



# CLEVELAND HEIGHTS

## MINUTES OF THE CITY COUNCIL MEETING OF TUESDAY, JANUARY 3, 2006

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

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Czaga, Downey, Gibbon, McGuire, 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 6:59 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:02 p.m.

Edward Kelley, presiding

Mayor Kelley called on Mrs. McGuire to report the results of the November 8, 2005 election.

Mrs. McGuire reported, "I would like to report that the Cuyahoga County Board of Elections, at the election held on November 8, 2005 has certified that Bonita Caplan, Nancy Dietrich, Edward Kelley, and Mark Tumeo were elected as Council Members."

Mayor Kelley made it a matter of record and continued, "Thank you, Mrs. McGuire. We will begin the meeting by the oath of office administered to newly elected and re-elected Council Members. We will begin with the re-election of Councilwoman Bonita W. Caplan. Will you please introduce your family that is here with you tonight, Councilwoman Caplan?"

Council Member Caplan stated, "I'd like to introduce my husband, Arnold Caplan and my son Aaron and my daughter-in-law Tami and our three grandsons, Joshua, Andrew

and Brian. They were all very good campaigners.”

Dr. Caplan stated, “It’s my privilege to issue this oath of office. Will you raise your right hand and repeat after me.”

Council Member repeated, “I solemnly swear that I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland Heights; and that so long as I continue to hold a position as Member of Council, I will honestly, faithfully and impartially discharge the duties of that office to the best of my ability.”

Mayor Kelley continued, “Congratulations, Councilwoman Caplan. We now move to re-elected Councilwoman Nancy Dietrich. Do you want to introduce your daughter to us?”

Council Member Dietrich stated, “This is my daughter, Krissy Gallagher. The rest of my family is on a ski trip.”

Mrs. Gallagher administered the oath of office to Council Member Dietrich and she repeated, “I, solemnly swear that I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland Heights; and that so long as I continue to hold a position as Member of Council, I will honestly, faithfully and impartially discharge the duties of that Office to the best of my ability.”

Mayor Kelley continued, “Congratulations, Councilwoman Dietrich.”

Council Member Caplan asked, “Ed, do you want to introduce your family?”

Mayor Kelley proceeded, “The short one is my son Eddie, my wife, Mary Beth, Shawn - he’s grown a little bit since four years ago, Patrick, Ryan, my mom, Pat Kelley, and my daughter, Erin and my in-laws, Bill and Alma Wilkinson. They are all going to come up here for a few minutes and Judge Flanagan. Judge Flanagan will swear me in again.”

Judge Flanagan administered the oath of office and Mayor Kelley repeated, “I solemnly swear Tthat I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland Heights; and that so long as I continue to hold a position as Member of Council, I will honestly, faithfully and impartially discharge the duties of that Office to the best of my ability.”

Mayor Kelley thanked Judge Flanagan and continued, “Councilman-Elect Mark A. Tumeo. Please introduce your guests.”

Council Member Elect stated, “This is Gordon Wean, who is my treasurer and campaign manager and helped me through this and my partner, Jeff Stark.”

Mr. Wean administered the oath of office and Council Member Elect Tumeo repeated, "I solemnly swear that I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland Heights; and that so long as I continue to hold a position as Member of Council, I will honestly, faithfully and impartially discharge the duties of that Office to the best of my ability."

Mayor Kelley requested Mrs. McGuire call the roll call of all Council Members.

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

Council Members absent: None

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

Mayor Kelley stated, "We now move onto Item 6 which is the request of nominations for the President of Council and Mayor of City of Cleveland Heights. I ask for any motions."

Council Member Wilcox stated, "Thank you. It is my pleasure to nominate Edward J. Kelley as President of Council and Mayor. Before I go further, I wanted to note that although we celebrate democracy in our city tonight it is also a sad night because of the passing of Ed's brother, Michael, yesterday. On behalf of Council, I want to express our condolences to you and your entire family. Our thoughts and our prayers are with you.

Ed has demonstrated his leadership on this Council time and time again and has earned another term as Mayor. Serving on Council is a part-time job with full-time responsibility and that is even truer when it comes to serving as Mayor. No one takes the responsibility more seriously or works harder to serve the residents of Cleveland Heights than Ed. Under his leadership, the city has seen new investment and development, unsurpassed in recent years and continues to deliver more services to residents despite tough economic times. Ed's leadership style is inclusive. No matter how controversial the issue, Ed makes sure that all viewpoints are heard, whether it be through phone calls, e-mails, letters or public comment at our Council meetings. Citizens' views are courteously heard and considered, as they should be. Moreover, even when Council disagrees, we all have our say. Ed is successful in reaching consensus on most issues, but when we don't agree, we vote and move onto the next problem. No one can doubt Ed Kelley's commitment and dedication to Cleveland Heights and its residents. I look forward to continue working with Ed to make Cleveland Heights an even greater city than it is today."

Mayor Kelley thanked Council Member Wilcox and asked for a second.

Council Member Dietrich stated, "Yes, I'd like to second Ed Kelley's nomination for another term as our Mayor - as your Mayor. This is a heavy day for Ed as he accepts the

welcome responsibility of leading our city for another term, at the same time takes on an unexpected responsibility to his extended Kelley family - someone that his brother's family will lean on, which is a responsibility that I know that he will take as seriously as he does his responsibility to our city. Ed's shoulders are big and they will be big enough for this task, as will his heart, but today it must seem huge. Ed is always the encourager. He never seems to seek the light to shine on himself, he always wants the light to shine on others - as I imagine his kids know. It is now Ed who needs our encouragement and our support. One of his most common things to say is, "We'll get through this." That, I've heard Ed say we'll get through this a hundred times and, Ed, our Council's a team and we're willing to do what ever we can to help you get through it, but I think this one is bigger and it's more personal and our help isn't really going to be what will do it for you, but you have a wonderful strong wife. You have a wonderful strong mother. You have wonderful children and there is a lot on you now. My hopes are with you, as you lead our city, and they are with you as you lead your family through this sad time. I wish you well, as you rise to these two challenges and I second your nomination for Mayor of Cleveland Heights."

Mayor Kelley thanked Council Member Dietrich and asked for any other nominations for President of Council/Mayor of the City of Cleveland Heights. Being none, Mayor Kelley asked for a motion to close nominations. Council Member Tumeo so moved and second by Vice Mayor Montlack.

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

Nays: None **Motion passed**

Mayor Kelley asked for roll call for President of Council/Mayor.

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

Nays: None **Kelley elected**

Mayor Kelley thanked Council and asked Judge Flanagan to swear him in and asked his family to join him.

Mayor Kelley repeated, "I solemnly swear That I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland Heights; and that so long as I continue to hold a position as Mayor and President of Council, I will honestly, faithfully and impartially discharge the duties of that Office to the best of my ability."

Judge Flanagan congratulated Mayor Kelley.

Mayor Kelley continued, "We now move to Item 10 which is the request for nominations for the office of Vice President of Council."

Council Member Dietrich, "I would like to nominate our current Vice Mayor Ken Montlack for another term as vice mayor. He's performed that role in a way that has made us all proud of him. He has been ready and able to take on the mayoral duties whenever he's been needed and he has a statesmanly manner about him that is both serious and respectful and yet at the same time congenial and warm. Of all of us, he is the one most likely to recognize the efforts and fine work of our staff and give them the acknowledgment that they so deserve. Very important to me, is his leadership in the First Suburbs Consortium, something that people in Cleveland Heights don't always really see, because it isn't always done here in Cleveland Heights. As not only a founder of the First Suburbs, but its chair for ten or so years, Ken is at the forefront of regionalism in our county. It's important that he have the stature of Vice Mayor of that position as he leads leaders in the county and increasingly throughout the state and the nation, even as this movement towards regionalism gains strength. I am proud tonight to nominate Ken Montlack for another term as Vice Mayor of Cleveland Heights and I am proud to have him as a friend and proud to have his wife as a friend. I place Ken Montlack's name in nomination for Vice Mayor of Cleveland Heights."

Mayor Kelley thanked Council Member Dietrich and asked for a second.

Council Member Wilcox added, "I am pleased to second the nomination of Ken Montlack as Vice Mayor and Vice President of Council. Ken has been a part of the successful leadership team which has served the city well in the past years. His continued involvement in the First Suburbs Consortium is even more important now as themes of regionalism become reality. His years of experience on Council and thoughtful consideration of critical issues we face, provide invaluable leadership to the city and to this Council. His willingness to listen and compromise along with his humor and wit are qualities that have served him well and will continue to serve him well in this leadership role."

Council Member Tumeo stated, "It's a great pleasure for my first official action here on Council to nominate Phyllis Evans for Vice Mayor. As you know, diversity is a major hallmark of this community and with my election we have a very different, yet diverse, Council, but we also lost an important member of the African-American leadership of this community. I think it's important that Council step up and recognize that leadership is reflective of what our community should be and wants to be and for that reason I'm proud to nominate Phyllis Evans. She has served on this Council diligently and with great grace and although I've not been on Council I have watched her from a distance and have always been impressed. She's been both kind and considerate in very difficult times and I think she would be an excellent choice to step up to this position."

Mayor Kelley called for a second to the nomination.

Council Member Caplan added, "It's my pleasure to second the nomination for Phyllis Evans as Vice Mayor of this Council. Phyllis and I have sat next to each other for twelve years and she came a year before I did. Phyllis presents a certain thoughtfulness

that brings a wholeness to our discussions. She represents a part of our community that will not be represented otherwise - with her thoughtfulness and her ear to the ground about what's going on in the community. A way of looking at things and expressing her ideas brings a different point of view than many of us hold and she represents a major segment of the community that needs to be represented both symbolically and in reality. I've had the pleasure of sitting next to Phyllis for all these years and have benefitted by her evenness, her steadfastness, her commitment, her loyalty to the community, and I'm always impressed by how she brings another point of view from one that has already been expressed. I think that Phyllis would bring a different way of being a leader in our community and presenting the community with a face that is really representative of our whole community. So it is with pleasure and it is my honor to second the nomination of Phyllis Evans."

Mayor Kelley asked for additional nominations, seeing none he asked for a motion to close the nominations for Vice Mayor. So moved by Council Member Wilcox. Second by Council Member Evans.

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

Nays: None **Motion passed**

Mayor Kelley asked for roll call for Vice President of Council/Vice Mayor.

Roll Call: Montlack: Montlack, Wilcox, Dietrich, Kelley  
Evans: Tumeo, Caplan, Evans **Montlack elected**

Mr. Gibbon administered the oath of office to Vice Mayor Montlack.

Vice Mayor Montlack repeated, "I solemnly swear That I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland Heights; and that so long as I continue to hold a position as Mayor and President of Council, I will honestly, faithfully and impartially discharge the duties of that Office to the best of my ability."

Mayor Kelley continued, "Moving right along, we are now on Item 14 on the agenda. It is my honor now to introduce the committee memberships for Council. We will begin in alphabetical order of committee:

#### **Administrative Services Committee of Council**

Mark Tumeo, Chair

Nancy Dietrich, Vice Chair

Phyllis Evans, Member

### **Community Relations and Recreation Committee of Council**

Nancy Dietrich, Chair  
Mark Tumeo, Vice Chair  
Bonnie Caplan, Member

### **Finance Committee of Council**

Ken Montlack, Chair  
Dennis Wilcox, Vice Chair  
Mark Tumeo, Member

### **Municipal Services Committee of Council**

Bonnie Caplan, Chair  
Ken Montlack, Vice Chair  
Dennis Wilcox, Member

### **Planning and Development Committee of Council**

Dennis Wilcox, Chair  
Phyllis Evans, Vice Chair  
Ken Montlack, Member  
Nancy Dietrich, Member

### **Public Safety and Health Committee of Council**

Phyllis Evans, Chair  
Bonnie Caplan, Vice Chair  
Nancy Dietrich, Member

We move to Item 15, and after this part of the Council agenda we will take a short break for a reception, so bear with us. This will be the Council Members' comments, so I think we will begin with the election results. We'll begin with the winners of the election and move forward to the other members who are patiently in the middle of their terms and then the Mayor's comments will be last. So we will begin with re-elected Councilwoman Bonnie Caplan, who is beginning her fourth term on Council."

Council Member Caplan stated, "Thank you. First of all, I want to tell you that the past twelve years of serving the citizens of Cleveland Heights has truly been not only a pleasure but a real honor. I've enjoyed it. I feel that we've made great strides and most of all we've kept our city as a team of vital, energetic, wonderful city to live in and a city that we are proud to say - that we are from Cleveland Heights. In this past election, again, I was honored by the citizens of this community who voted for me and who said that they liked how the city was going and they wanted me to continue to represent them and to be a part of where we are going to go in the future. So I thank all of you who voted, all of you who helped me, all of you who stand up for Cleveland Heights because you know this is a wonderful place to live. It is one of the few communities that people say I love where I live. Most people just say I live where it is and that's one of the great things about our city. So, I thank you, the citizens of Cleveland

Heights. I thank you my friends and a special thank you to my family for all of your wonderful support and I look forward to this coming four years with a new Council, a new energy, and a new representation. I'm looking forward to fun and to us accomplishing all kinds of new things. Thank you."

Mayor Kelley added, "Thank you, Councilwoman Caplan. We move to re-elected Councilwoman Nancy Dietrich, who is beginning her ninth year here on Council."

Council Member Dietrich stated, "Thank you. I feel like this is a somber night, not a night really for a lot of joy and victory. For me, it is a night of gratitude to the voters for giving me the opportunity to serve once again on Council. Throughout our campaigns we've been enumerating the challenges and our plans to address them. So I think tonight isn't a night for a lot of talk, it's just to resolve to tackle those challenges and to act on the plans that we've been talking about for the past couple of months. Our council has been a very good team and will continue to be a good team. I welcome our newest colleague, Mark Tumeo, and I welcome the fresh outlook that I'm already hearing from him. There is a more questioning perspective from a newcomer that does sort of show us where our complacent areas are, so I think he'll keep us on our toes and challenge us a little bit in the ways that we've gotten used to each other and used to doing things the same old way. I know I will be a conscientious council member. I know I'll be responsive and accessible, and I certainly hope that I will be effective, and I thank you for the privilege of this position."

Mayor Kelley continued, "Councilman - starting his first day, his first meeting, third day on the job, Mark Tumeo."

Council Member Tumeo stated, "This is kind of like the Academy Awards. You get up front and there is so much you want to say and I know that the orchestra is going to start playing. This is an immensely important time for me. I have so many people to thank. There are a few that I do want to mention. I want to thank Gordon and Sarah Wean. Gordon stuck by me from the very beginning when I came up with this crazy idea and said, yeah, you can do it and actually made it happen and I owe them both a great debt of gratitude. I want to thank my partner, Jeff, and his family who are my adopted surrogate family, not only for their warmth and acceptance of me, but I told Jeff when I started this, this is a two-person thing, because believe it or not the newspapers are going to notice. I don't know if he recognized it as much as they did, but he stood by me and if it weren't for his support I would not be able to do this. So I want those [people], especially, to be noted. There are a host of volunteers and people that have put me in this position and most important the voters. So first and foremost, thank you all. I want you to know that I take this very seriously. My being elected to this position - of what this community stands for, to Northeast Ohio, it's a statement that was heard in the state, it was a statement that was heard around the country and I'm very, very proud to be involved in that. I also want to say that I am deeply honored by the people on this Council already. They have really, really worked to help me not be completely foolish when I sit up here and do this job. They have welcomed me and I want to thank the Reverend Hicks, who very, very graciously worked with me over the transition period to help me step up to this position and represent the

people of Cleveland Heights, so I want to make sure that, that debt of gratitude goes out. I want to thank you all and with that a professor will keep it short. Thank you."

Council Member Evans added, "I, certainly would like to congratulate Councilpersons Caplan, Dietrich, and Kelley and particularly Tumeo. It's going to be another challenge, as every year we see a different challenge and this team is always willing to work on any challenge that may come to us. We have always worked together in a manner that we're very respectful of each other, in a manner that we're always looking for information and take our time to gather the material that we need to make the best decisions possible. I know that we will continue to do the same. I certainly want to congratulate Mayor Kelley and Vice Mayor Montlack on being re-elected and I look forward to the next year."

Council Member Wilcox stated, "Thank you. I'll keep my remarks brief. I just want to congratulate my colleagues on Council who were re-elected in November and sworn in tonight, Council Members Caplan and Dietrich and Mayor Kelley, and as in the past I look forward to working with you in the next two years and to Councilman Mark Tumeo, congratulations on a well-run campaign and to your election on your first term on Council. I first got to know Mark while he was on the CAC and I know he shares the passion of all of us on Council to make Cleveland Heights a better city. So, I know there are going to be a lot of challenges ahead, but with this Council as a team, City Manager and staff working together, and most importantly, with the support of our residents I know we will meet these challenges together."

Vice Mayor Montlack stated, "Thank you, your Honor. There are going to be certain themes that you keep hearing over and over and there is a reason, it's that we truly in our hearts believe them. First, absolutely congratulations to Councilwoman Caplan, Council Person Dietrich, Mayor Kelley, and Councilman Tumeo. Perhaps only office seekers who have been through a campaign understands all that, that entails and what it means to go through that and very close to that are the folks who give that support. As so many have said also, I am certainly honored and proud to work with this Council and in fact, with past Councils, too. As well as that, I am honored and proud of the staff of this city, such an important reason why we continue to meet our challenges, and in back of all that or in front of all that are the citizens, the residents, because that is what is represented and that is the reason why Cleveland Heights continues to persevere and do as well as it does and we will always continue to meet our challenges. Sometimes we agree, sometimes not completely always working together, and if you'll excuse me for repetition I will end with my mantra, that Cleveland Heights, warts and all, is *the promise of America comes closest to fulfillment.*"

Mayor Kelley added, "Thank you, Vice Mayor. First of all I want to congratulate Councilwoman Caplan, Councilwoman Dietrich on their re-election. Those were fantastic re-election numbers and to Councilwoman Dietrich who was certainly great to campaign with you - to work with you. It certainly was a pleasure. You made campaigning fun - working together - fun designing literature. If there ever was a fun campaign, it certainly was. I also want to thank you and Councilman Wilcox for nominating and seconding me tonight as Mayor. It certainly is an honor to be sitting in this seat again. It's one of the best

jobs I've ever had, except working in Domestic Relations Court with Judge Flanagan, sitting in the back there. Also, wanted to say to Vice Mayor Montlack and Councilwoman Evans and Councilman Wilcox, you are also great to work with. We really have a superb Council who really probably works harder than any other Council. I've said it before, I'll say it again, we do not take summers off like many other councils and the City of Cleveland, no disrespect to the new Mayor there or his colleagues. We work basically fifty out of fifty-two Mondays, some of them are Tuesdays, when there are Monday holidays. This is one of the hardest working councils in the State of Ohio and we do respond to e-mails, faxes, letters, phone calls, text-messages, what ever the communication method - we do respond. I'm also pleased to welcome you, Mark Tumeo, to this City Council. You have been a dedicated public servant and you've been on the rights of citizens during your entire public career. You've worked in California and Alaska for workers' rights and inclusiveness for all. You've been a staunch supporter for equality and fairness. In the City of Cleveland Heights, you have been a valuable member of our Citizens Advisory Committee serving from 2000 to 2005. As a CAC member, you have made recommendations on the use of Community Development Block Grant funds to the tune of nearly 10 million dollars and we don't take your recommendations lightly, although we didn't take them all to heart sometimes, that just happens - it's nothing personal.

Mark, you are currently the Vice Provost for Research and the Dean of College of Graduate Studies and Research at Cleveland State University. I know that your professional experience and education will serve us well and that your professional commitment and dedication to the rights of our citizens will add to the strength of this community and to this City Council. On behalf of the Council, the staff of the City of Cleveland Heights, welcome to this Cleveland Heights City Council. Let's recognize Mark and welcome him.

I am honored to have been re-elected to City of Cleveland Heights City Council by the people of Cleveland Heights and to have been re-elected as the Mayor by my colleagues. I pledge to you that I will give my full attention and commitment to this responsibility. The last twelve years have been exciting and challenging and I am proud to have been a part of it. Our city has seen unprecedented growth and economic development. The new housing all over the city is an indication of our community as a viable place to live and to invest. The economic development of new stores in our commercial districts and expansion at Severance of the Kaiser building and the shopping mall, show that our community remains competitive. We will continue to stay aggressive with economic development here in Cleveland Heights. We will continue to support our safety forces - the best in the area. Our police department and fire department are excellent and we will continue to keep them that way here in Cleveland Heights. We will continue to be attentive to our infrastructure - the roads, the sewers, the water lines will be upgraded. The basic city services of garbage pickup, leaf and snow removal and recycling will have the utmost importance. We will continue to have a strong commitment to the quality of life issues. Our programs for seniors, our recreational programs and our community center and our appreciation of the arts through Cain Park and the support of public art projects - all these things will continue to be our top priorities here in Cleveland Heights. In addition, the world today is built on partnerships. We will continue to work through the First Suburbs Consortium, with non-

profit agencies, our school district, the county, and others to provide the best for our city and for our residents. I am proud to have been born and raised in Cleveland Heights. I am proud to be raising my family of five children here in Cleveland Heights. I am proud and grateful to be part of the continued excellence of Cleveland Heights. I pledge to do my best for our city and for the residents of our great community. I continue to believe that Cleveland Heights is the best yet to be.

Finally, I dedicate the next four years on City Council to the strong legacy of my brother, Michael. I will miss you forever. Thank you.

We're going to take a break and I believe we have some cookies and refreshments downstairs, in the atrium. You can either take the stairs down or go straight ahead and take the elevator down. Thank you for coming tonight and it is our time to greet you and thank you for everything."

A short break was taken for the reception in the atrium.

The minutes of the Regular Council Meeting held Monday, December 19, 2005 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 no formal report this evening."

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

Mrs. McGuire stated, "I have no report this evening."

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

Council Member Dietrich stated, "Thank you, and my first time to be chairman of this committee. There are three pieces of legislation. First is Ordinance No. 167-2005(CRR), Second Reading, authorizing and approving the presentation of entertainment and recreation programs in Cain Park and other locations for the year 2006, providing for use regulations, and establishing rates for the described activities and repealing Ordinance No. 186-2004.

This is basically unchanged from 2005. Rates have remained the same and all. I'll just highlight a few of the prices. Admission for productions at Cain Park will never exceed One Hundred Dollars (\$100.00). Senior citizens and students will fill out a discount. A discount of \$3.00 for all Cleveland Heights, residents with a valid rec ID. This also names out all the various fees for Cain Park School of the Arts, the basketball programs, baseball, T-ball, coach-pitch, challenger baseball, girls, softball, camp programs and the various fees

for all of these, which remains unchanged. I am not going to read it all, but you can always see a copy at City Hall. This is Ordinance No. 167-2005(CRR) on Second Reading.”

Mayor Kelley accepted Ordinance No. 167-2005(CRR), Second Reading.

Roll Call: Ayes: Tumeo, Wilcox, Caplan, Dietrich, Evans, Kelley, Montlack  
Nays: None **Ordinance passed**

Council Member Dietrich continued, “And its companion piece, Ordinance No. 168-2005(CRR), Second Reading, establishing use regulations and rates for admission and other services for Cumberland Swimming Pool, Denison Swimming Pool and the Cain Park Wading Pool for the year 2006; and repealing Ordinance No. 187-2004.

Doesn’t seem like it’s time to be talking about pool rates, but our staff plans ahead and that’s why things run so well. This is always almost exactly the same as last year’s ordinance. Nothing has increased. There actually is one decrease in fees here and that is if you sign your child up for a camp and then you have to back out and your child doesn’t go to camp, instead of the city keeping fifty percent (50%) of what you paid, the city will only be keeping twenty percent (20%) of that, so you will get a bigger reimbursement if you are unable to have your child go to camp. In some of the other provisions in here, the pools are to be used by legal residents of the city who do have recreation ID cards purchased from the city. You can get those for five dollars (\$5.00) which includes your photo. People are allowed to bring guests and guests for swimming are six dollars (\$6.00). Season passes range from prices of free for a pre-schooler to seventy-seven (\$77.00) or eighty-eight (\$88.00) dollars a family pass for the season and that depends on whether you buy it before or after June 2. One time admission to the pools, there is also a range. If you are a pre-schooler it is free and it can be either two (\$2.00) or three (\$3.00) dollars depending on your age. Then there are the various charges for lessons and there is group rental charge which at Denison Pool is One Hundred Twenty Dollars (\$120.00) an hour and a half, Cumberland is Two Hundred Forty Dollars (\$240.00) for two hours and more time than that could be purchased. Basically, except for the one decrease noted, the rates for using the swimming pools in the summer remains as it was in 2005. I offer Ordinance No. 168-2005(CRR), Second Reading for passage.”

Mayor Kelley accepted Ordinance No. 168-2005(CRR), Second Reading.

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

Nays: None **Ordinance passed**

Council Member Dietrich continued, “Finally, I have Resolution No. 1-2006(CRR) and as Bob Downey said earlier, this resolution is a very nice way to start the year. Resolution No. 1-2006(CRR), expressing support for the Civility Project and its Vision Statement; and declaring an emergency.

As I've been telling you recently, the Civility Project came about through the dedication of Heights residents who care about the quality of life in our community and they recently sponsored a forum entitled, "Civility in Action." They defined civility using the terms like listening, apologizing, being inclusive, speaking kindly, showing respect, seeking agreement, things like that. The purpose of it is to generate an ongoing awareness of – and sort of excitement around – the potential impact of a focus on civility, and also to pledge to take action steps towards civility in our community. The project does intend to reach out to all groups and all people in the community.

With this Resolution, Council hereby expresses its support for the Civility Project and its Vision Statement, which recognizes civility as a core value for our community and believes in taking proactive steps toward civility every day and having the right and responsibility to expect others to do the same. I offer Resolution No. 1-2006(CRR)."

Mayor Kelley accepted Resolution No. 1-2006(CRR) and added, "I just want to publicly thank Councilwoman Dietrich for her energy and strength on working on this project with a great group of people and taking the lead, not just for the City Council but as a member of the community and putting in the time and taking the time to fly up to Minnesota to see what's going on up there and bringing it back. I know you will continue to steer this project in the right direction in making things happen here in Cleveland Heights that will positively affect our community and be a model not just for our city but for other people in the future. I want to thank you publicly for doing that."

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

Nays: None **Resolution passed**

Council Member Dietrich concluded, "I do just want to announce that the next meeting for this civility project is January 20 from 12:30 to 2:00 at the Community Center and everyone is welcomed. It's not a workshop like the other one was, this is a planning meeting, but anyone who wants to be part of this civility project is welcome on January 20th. That's all that I have."

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

Vice Mayor Montlack stated, "Thank you, your Honor. There is no report tonight."

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

Council Member Caplan stated, "Thank you. I have Resolution No. 2-2006(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 2006 street resurfacing program; (seems like we just got the orange barrels away and here we come again) providing compensation therefor; and declaring an emergency. 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 2006. 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 by this Council that the City Manager be authorized to enter into an agreement with CT Consultants, Inc. as a consulting engineer and they will do, in addition to what other obligations they take care they will also do such things as development of project mapping and subsequent construction plans utilizing procedures supplemented by field surveys, development of traffic maintenance plans, coordination of utilities, preparation of detailed drawings to show the character and scope of the work to be performed, preparation of technical data in the form of work and material specifications to be performed, preparation of quantity and cost estimates based on the completed drawings, preparation of contract documents; and provision of periodic on-site inspection services. The fees to be paid to CT Consultants, Inc., for the aforementioned services 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 Seven Thousand Dollars (\$7,000.00). All documents shall be in a form approved by the Director of Law. Notice of the passage shall be given and this Resolution shall be passed as an emergency measure tonight. I offer Resolution No. 2-2006(MS) for passage.”

Mayor Kelley accepted Resolution No. 2-2006(MS).

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

Nays: None                    **Resolution passed**

Council Member Caplan concluded, “Thank you. If you’ve been around long enough you get to do things the second time and this is the second time I’ve been the chair of Municipal Services and it’s always interesting to see what makes the city really work. One of the things about being on City Council people really like knowing that the city works, and they judge if their garbage is picked up, if the leaves are picked up, if the snow is plowed and since I mentioned leaves I want to tell you now, since the snow has gone away - maybe it will stay away for a little bit because the street leaf pickup guys are going to be out there again and start where they had left off. Don’t despair. We’re going to come after your leaves again. Hopefully, the snow will hold off that we can pick them up. Thank you to the people in the service department who work so hard on keeping our streets clean and picking up the leaves because we all like that and it shows that our city looks nice and terrific. I’m looking forward to the next four years and that’s all that I have. Thank you.”

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

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation from the Planning and Development Committee tonight, but I thought as we often review some of our new development activities in the city it is sometimes good to look at investments, at our largest asset in the city, and that's our existing housing. I thought I'd just comment on a couple of programs that have assisted our residents in maintaining and upgrading our existing housing. The first one and we've mentioned these before, is the Home Enhancement Loan Program or "HELP," which is a link-deposit program sponsored by the County Treasurer Jim Rokakis, whereby the county deposits some of its funds in local banks, which in turn gives below market interest rates to home owners in inner-ring suburbs like Cleveland Heights. Since 1999, over 500 loans have been utilized by Cleveland Heights, residents for home improvements totaling almost 6.8 million dollars. In addition, the County has recently founded a Heritage Home Program with the assistance from the Cleveland Restoration Society. This was established to deal with some of the historic older homes in Cleveland Heights and other communities and since that program began four years, 62 loans have been signed worth over 7.8 million dollars in neighborhood reinvestment in Cleveland Heights. In addition the Heritage Program staffed through the Cleveland Restoration Society has provided free technical assistance to 206 residents. It is through programs like these and other city programs that we continue to maintain and improve our existing housing stock at the same time we are developing new housing. I did want to, again, compliment our staff in a letter we received from the Cleveland Restoration Society, Executive Director, Kathleen Crowther to Assistant City Manager Kathleen Ruane. One paragraph in particular states that, *"We hope you see the value of our services in Cleveland Heights. This successful work would not be possible without the excellent relationship that we have developed with key city employees, Rick Wagner, Housing Program Manager and Kara Hamley O'Donnell, Preservation Planner. These public servants truly exemplify dedication and commitment to the community good."* I want to, again, thank our staff for all the great work they do for our city, and that concludes my report."

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

Council Member Evans stated, "I'd like to present Resolution No. 3-2006(PSH), to suspend enforcement of Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights for the period ending December 31, 2006, or at such earlier time as Council may subsequently prescribe, on the following-described streets; providing for on-street overnight permit parking on specified portions of Kensington, Hillcrest, Belmar, Glenmont and Eddington Roads; and declaring an emergency.

You may very well recognize this to be an annual ordinance that we read just about this time every year. In many areas of the city, because of the dense population, there isn't enough parking for residents and their guests. That was the motivation behind this legislation.

In certain areas such as Kensington Road between Lee Road and Cottage Grove Road and on Hillcrest, Belmar, Glenmont and Eddington Roads between Mayfield and Avondale we give residents an opportunity to purchase permits so that they can park on the street. This is the best way that we could resolve some of these parking issues in these areas. Sections 1

through 3 are fairly detailed and I would just like to incorporate those sections by reference. A copy can be obtained by the Clerk of Council,s office. I'd like to present Resolution No. 3-2006(PSH) for passage."

Mayor Kelley accepted Resolution No. 3-2006(PSH).

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

Nays: None                    **Resolution passed**

Council Member Evans concluded, "That concludes my report this evening. I would just once again like to extend my deepest sympathy to the Kelley family."

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

Council Member Tumeo stated, "I'm honored to have a speaking role on my first night on Council. I have a resolution and a few appointments. I'd like to introduce Resolution No. 4-2006(AS), authorizing an agreement with Arthur J. Gallagher & Co. for continuation of its protected liability self-insurance program for the City; providing compensation therefor; and declaring an emergency. The City's contracts with Arthur J. Gallagher, risk management services, as an insurance over our own self-insurance. The City is self-insured for Fifty Thousand Dollars (\$50,000.00) per occurrence for property damage and One Hundred Thousand Dollars (\$100,000.00) per occurrence for personal injury. Under this contract, Gallagher then delegates the insurance above and beyond that amount to an outside liability company, the St. Paul Insurance Company, and the umbrella excess liability is to Ten Million Dollars (\$10,000,000.00) an event.

I would like to take the fact into this, that we have a city staff that has actually gotten our insurance costs reduced. This year, they're actually \$362.00 less than last year's charge and therefore the resolution is to authorize the City Manager to enter into the necessary contracts for a cost not to exceed Three Hundred Sixty-three Thousand Five Hundred Ten Dollars (\$363,510.00), for the period from January 1, 2006 through December 31, 2006. All the documents and necessary contracts should go through the Law Department. I'd like to enter Resolution No.4-2006(AS)."

Mayor Kelley accepted Resolution No. 4-2006(AS).

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

Nays: None                    **Resolution passed**

Council Member Tumeo continued, "I have a couple of appointments. First, I'd like to appoint Christopher Harris to a one year term on the Citizens Advisory Committee beginning immediately and extending to December 31, 2006. He is a resident of Berkshire Road, who has lived in Cleveland Heights for thirteen years and with my election, there is now that vacancy on the CAC."

Second by Council Member Dietrich.

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

Nays: None            **Appointment passed**

Council Member Tumeo continued, "I have two individuals whose terms are up on the Landmark Commission and therefore, I,d like to reappoint John McDonald and Christopher Roy to another term. John has served since 2000 and Chris has served since 2002. Their new terms will be for three years effective immediately and would end on December 31, 2008. I,d like to thank them for their willingness to step up and serve again."

Second by Council Member Wilcox.

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

Nays: None            **Re-appointments passed**

Council Member Tumeo continued, "Finally, dealing with the Architectural Board of Review, Jim Streff who has served on that for six years and has been its chair, would like to step down from the board and be an alternate on that board. I would like to appoint Rich Bozic of Blatchford Architects to replace Jim Streff as a permanent member on that board. Rich Bozic has been a judge for the City's Community Improvement Awards and a volunteer in the Ask an Architect portion in the annual Home Improvement Fair. His new term will begin immediately and extend to December 31, 2008. Jim Streff's term as an alternate will also begin immediately and extend to the same date, December 31, 2008."

Second by Council Member Evans.

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

Nays: None            **Re-appointment/Appointment passed**

Council Member Tumeo concluded, "Thank you very much, and again condolences to your family."

### **REPORT OF THE MAYOR**

Mayor Kelley stated, "There will be report tonight. Next meeting will be on Tuesday, January 17, 2006. I encourage everyone to come to our Martin Luther King Day celebration which is Monday, January 16th at 7:00 p.m. at our beautiful Community Center with the expanded parking. Come one and come all. That will begin Monday, January 16th at 7:00. Again, our next meeting will be Tuesday, January 17, 2006 at 7:30 p.m. This meeting is adjourned at 8:45 p.m. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Sharon E. McGuire  
Clerk of Council Pro Tem