



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF JANUARY 2, 2007

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:23 p.m.

Edward Kelley, presiding

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

Council Members absent: None

Staff present: 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.

Committee of the Whole adjourned at 7:33 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:38 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, December 18, 2006 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have just one item this evening. As you know, in your Council packets you received a copy of the bid tabulation and award of contract for Bid Document 2007-01, the disposal of solid waste for years 2007, 2008, and 2009. The lowest and best bidder, your Honor, is Penn Ohio Coal - Kimble Company. Your Honor, I would request the bid tabulation and the award of contract be made a matter of record."

Mayor Kelley made it a matter of record.

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

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

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "Thank you, your Honor. I will keep things moving along. I have no report tonight either."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, "Thank you. I do have one piece of legislation tonight, just the first resolution of the year and it is Resolution No. 1-2007(CRR). You may wonder why, when you hear this, why we are doing this now so early. This is about something that will take a lot of advanced planning, so that is why.

Resolution No. 1-2007(CRR), in support of the Euclid Township Charter Bicentennial, 1809-2009; and declaring an emergency. In 1809, Euclid Township's boundaries covered all or a portion of current Cleveland Heights, Collinwood, East Cleveland, Euclid, Lyndhurst, Nottingham, Richmond Heights and South Euclid. In 1809, the State of Ohio gave Euclid Township residents a charter to hold elections, pass ordinances and levy taxes. That marked the beginning of local democratic government on Cleveland's East Side. Now, the Euclid Landmark Commission and the Euclid Historical Society are spearheading a township-wide charter bicentennial celebration. This Resolution joins us with the City of Euclid, the Euclid Landmark Commission and the Euclid Historical Society in support of a township-wide celebration of the Euclid Township Charter Bicentennial, 1809-2009, with events to occur in the fall of 2009 and the winter and spring of 2010. In the spirit of regionalism I offer Resolution No. 1-2007(CRR)."

Mayor Kelley accepted Resolution No. 1-2007(CRR).

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

Nays: None

Resolution passed

Council Member Dietrich continued, "I just have - I suppose they are amusing in a way on this new year. I do want to say something about the civility project, because it is about a year ago that we started that. This school year is being declared, 'The Year of Civility' and we are almost half way through it. I just have to confess to having some real mixed feelings about the success of getting people in our community to embrace the civility project. I do feel that the steering committee got things off to a good start. I feel like the city has been, especially Susanna Niermann O'Neil and her department, have been incredibly supportive of the civility efforts; hosting the three speakers and doing publicity and making posters and all the things like that. Some churches have - churches and other religious institutions have caught on and done some civility-related services and things, as have our public schools, Cleveland Heights-University Heights public schools has really gotten behind this project. In fact, at the last PTA council meeting, all the principals shared what their schools are doing to encourage harmonious relationships among people in the schools. But, I have to say that I am disappointed that it hasn't become more broadly talked about. A group that I'm particularly sort of disappointed in is our merchants. We have passed out civility posters to all the merchant areas and nobody seems to be putting them up. We've asked some merchants to sell civility tee-shirts at Christmas time as stocking stuffers and it hasn't

really happened. I'm hoping, if there are any merchants out there that would like to kind of push this civility idea in Cleveland Heights, we have lots of materials that you can use. We have some beautiful civility posters, we have lots of window decals that are really small and tasteful, not like a big bumper sticker, we have tee-shirts, we have wrist bands, that if you were a merchant and you wanted to give out civility wrist bands to people who come in and act civilly in your store, we would love to give these to you. If there are merchants there that would like to participate - of course, it's a two-way street, it's one of those things where a merchant would welcome people, even teenagers into their store, their establishment and in hopes of receiving civil behavior in return. If you are interested in participating in that either give me a call. My number is 371-9379 or call the Community Relations office here at City Hall.

A couple of other things that are on a little more - not so local idea. Of course, we hit that awful milestone of 3,000 American service men and women dead in Iraq, which to me is just so heinous that we're even there and I'm hoping for 2007, we will have at least a new state administration. I'm hoping that brings some changes to us. I'm really waiting to have a new federal administration.

I received Barack Obama's book as a Christmas present, *The Audacity of Hope*, and I was just reading it today and there was just a little paragraph here that I wanted to read where he is talking about our democracy going seriously awry and he's saying, *it's not that in the past that we haven't had huge challenges to handle*, he said that, *now, what's troubling is the gap between the magnitude of our challenges and the smallness of our politics. The ease by which we're distracted by the petty intervals, our chronic avoidance of tough decisions, our seeming inability to build a working consensus to tackle any big problem.* I think that we do get sidetracked into some pettier issues and don't deal with the big ones and I want to say that here in Cleveland Heights - I don't want to tout our own horn, but something that I've discovered on my nine years on Council that I am so happy about is that we on council really do get along well with each other and consequently we're able to get things done because nobody has their own agenda, nobody is really fighting with each other over territory and both we and staff - who we also get along really well with are really all working for the same thing, which is the good of the city. That gives me hope for 2007. I wish everybody a happy new year and we'll go into '07 with the audacity of hope, like Barack Obama is doing. That's my report."

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is one piece of legislation from this committee and it is Resolution No. 2-2007(F), authorizing the City Manager to enter into an agreement with New World Systems Corporation for software maintenance; providing compensation therefor; and declaring an emergency. This legislation, in effect, authorizes a renewal of such an agreement at the same rate as previously and that would be for a three year period beginning January 1, 2007 at fees, for the service I mentioned, in the sum of Sixty-eight Thousand Four Hundred Sixty Dollars (\$68,460.00). Resolution No. 2-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 2-2007(F).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Thank you. Although, not actually part of the Finance Committee's jurisdiction, we know that our police department is working hard and has been right on top of any of the offenses committed. They have done an excellent job, especially in the last several months and I know one story that really hasn't gotten the publicity that it deserves came to us by way of the owners of Petland on Lee Road, Joe and Susan Kruse, local folks that reported that within the last

several days, their snake, Larry, was kidnaped, actually stolen from Petland and thanks to Officers Block and Mack, they quickly got on it. They not only caught the *snakenapers*, but Larry was returned to Petland and is now doing comfortably, although some psychological trauma is suspected. It is just one more example of quick work by our police department, and with that, that concludes this report."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you, I have a few pieces of legislation and first I'm relieved to hear about Larry. I don't know how you know when a snake is comfortable or not but I think that is interesting."

Vice Mayor Montlack answered, "When it's a male or female."

Council Member Caplan replied, "That either, but I'm glad about our police department and how good they are and we all know that. Moving forward. I have Resolution No. 3-2007(MS), authorizing the City Manager to enter into an agreement with CT Consultants, Inc. for engineering and support services relative to the planning and implementation of the City's year 2007 street resurfacing program; providing compensation therefor; and declaring an emergency.

Actually, we haven't had winter yet and we're planning for summer. It's kind of amazing.

The City is committed to an annual program of street resurfacing, and the City has made a preliminary identification of those streets which are in need of resurfacing during 2007.

And I know that many of us think that our street should be on the list and they're not, but they will be ultimately. It's quite a nice list and we're going to propose a resurfacing list and if you think your street is really terrible you can call and we'll see if it is on the list and maybe add it if it ranks right up there with some of the others.

CT Consultants, Inc. has presented to the City an estimate of costs and a description of the engineering and support services to be performed for this project, and is well-qualified to perform all work contemplated. The City Manager has recommended the employment of CT Consultants, Inc. for its professional services on this project. Therefore, be it resolved that the City Manager be authorized to enter into an agreement with CT Consultants, Inc. The services to be provided by the engineer are set forth in the proposal and they will follow such services as:

Development of project mapping and subsequent construction plans utilizing proceduressupplemented by field surveys.

Development of traffic maintenance plans.

Coordination of utilities.

Preparation of detailed drawings.

Preparation of technical data.

Preparation of quantity and cost estimates.

Preparation of contract documents.

Provision for periodic on-site inspection services.

The fees to be paid to CT Consultants, Inc. shall be a sum equal to nine and two-tenths percent (9.2%) of the first Seven Hundred Fifty Thousand Dollars (\$750,000.00) of actual construction costs, plus six and four-tenths percent (6.4%) of the next Two Hundred Fifty Thousand Dollars (\$250,000.00) of construction costs, plus five and five-tenths percent (5.5%) of construction costs over One Million Dollars (\$1,000,000.00). The agreement shall also provide for compensation for additional services, if requested by the City, and reimbursable expenses in an additional amount not to exceed \$7,000.00. Notice of passage shall be given and this Resolution shall be declared an emergency for passage tonight. I am offering Resolution No. 3-2007(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 3-2007(MS).

Council Member Tumeo commented, "I just want to note, this is the first time on Council that I've been on the street resurfacing watch here and for all those who have contacted almost every person on Council, Stratford is on the list."

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. Now I have Resolution No. 4-2007(MS), authorizing an amendment to Resolution No. 105-2006 authorizing an agreement with Quality Laboratories, Inc. for soil analysis services for the Meadowbrook-Lee Site Remediation Project; providing compensation therefor, and declaring an emergency. By Resolution No. 105-2006, this Council authorized the City Manager to enter into an agreement with Quality Laboratories, Inc. for soil analysis services for the Meadowbrook-Lee Site Remediation Project; and additional work was necessary due to the site conditions. The City Manager and Capital Projects Manager have recommended an amendment to the original contract to provide compensation for the additional services requested. Therefore, be it resolved that the City Manager be authorized to enter into an amendment to an agreement with Quality Laboratories, Inc. The amended agreement shall provide for compensation in a total amount not to exceed Forty-nine Thousand Six Hundred Dollars (\$49,600.00), and 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 measure for passage tonight.

I do want to comment that the money that will pay for this comes from grants, EPA, BUSTER, a whole variety of different grants. So this is cleaning up the site and making sure it is clean for the new development that will be at, we call it Cedar and Lee but it's really Tullamore, Lee and Meadowbrook. I offer Resolution No. 4-2007(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 4-2007(MS).

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

Nays: None

Resolution passed

Council Member Caplan concluded, "Thank you. I only have a couple of other comments. One is the City Manager referred to accepting a bid for the disposal of solid waste for the years 2007, 2008, and 2009. No matter how you look at it, the cost of disposing of solid waste goes up every year and so

you can help in this by - this doesn't even take a lot of will power like going on a diet, it just means paying attention a little bit and making a resolution this year to try to do a little bit better than you did last year in recycling. You can for sure recycle plastic bags. You know you go to the grocery store and you get those plastic bags. Put them in the bag with your bottles and cans and your plastic things. The things that things come in you can recycle, you know the CD's, the packaging around chicken, around food, around all kinds of things that you bring home. A lot of it can be recycled. It really makes a difference and if you pay a little bit of attention, you can reduce the amount of waste that you have which will then save us money and saves our environment. Please try to do your part. It's not real hard and it really does matter.

Other than saying that we have a more peaceful year and that somehow we can find a way to pay attention to what's going on in the rest of the world and use our forces and letter writing and speaking out and encouraging our legislators to do what's necessary, to pay attention to the rest of the world and try and bring some peace to a large variety of places in the world that are in the name of religion having fights. There is something wrong here. So in the beginning of this year, let's see what we can do to raising our voices, to increasing peace in this coming year and a healthy year to everybody."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are two pieces of legislation from this committee tonight. The first on is Resolution No. 5-2007(PD), authorizing the City Manager to enter into a renewal of an agreement with the Cleveland Restoration Society: Preservation Resource Center of Northeastern Ohio for historic preservation consulting services in connection with the Heritage Home Loan Program; providing compensation therefor; and declaring an emergency. Council has previously by Resolution No. 136-2001 authorized the City Manager to enter into an agreement with the Cuyahoga County Commissioners to participate in the Heritage Home Loan Program and this program provides below-market interest rate loans to owners of historic properties in the City for repairs and housing improvements. The council has further authorized annual agreements with the Cleveland Restoration Society: Preservation Resource Center of Northeastern Ohio for historic preservation consulting services. It is in the best interest of the City to continue participation in the Heritage Home Loan Program and continue to contract with the Cleveland Restoration Society: Preservation Resource Center of Northeast Ohio.

I should point out there is a letter from the Cleveland Restoration Society that Vice City Manager Kathleen Ruane received from the director indicating that since 2002 the Cleveland Restoration Society has facilitated over 6.5 million dollars in reinvestment in the City through the program and as November 30 of last year technical assistance had been provided to thirty-eight (38) homeowners, five (5) loan projects were completed and booked twenty-six (26) new loans totaling 1.18 million dollars.

Section 1 of this Resolution authorizes the City Manager to enter into a renewal of an agreement with the Cleveland Restoration Society: Preservation Resource Center of Northeastern Ohio for historic preservation consulting services in connection with the Heritage Home Loan Program. That includes qualification of eligible properties, working with borrowers to develop specifications for historic rehabilitation plans, consultation during construction, and inspection of properties at the conclusion of construction for compliance with preservation specifications. The term of the agreement shall be from January 1, 2007 though December 31, 2007. The agreement shall provide for compensation for such services in an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00). I offer Resolution No. 5-2007(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 5-2007(PD).

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Thank you. Next I have Resolution No. 6-2007(PD), acknowledging receipt from the Coventry Village Special Improvement District of a Plan for public services and improvements, and returning said Plan to the Board of Directors without comments or recommendations for changes; and declaring an emergency.

The Coventry SID was actually formed about ten years ago. In 1996, it was one of the first in the area, maybe the first in the state. Basically what this does, the property owners in a specified area agree to levy an assessment on their properties to support services that benefit the entire commercial area or area of the SID, which in this case is the Coventry commercial district. It includes many improvements that have been made over the last several years, including if you noticed, the streetscape improvements at Coventry. Since this SID was formed, we actually have two additional SID's in the city which include the Cedar-Fairmount SID and the Cedar-Lee SID. We thank the members of the SID for supporting this process in the past and this will start a renewal process for an additional five-year period for this SID.

The initial Resolution was passed by Council in 1996 that created the Coventry Village Special Improvement District and Council previously approved and levied assessments for two five-year Plans. The most recently approved Plan was for the years 2002 through 2006. So the Board of Directors of the Coventry SID have adopted a proposed public services and improvements Plan for the years 2007 through 2011 and submitted to Council and the City Manager for their comments and recommendations pursuant to the Ohio Revised Code Section 1710.06. Council and the City Manager have reviewed said Plan and have no comments or recommendations for changes regarding same. This Resolution acknowledges the Council's receipt of the Plan, and on its behalf and on behalf of the City Manager, of the proposed 2007 through 2011 five-year public services/improvements Plan by the Coventry Village Special Improvement District as adopted at its November 16, 2006 meeting. The Plan is attached to this Resolution as Exhibit "A". Just to give you an idea of the scope of the Plan, the annual budget for the SID in 2007 will be One Hundred Twenty Thousand Dollars (\$120,000.00) and that will increase annually by three percent (3%) through the other years of the Plan. I offer Resolution No. 6-2007(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 6-2007(PD).

Vice Mayor Montlack stated, "A company in which I have an interest is a member of the SID so I request permission to abstain from this vote."

Motion moved by Council Member Dietrich.

Second by Council Member Evans.

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

Nays: None

Motion to abstain passed

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

Nays: None

Resolution passed

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Ordinance No. 7-2007(PSH), authorizing an agreement with 32 Ford Mercury, Inc. for the purchase of thirteen (13) new 2007 Ford Crown Victorias for the Police Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; repealing Ordinance No. 135-2006; providing compensation therefor; and declaring an emergency. The City has determined to purchase thirteen (13) 2007 Ford Crown Victorias for the Police Department. 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. By Resolution No. 115-1988, this Council authorized participation in said Cooperative Purchasing Program. 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. By Ordinance No. 135-2006 this Council authorized an agreement with Statewide Ford Lincoln Mercury for the purchase of said vehicles. Due to an incorrect designation of the company on information previously provided to the City, it is necessary to repeal Ordinance No. 135-2006 and enact the within Ordinance with the proper company designation. Therefore, be it ordained by this Council that the City Manager is authorized to enter into an agreement with 32 Ford Mercury, Inc. for the purchase of vehicles for the Police Department through the Ohio Department of Administrative Services Cooperative Purchasing Program, for a cost of Three Hundred Twenty-five Thousand Dollars (\$325,000.00). Section 2 states that Ordinance No. 135-2006 shall be repealed. I'd like to present Ordinance No. 7-2007(PSH) for passage this evening."

Mayor Kelley accepted Ordinance No. 7-2007(PSH).

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

Nays: None

Ordinance passed

REPORT OF THE MAYOR

Mayor Kelley stated, "I have just two items. I want to mention that during the holidays about the passing of one of our former presidents, Gerald R. Ford, I want to say to his family our deepest sympathies from this Council and this City. He took over the country at a very interesting time and at a very tough time.

Lastly, I want to talk about our ballot issue that passed late last year, the smoking issue. It's a very interesting proposal that our present governor for another few days has decided not to instruct his health department in the great City of Columbus to really enforce it for another four or five months is typical of the Republican administration to sit back and do nothing. They knew as early as August or September of last year that this issue was going to pass and for whatever reason they decided to take even more months to implement it. I think that's outrageous this course of action when everybody knew it was going to pass. I would hope that our new governor, Democratic-elected Strickland gives the health administration down in Columbus thirty or sixty days to get their act together and enforce it right away or tell those people to get out of their jobs and put competent people in the jobs to make it happen. I do occasionally smoke a cigar but I don't think it is something that should be done in the restaurants or in the public domain when people spoke very soundly on the second Tuesday in November. I think this Republican administration that will be out in a number of days here has suddenly caved in and in saying that it won't be able to do anything until sometime in June or July of this year is simply

not appropriate after it was soundly approved in November. Many other states have done this. The City of Washington D.C. has put something in place already to make it happen. I think the State of Ohio waiting another four or five months to make it happen is not appropriate and should be, if anything, one of the first items that our Governor-elect Strickland should figure out a way to have done. Even our local health department - I mean if it were in their hands they could figure out how to do it a lot faster than waiting another four or five months. I think this is something important that needs to be done because half the restaurants are enforcing it - half of them aren't and it's just a bunch of craziness. Wherever you go, whatever city you are in, depending on what day, what night it is, whose working, who is not working - the health of our citizens and the health of the people that work in these establishments are more important than any month or four months of damage of people smoking or whatever. I think the voters spoke on November 8th and this is something that needs to be addressed now. How dare this Republican administration to wait another six months and I think our Governor-elect Strickland should at least address this right away or as I said before if the present people that work for him in Columbus can't do it throw the bums out and get new people that can do it.

That concludes my report at 8:12 p.m. Our next meeting will be Tuesday, January 16, 2007."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc