a little bit nicer for our residents and make things a little bit safer and make things a little bit prettier and that's what we're doing with Ordinance No. 48-2004(PSH) and last year's Ordinance No. 163-2003(PSH)."

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

Nays: None

**Ordinance passed**

Council Member Evans continued, "I just wanted to mention that we received the 2003 Housing Department Annual Report at the direction of Rick Wagner who is the Housing Program Manager and I'd like to thank him and his entire department for the wonderful work that they've done for our city. The report starts off by saying, 'Every year brings new challenges. The economic issues faced by state and local governments have had an affect on all of us as well. We have been able to increase revenue and reduce cost while providing the same level of service. This was possible due to a dedicated staff that realizes the importance of our mission and works together to achieve our goals. The real value of the department is measured by the investment made into our housing stock.' It's mentioned that approximately 10 million dollars is being put back into our housing stock and I certainly think that is worth a huge accommodation for that department and we thank you.

We also received the a 2003 Annual Police Report, which starts off by saying, 'Over the past nine years, Cleveland Heights has consistently ranked as the safest city in Ohio for violent crimes with cities over 50,000 residents.' The FBI gages crime in the United States by the overall volume and the rate of crime reported to law enforcement. The violent crimes have been greatly reduced. The calendar year 2003 shows a total violent crime reduction of 37.5% over calendar year 2002 and a huge 93.1% reduction from 30 years ago (that was in 1973) and those crimes under those categories are murder, which we've had none the last couple of years; rapes, which we've had none the last couple of years. We've had thirteen robberies and one aggravated assault. In property crimes, calendar year 2003 shows a total property crime reduction of 3.1% over calendar year 2002, which is a 73% reduction from thirty years ago, in 1973. It certainly shows that our dedicated police department, under the direction of Chief Lentz, is certainly doing a fine job keeping all of us safe and helping our city to be what it is today and that's a safe, wonderful place to live. Then they talk about the education and training, which I think is very impressive. 'The Cleveland Heights Division of Police continues to be on the cutting edge of education and training in the police profession. The Cleveland Heights Division of Police advocates the pursuit of higher education by police officers and is among the first law enforcement agencies to recognize college as a means for police officers to become more capable in their duties, with a broader world view and respect for diversity. The police division's officers are among the most highly educated officers to be found anywhere in the State of Ohio. Fifty-three of the division's officers hold college degrees, four officers hold juris doctorate degrees and another seven officers have masters' degrees. In addition, more than two dozen officers are currently enrolled in college classes, placing the Cleveland Heights Police Department at the leading edge of the trend to recognize higher education as a requisite of police professionalism. To keep pace with the rapidly changing world, our police department has employed proven technologies to assist in performing traditional police functions. The police have placed more than 47 mobile data terminals into service, which are used by police officers in their cruisers to obtain instant checks with the Ohio Law Enforcement Automated Data System and the National Crime Information System for Warrant and Wants information and to retrieve data from the Bureau of Motor Vehicles.'

I certainly thought it was important to take a couple minutes just to read that information to our citizens. I'm very proud of our police department. I hope you are too. That completes my report."

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

Council Member Dietrich stated, "Thank you. I have three pieces of legislation tonight. The first is Ordinance No. 43-2004(AS), Second Reading, of the City of Cleveland Heights, establishing salary schedules, position classifications and other compensation for officers and employees of the City; and declaring an emergency. I did explain this, not in detail because it's 23 pages long, two weeks ago, so I'm just sort of going to repeat what I told you which are the highlights and changes. The salary and classifications in this Ordinance go into effect April 1, 2004. The salary ranges for non-contractual employees show an increase of three percent (3%), fire and police salary ranges will increase three percent (3%), the public works union salaries will increase four percent (4%) and the joint fire dispatch union which was in negotiation last time I read this and has settled now will be increasing six percent (6%) and then the next couple of years it will be less of an increase and that is because we have to be competitive. Their salaries were not really competitive with their classification. If people want to read this in more detail, it's on file with the Clerk of Council's office. I offer Ordinance No. 43-2004(AS), Second Reading for passage."

Mayor Kelley accepted Ordinance No. 43-2004(AS), Second Reading for passage.

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

Nays: None

**Ordinance passed**

Council Member Dietrich continued, "Next, I have Resolution No. 49-2004(AS), authorizing an agreement with the Cleveland Job Corps Center for the provision of training for the Job Corps' students; providing compensation therefor; and declaring an emergency.

This is something brand new for us. The City of Cleveland Heights, when summer rolls around, needs seasonal help in the public works department and Job Corps is in need of training sites for its students where they can learn job skills and good work habits. So it would be mutually beneficial for us, the City, and Jobs Corps to provide training sites for their students.

This resolution authorizes the City Manager to enter into an agreement with the Cleveland Job Corps Center for the provision of training sites for the Job Corps' students. The agreement shall provide for payment of up to Six Dollars (\$6.00) per hour. This Resolution would be passed as an emergency. I offer Resolution No. 49-2004(AS) for passage."

Mayor Kelley accepted Resolution No. 49-2004(AS) for passage.

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

Nays: None

**Resolution passed**

Council Member Dietrich continued, "Finally, on a similar vein, I have Resolution No. 50-2004(AS), again, is in response to our need for seasonal public works' employees and this authorizes the City Manager to enter into an agreement with a temporary services agency, Snider-Blake, Inc., for the provision of seasonal temporary workers for the Public Works Department; providing compensation therefor; and declaring an emergency. The recruitment and hiring of seasonal Public Works Department employees demands an inordinate time investment from the City's Personnel and Payroll Departments; and after several years' experience the City Manager has determined that it is more cost-effective to contract with temporary agencies to fill these positions, so this is not a new agreement, we do have experience with Snider-Blake, Inc. This authorizes the City Manager to enter into an agreement with Snider-Blake, Inc. for the coming season for the Public Works Department. The agreement shall provide for a billing rate of Eight and 64/100 Dollars (\$8.64) per hour per worker, and shall provide for the agency to be responsible for recruitment, interviewing, evaluation of skills, reference and driving record checks, and drug testing. All such workers shall be employees of the agency for the purpose of workers compensation and unemployment payments. Hiring under this agreement shall not exceed a total of Forty Thousand (40,000) man-hours without further authorization by Council. I offer Resolution No. 50-2004(AS) for passage."

Mayor Kelley accepted Resolution No. 50-2004(AS) for passage.

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

Nays: None

**Resolution passed**

Council Member Dietrich concluded, "I would just like to mention just two really wonderful events that I attended in Cleveland Heights the weekend before this past one. One of them was the opening of Kalliope, which is a musical theater venue on Lee Road just north of Cedar across the street from Heights High. It is a ninety-nine (99) seat theater that does only musical productions. Its ribbon cutting was about ten days ago. I did not attend the performance but just the ribbon cutting. It was such an uplifting event. The two men are the directors - the artistic directors and the managers, and the managers of this Kalliope theater are so enthusiastic about being in Cleveland Heights. People were dressed in their long gowns and their tuxedos and it was just a wonderful opening and I agree with these two men, it really does add to the Cedar-Lee Arts Corridor that seems to be happening there when you consider the Heights Arts Collaborative and the galleries and Dobama going to be down the street and Cedar-Lee Theater, we really do have quite an artsy thing going on there at Cedar and Lee. I encourage anybody to attend a performance at Kalliope.

The reason I didn't stay for the performance is because I went from there to another wonderful uplifting Cleveland Heights event which was the benefit for the Roxboro Enrichment Arts Project, which is a fund-raising organization to supplement the arts education in Roxboro Elementary and Middle schools. It is an organization made up of parents, neighborhood residents, teachers, etc., at the schools and this was their annual fund-raising event and most of the funds are raised through a silent auction. It was at somebody's house and there were probably 75 or so people there. It was just three days after the levy passed. Nobody was grumbling about having to pay more. People were opening their pockets to bid at the silent auction to the tune of \$15,000, which was raised for the Roxboro Enrichment Arts Program, just that night. People were generous and enthusiastic. It's just one more thing that makes me so glad that I live in a place that is as exciting and community-minded as Cleveland Heights. So I thought I would tell you about those two things. Thank you. That's all."

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

Council Member Caplan stated, "Thank you. There is no legislation this evening. I was going to say that spring is coming because the green from my tulips and daffodils are coming up, but tomorrow we're supposed to get six or eight inches of snow, but eventually spring will come. Maybe you noticed there was a little theme at the beginning of this meeting about the quality of life issues in this community and one had to do with vicious dogs and the other had to do with litter and as spring comes, certainly when the windows start opening up, now is the time to start thinking about being a good neighbor. Along with that, the city is doing their part. I don't know how many of you are aware of the fact that when a house gets a point of sale and transfers - and if there are what we call Class A violations on the house, the money that is needed to repair those violations is put into escrow. It is a new law that we passed the beginning of last year and it has been very successful, so that houses don't transfer to people that don't have enough money to fix the roofs or do the things that need to be done on a house. It is well over 4 million dollars that has been escrowed this year and it is a very successful program and the idea is that we look good. Some of the ideas of vicious dogs and picking up litter is so that we look good and that we behave well, because this is such a wonderful city to live in that everybody wants to enjoy it and not allow a few people who don't remember that, that this is a very special community.

Along with being a special community, now is the time to start registering for spring and summer programming. Some of the camps are already full, but we have other programs. It's time for you to register, so go to the community center and as I've told you before, remember that there was only one book this year that has the programming. It is our combined spring and

summer book. If you've misplaced your copy, go down to the community center, see what's available. All kinds of new thing. There are all kinds of wonderful things to do here, so that we can all enjoy a great spring and a great summer. That's all that I have. Thank you."

### **REPORT OF THE FINANCE COMMITTEE**

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation from the Finance Committee tonight. I did have a couple of announcements that I did want to make, though. The first one is the continuing effort of the city to address such things as predatory lending which we find in our city from time to time. We're going to address that and some other issues in a financial education series that's being sponsored by the city and the Home Repair Resource Center and that's going to be held at the Cleveland Heights City Hall in the Council Chambers here at 7:00 p.m. on April 8, 15, 22, and 29, 2004 and those are all Thursday nights. The first series on April 8 is entitled, Budget Type - Taking Steps to Prevent Credit Problems. April 15, apropos night for that, I suppose, Credit Problems - Getting Back on Track. April 22, Too Much Debt - Regaining Control of your Finances and April 29, To Refinance or Not - Avoiding Costly Predatory Loans. Each of these programs will have experts available to talk to you. They are going to put on a program and then take questions. Again, this is free of charge. It's being sponsored by the city and the Home Repair and Resource Center. To get more information about that you can call 381-6100 and if you have any questions please call and if you think this would be of benefit, please attend.

Then I also wanted to remind everyone, another April 15<sup>th</sup> deadline is coming up of importance to the city and to the state and federal government as well and I would be remiss to our finance director if I didn't mention this, and that is our filing deadline for our city income taxes is due on April 15<sup>th</sup>. This applies to all residents 18 years or older with earned income in the city or those residents that have business income in the city or earned income and do not have withholding taken out in the City of Cleveland Heights. So, again those forms are due on April 15<sup>th</sup>.

Finally, since in the last couple meetings, many of us have asked voters to support various levies that were on the ballot, I wanted to extend my appreciation and thanks to the residents of Cleveland Heights for once again showing their support for our public education in this city. Obviously, without the overwhelming support in Cleveland Heights this levy would not have passed and again I appreciate the support of the voters in Cleveland Heights. That concludes my report."

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

Council Member Hicks stated, "Thank you, your Honor. I have no legislation this evening. I'd like to begin my comments where Councilman Wilcox ended and thank the residents for their vote. I have three children in the system and I have a fourth one that will be starting next September so I want to thank the residents for their support for the school levy. I have a sister that moved to Macedonia, Ohio. A brand new home and their levy did not pass and Brecksville's did not pass, Mentor's did not pass. So school levies are not unique to Cleveland Heights and voters who do not support school levies are not unique to Cleveland Heights. However, this time our residents did see the light that we do need the funds and that in the next three years no matter what school system you belong to, after a levy is passed within the next three to four years another levy is coming and that is just the reality of school systems. A lot of people were just starting to see that. A lot of people in other communities around Ohio are facing the same issues we're facing and they're tired of levies but it's not going to change unless it's changed at the state

level with the state government. Again, I thank you to the residents, because it was so close it could have gone either way, but we know that excellent schools will continue in Cleveland Heights for the next three to four years until the next levy. Thank you."

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

Vice Mayor Montlack stated, "Thank you, your Honor. There are two pieces of legislation from this committee tonight. The first is Resolution No. 51-2004(PD), authorizing an agreement for the purchase of a property located at 868 Woodview Road, Cleveland Heights, Ohio, Permanent Parcel No. 681-38-010; providing compensation therefor; and declaring an emergency.

This relates to a property which is not owner-occupied at the address I indicated. It is adjacent to other property that the city already owns - that we are looking forward to eventually and not so far down the road hopefully, redeveloping.

The city, under this resolution, would be authorizing the City Manager to enter into an agreement for the purchase of that property. The purchase price will be Eighty-five Thousand Dollars (\$85,000.00) plus closing costs. The agreement shall contain other terms as recommended by the City Manager and the Director of Law. The property will be purchased with funds temporarily drawn from the Economic Development Fund, because the City reasonably expects the cost of such expenditure to ultimately be reimbursed with proceeds from the City's issuance of municipal notes or bonds in a principal amount that is not anticipated to exceed Two Million Dollars.

With congratulations to the city staff on good work, Resolution No. 51-2004(PD) is introduced on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 51-2004(PD).

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

Nays: None

**Resolution passed**

Vice Mayor Montlack continued, "Thank you. Resolution No. 52-2004(PD), amending Resolution No. 140-2003 authorizing grants and a loan to Ray and Robin Elsoffer, Trustees of the Elsoffer Trust, pursuant to the Commercial Mixed-Use Renovation Program, for renovation of property located at 2307-2309 Lee Road, Cleveland Heights, to alter the security for the loan; and declaring an emergency.

This original legislation came out of a new program created by our staff to encourage mixed-use redevelopment. It relates to the property at the southeast corner of Silsby and Lee. This legislation tonight is required because the city will go from a first position on the loan that has been already authorized to a second position but that does not pose a problem because with the amount of the first mortgage being what it is and the value of the property, the loan of the city is well-protected and the security aspect is not jeopardized at all. We're happy to introduce Resolution No. 52-2004 on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 52-2004(PD).

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

Nays: None

**Resolution passed**

Vice Mayor Montlack concluded, "Thank you. I think that amongst the legislation that we have voted on tonight there are three in particular to me that demonstrate that this form of government in Cleveland Heights and the partnership, if you will, between the staff and the City Manager form of government and the Council is working so well. The legislation I'm thinking about in particular includes the vicious dog ordinance, the litter ordinance, and the resolution to purchase the property at Woodview Road. Virtually every department of the city was involved in contributing ideas and research and of course drafting well-drafted legislation. It is really the way the textbook says it's supposed to work. The City Council does try to think about and come up with rational ideas on policies that meet city needs. The city staff, the work horse, really has to go out and do the important work and that's exactly what they've done on their own initiative. If I sound like a broken record for having mentioned that once and a while, tonight is a perfect example of that.

One other comment, and there's been a number on the school levy. There was another levy that I thought was particular interesting and I wanted to find out how the city voted in relation to the entire county. So Mayor Kelley did secure the information on that and that was Issue 31, arts and economic redevelopment, which went down to defeat in the county about 53% against and 47% for. Actually, not a bad result for the first time out, after all the false starts of the convention center and other ideas that weren't really well-dialogued within the county. I thought it was more than amazing that in Cleveland Heights, admittedly a very heavily-taxed city in terms of our property tax with a major school levy on the ballot that the voting record showed that 70% of the voters voted yes for that other levy. Thirty percent (30%) voted no. To me, in a democracy when voters think it out and agree to tax themselves that is an act of perhaps even courage. On top of all the facts that I've just reviewed, this says a lot and gives us a lot of reasons to be even more optimistic about the good residents of this city. Having said that, that concludes this report. Thank you."

## **REPORT OF THE MAYOR**

Mayor Kelley stated, "Two things, maybe even a third thing if I want to throw it in. I want to remind everyone about our Spring Egg Hunt which is this year, surprise Councilwoman Caplan forgot all about it, so I'll pick up the slack for you. It's Saturday, April 3<sup>rd</sup>, 11:00 a.m. sharp. Our ever famous fire truck will be there, I'm sure for the start and will be an enjoyment for all the kids. I would say it is in Forest Hill Park, as usual wear your boots, galoshes, because it'll still be a little muddy as we add six or eight inches of snow in the next couple days.

I, too, want to jump on the school levy bandwagon. I want to make it very clear that the school levy was very successful in Cleveland Heights, as it usually is and carried us to victory. I want to thank the school levy committee for doing what they can. I think they ran an exceptional straight-forward honest-to-the-point campaign. I want to congratulate Deb Delisle, the breath of fresh air after what happened last summer and I want to thank the school board for putting the pieces back together and getting out in the community and communicating very well, exceptionally with the community and getting things done in a positive direction. They still have a lot of work ahead of them but they really repaired what needed to be repaired over the last few months.

I want to jump on the Vice Mayor's comments about Issue 31. I don't want to sound - I want to make a point. I think what it shows us, is our community really gets what's going on in economic development, in our city and really embraces the arts. When 70% of our residents or

71.2 or whatever figure you want to use here, decided to vote in this favor - and in some wards it was really 80 or 82 or 85 percent, I think our community really gets it. They want to embrace the arts. I think we are the home to the arts or the capital of the arts or arts and culture, whatever you decide to do one day or we've decided to do and they're really pleasing to what we've done economically in the economic development fund. We still have more to do. But those numbers were overwhelmingly, probably the best of any other city, and hopefully better than Pepper Pike so we don't have to hear Mayor Akers crow about how he gets 70 or 80 percent. There's something there and there is a message to us as a council that we have to look at and analyze over the next few months or the years to come. But I'm very proud of our residents, but mostly because they passed the school levy and carried us through where two other cities didn't that piggy-back on to us. It was great that all three mayors decided to support us, but Mayor Welo, the South Euclid Mayor, a supporter of the schools, especially South Euclid schools. It's over - let the educators get on with the business of educating our children - put the levies behind us and see them way in the future.

Our next meeting, with the Passover beginning on Monday, April 5<sup>th</sup>, will be on Wednesday, April 7, 2004 at 7:30 p.m., again due to the Passover starting on Monday, April 5. This meeting is adjourned at 8:37 p.m. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

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