



## CLEVELAND HEIGHTS

### MINUTES OF THE COUNCIL MEETING OF MONDAY, JANUARY 5, 2004

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 5:45 p.m.

Edward Kelley, presiding

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

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

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 7:00 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:10 p.m.

Edward Kelley, presiding

Mayor Kelley called on Mr. Malone to report the results of the November 4, 2003 election.

Mr. Malone reported, "I would like report that the Cuyahoga County Board of Elections at the election held on November 4, 2003 has certified that Phyllis Evans, Kenneth Montlack, and Dennis Wilcox were elected as Council Members."

Mayor Kelley made it a matter of record and continued, "Thank you, Mr. Malone. We will begin this meeting by the oath of office administered to the newly re-elected Council Members. We will begin with Councilwoman Phyllis Evans."

Council Member Evans stated, "Judge Buchanan is going to swear me in and my husband, Greg, is going to stand with me."

Judge Buchanan administered the oath of office.

Council Member Evans stated, "I, Phyllis Evans, 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, "Thank you, Council Member Evans. Thank you, Judge Buchanan and thank you, Greg, you've been through a few campaigns. It's always nice to see you. Now, we will move to re-elected Ken Montlack."

Council Member Montlack stated, "Thank you, your Honor. My wife, Chris Henry, will join me and our Law Director John Gibbon will swear me in."

Mr. Gibbon administered the oath of office and Council Member Montlack stated, "I, Kenneth Montlack, 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 stated, "Congratulations, Ken, and welcome again, Chris. We'll move to re-elect Council Member Wilcox."

Council Member Wilcox stated, "Thank you. I have my wife here with me, Shelley and my daughter, Colleen that are going to join me and I think Shelley is going to read me the oath unless she wants the law director to do it."

Mrs. Wilcox administered the oath of office to her husband.

Council Member Wilcox stated, "I, Dennis Wilcox, 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 stated, "Congratulations, Dennis, and welcome Shelley and Colleen. Now you know where he is every Monday night."

Council Member Wilcox added, "I should say my son Michael would be here except that he's in his first day of classes at Ohio State."

Mayor Kelley added, "Celebrating the win in the Fiesta Bowl, I'm sure."

Council Member Wilcox replied, "Hopefully not, hopefully he's studying."

Mayor Kelley requested Mr. Malone to call the roll call of all Council Member.

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

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

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

Mayor Kelley stated, "We now move to the request of nominations for the Office of President of

Council/Mayor.”

Council Member Wilcox stated, “Thank you, your Honor. I am pleased this evening to nominate Edward J. Kelley as President of Council and Mayor. During my four years on Council it has been a pleasure to work with Ed as Mayor. He has demonstrated his leadership time after time on difficult issues that the city has faced. I am particularly impressed with two things about Ed. One, that he listens to all view points on Council, which I think is extremely important, but also as important is how he treats people that come before this Council and what I’ve watched in many instances is the fairness and respect that he shows anyone who speaks to Council. So, I look forward to another two years with your leadership as Mayor.”

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

Council Member Dietrich stated, “I would like to second the nomination. Our Mayor, Edward Kelley, is a big man, not just in stature. Ed Kelley is a big hearted man. A man with a generosity that is irrepressible, that surfaces in everything he does. Without effort, Ed Kelley thinks of the other guy and he thinks of the good of the group. For him, it is not about Ed, it’s about Cleveland Heights. If a person has a problem, Ed’s first reaction is to want to help. He says things like, ‘We’ve got to find a way to do something for so and so or for such and such an organization, we can’t let them fail.’ If there’s a person or a business or a non-profit that’s floundering, Ed worries about it until he comes up with a way that the city can be supportive, where he might put them in touch with a fund-raising or a new funding source or he might suggest to them that they organize an event and then he will help them organize the event. He doesn’t rest until he finds a way to help. Ed also forgives and he encourages others to forgive as well. When we on Council, as you know we do sometimes have an issue that leads to personal tension. Ed will say sit with the people involved and help them talk through it. He’ll just be right there. He doesn’t carry grudges, but yet he is quick to defend a colleague when he feels that colleague has been unjustly criticized and that is when Ed can get a little feisty and that’s fun to watch. Ed, himself, hates to criticize anybody. If he ever says anything that is the slightest bit critical of a person you can just see him feel bad about it. Ed is a family man. He loves kids, not just his own five, he loves all kids. That comes out here, as anybody who has seen a scout troop or anything like that who visits Council. Ed puts them at ease right away.

He rushes into a meeting from coaching tee-ball or having driven back from North Olmsted from a soccer game. His support for our school district has grown more and more solid over the years. The strength with which he stands behind our public schools is certainly a boost to the community. As Mayor, Ed Kelley moves things forward, doesn’t think things to death, toss them to death, analyze them until their original idea is lost. Under his leadership, Cleveland Heights is changing, redeveloping and serving as an example for other communities. I’m proud to second Ed Kelley’s nomination for Mayor of Cleveland Heights for his fourth term.”

Mayor Kelley thanked Council Member Dietrich and added, “Thank you for those kind words, Council Member Wilcox and Council Member Dietrich. Are there any other nominations? Seeing none I ask that the nominations be closed for the office of President of Council/Mayor.”

Vice Mayor Montlack so moved. Council Member Evans made a second to the motion. Vote was called for nominations to be closed.

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

Nays: None

**Motion passed**

Mayor Kelley called for the vote for Ed Kelley for Mayor.

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

Nays: None

**Motion passed**

Mayor Kelley stated, "I will be sworn in by my older brother, as you say bigger brother, but these days who knows - I'm being polite. I'll ask my family and my in-laws Bill and Alma Wilkinson who are with me to join me. Patrick is taking a siesta - oh, he's waking up, if they would join me up here. My daughter Erin, my son Eddie, who is missing basketball practice, Shawn with a beautiful tie on and Ryan and my mother, Pat, come join me."

The oath of office was administered by his brother, Michael Kelley, and he stated, "I, Edward J. Kelley, 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.

We now move to the request for nominations for the Office of Vice President of Council/ Vice Mayor."

Council Member Dietrich stated, "I would like to nominate our current Vice Mayor, Ken Montlack, for a fourth term as Vice Mayor of Cleveland Heights. As I talk tonight about these two very wonderful, yet very different men, who are our Mayor and Vice Mayor, I'm struck by the fact that they both embody the concept of working together in order to succeed and flourish. While the Mayor focuses on Cleveland Heights, Ken Montlack focuses on regionalism. I sort of always regarded Ken as an intellectual. He thinks before he speaks and he ponders before he forms an opinion. He wants to get to the heart of the matter and he also wants to understand the heart of the matter. He will often say, as the rest of us are sort of babbling on and getting off the subject, 'Let's think about what we're really trying to accomplish here'. One of Ken's ways of getting to the heart of the matter has been by organizing the leaders of neighboring suburbs into a regional approach. Years before it became a buzz word, Ken was talking about the phenomenon of first ring suburbs and how people were moving steadily outward from the suburbs and he would talk about how the state policies would exacerbate this. He had an understanding of like the hole in the donut - that, that was leaving. That was starting in the center of the urban core and then it was spreading to the suburbs like Cleveland Heights and Shaker Heights and Lakewood. He talked about these things. He did something to address the problem in a very sweeping way. The First Suburbs Consortium has become a model for other similar consortiums throughout Ohio. Leaders from Cleveland's inner suburbs join with the leaders of inner suburbs like Toledo, Columbus, Cincinnati, and finally the state is beginning to acknowledge this phenomenon of inner suburbs and even beginning to address some of the policies and funding choices that they make that have been keeping the mature suburbs from redeveloping as they should. Ken's efforts are recognized throughout the state and even throughout the county. It was through his wisdom that the First Suburbs was started and is flourishing in Ohio.

On a more personal side, Ken has just supported his wonderful wife through a very trying year. Another thing about Ken, on a personal side, is that he always remembers to acknowledge and to thank our staff members for all that they do. I think a lot of times the rest of us, me included, forget to acknowledge all that staff does and Ken never forgets that. He's a wise person whose opinion I highly value and I'm proud to nominate him as Vice Mayor of Cleveland Heights for a fourth term."

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

Council Member Evans stated, "It is really a pleasure to second the nomination for Vice Mayor Montlack. Ken and I have known each other, I guess over twenty years now. We've had the thrill, certainly a thrill, of campaigning together three different times, which means that we've developed quite a relationship with each other. We're friends and it's a friendship that I really cherish. It's really an honor for me to second this nomination tonight. I second the nomination for Ken."

Mayor Kelley accepted the nominations and entertained a motion to close the nominations.

Council Member Wilcox moved to close the nominations.

Second by Council Member Evans.

Mayor Kelley requested the roll call be called.

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

Nays: None

**Motion passed**

Mayor Kelley called for the vote for Kenneth Montlack for Vice President of Council / Vice Mayor.

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

Nays: None

**Motion passed**

Vice Mayor Montlack's wife, Chris joined him on the podium for the oath of office. Law Director John Gibbon administered the oath of office. Vice Mayor Montlack stated, "I, Kenneth Montlack, 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 Vice Mayor and Vice President of Council, I Will Honestly, Faithfully and Impartially Discharge the Duties of That Office to the Best of My Ability."

Mayor Kelley stated, "Congratulations, Vice Mayor. Now it is my pleasure to announce the committee memberships for each standing committee on Council.

**Administrative Services Committee:**

Nancy Dietrich, Chair  
Dennis Wilcox, Vice-Chair  
Jimmie Hicks, Jr., Member

**Community Relations and Recreation Committee:**

Bonnie Caplan, Chair  
Jimmie Hicks, Jr. Vice-Chair  
Nancy Dietrich, Member

**Finance Committee:**

Dennis Wilcox, Chair  
Kenneth Montlack, Vice-Chair  
Phyllis Evans, Member

**Municipal Services Committee:**

Jimmie Hicks, Jr., Chair  
Bonnie Caplan, Vice-Chair  
Kenneth Montlack, Member

**Planning & Development Committee:**

Kenneth Montlack, Chair  
Phyllis Evans, Vice-Chair  
Dennis Wilcox, Member  
Nancy Dietrich, Member

**Public Safety & Health Committee:**

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

At this time we are going to switch 15 and 16 around [on the agenda]. We would move onto the Council Members Comments but before I do that I want to introduce some of the dignitaries we have in the audience tonight. We had Judge A. Deane Buchanan, who just left us. Is he still here? If he would come back in here [which he did], Judge A Deane Buchanan is doing a great job in our municipal court. Please give him a round of applause. He earlier swore in Council Member Evans and gave her the oath of office. We have a former vice mayor here who served on Council, I believe for twelve years. Phil Hart is with us. Phil, would you stand up and be recognized. We have our Cleveland Heights Democratic Ward Leader up until about two weeks and democratic candidate for judge, Mike Donnally is with us tonight. We have Lita Gonzales who is representing her husband school board elect. I guess he's been sworn in somewhere - on a plane or somewhere. Lita Gonzales is here tonight representing Mark Phillips. Lita please stand up and be recognized. We have our Planning Commission member, Cheryl Stephens, who is a former city employee, with us tonight. We have a person who has been in the news a lot lately and hopes this year he'll never be in the news, our library director, Steve Wood, is with us. We have Council Member Jimmie Hicks, Jr.'s parents, Beatrice and Jimmie Hicks. I think they are out in the hallway. Come on in and be recognized. There are two seats over here. You don't have to stand out in the hallway. The mayor of Taylor Road is here with us tonight, David J. Lipins, please stand up and be recognized. Jimmie Hicks, Jr.'s wife, Linda, is with us here tonight, also. We'll begin with Council Members Comments. We'll begin with the Vice Mayor."

Vice Mayor Montlack stated, "Thank you, your Honor. As trite as it may sound, I am truly humbled by the words that I heard here tonight, not just about Ken Montlack, but actually about the words about what we're trying to do here in Cleveland Heights, also. I would sincerely like to thank each and everyone who has come here tonight and as I look out at this audience I see so many folks who have worked so hard in so many elections, in my case as well as in others, to keep Cleveland Heights on the right track. Certainly, I want to thank my wife Chris, who puts up with me all the time and still manages to keep her sanity. This, of course, gives me two more years to try and figure out exactly what it is a Vice Mayor does. I'll be working on that night and day.

I'd like to say a few words about our city. These are very, very difficult times for cities and for the city's residents and that certainly includes Cleveland Heights. We are stressed in trying to retain jobs, retain businesses, keep family incomes - often just keep them at least one paycheck away from disaster and all of that gets reflected on the municipal level in trying to keep the family budget of Cleveland Heights - the city budget working. It's not easy. For those of you not too bored having heard me say this many times, I will repeat that Cleveland Heights - warts and all - is the promise of America - comes closest to fulfillment. If we think about what it is that we do everyday, the things that others make speeches about on important national holidays, but we live everyday, you know that it's always a difficult task and that's why one of the reasons that we love it here. I believe that our challenge is to stay the course. We must provide the best services possible to our residents. We must preserve, revitalize, and redevelop. This is not an extra. This is not an amenity, it is an absolute necessity. We must participate and collaborate with others in both regional, county and statewide decision making. We dare not ignore that. We, on this City Council, must continue to work together. I think this is something that we do well and as Councilwoman Dietrich pointed out, a special measure of credit for that goes to Mayor Kelley. I know that there are individual folks that I have not recognized due to time limitation and there are things that perhaps I could have said but I really want to summarize by saying, thank you - thank each of you - and the residents of this city for giving me the honor of continuing to serve. Thank you."

Council Member Evans stated, "Thank you, your honor. My husband and I moved to Cleveland Heights thirty years ago. We have always enjoyed living here because it is such a special city. I think sometimes we forget how special it is until there is a reminder. Generally, we say, 'Oh it's great because of the location, the diversity, the churches and synagogues, the activities, the services, the parks, the

police department, the fire department, the commercial districts, the good schools', but when I really think about it, it's the residents that make this such a special, special city. Our residents are the true force behind what we have in Cleveland Heights that so many other places try to emulate. Our residents are open. They are not afraid to speak out and we certainly encourage you to do more. They are not afraid to tackle tough issues and I'm proud to say neither is this Council. It's been a pleasure to serve the city since 1993. I appreciate the continued support that the residents have shown. It will give me another four years to continue to work towards making this the very best city that it can be. Thank you for all your support. It's great seeing all of you here this evening and we'll have a chance to talk after this part of the Council meeting."

Council Member Wilcox added, "Thank you, your Honor. Winning an election only happens with the support of many people whose help in my campaign is deeply appreciated. First, of course, and most important is my family, Shelley for putting up with my constant calendar and schedule and the mess I made of the dining room in our house - Colleen and Michael for being understanding and helping me on my campaign. I appreciate that. And second, if I haven't thanked you personally, I would like to thank all of those who helped me on my campaign whether it be financial support, endorsement, distribute literature or even putting up the yard signs and I did have a few of those. Finally, thank you to the voters of Cleveland Heights for returning me to another term on Council. I will do my best over the next four years to repay the confidence you have shown in me. I also want to congratulate my Council colleagues, Ken Montlack and Phyllis Evans on their re-election to Council. Obviously, I look forward to working with them again and with Mayor Kelley and my Council colleagues Hicks, and Dietrich and Caplan who is not here tonight.

Campaigning throughout the city is one of the best ways to find out more about the community in which you live. Cleveland Heights has many independent thinking and open-minded people. The diversity of its people is reflected in a diversity of view points. But one common theme that unites Cleveland Heights is its sense of community. People are connected to the community and they are involved and interested in its future. Sometimes, that means that issues divide us, but in the end what makes Cleveland Heights great is the ability of its people to come together despite these differences as a community which values its diversity. I believe we accomplished much in the city in the last four years; the opening of the new community center with expanded recreational opportunities and a new senior center, numerous housing and commercial developments, just to name a few. Of course, none of that would be possible without our city manager and our tremendous city staff, especially in the last three years as the economy has been in a downturn. I have been impressed with the dedication and hard work of our staff. I am proud that our city has been up to the challenge to continue to deliver excellent city services while finding ways to cut costs in our budget. We will continue to face challenges over the next four years. Cleveland Heights, as an older residential community, must continue to improve its housing stock. We must redouble our efforts to improve our existing housing through innovative programs which will increase owner-occupancy as well as find creative ways to build new housing throughout the city. I know this Council is committed to that goal. We must also continue our efforts to ensure that our commercial areas may remain strong and that our businesses continue to thrive. We will also continue to carefully manage our finances. I am committed to working with Council and our city manager and staff to develop a capital improvement plan for the city for the next five years so that we will be prepared for the larger financial commitments that will be needed to keep our city competitive.

Finally, it is essential that this community support its public schools. Support comes in many ways, but in Ohio public education only succeeds with the local communities financial support. One thing I've learned in the last four years is that we cannot rely on the state and federal governments to solve our problems for us. It does not do us any good to wring our hands over that fact, rather we need to use all the resources we have available to us to make our city what we want it to be. That requires the

effort of all our citizens working together to continue to make Cleveland Heights a great community.”

Council Member Dietrich stated, “Well, I think I said enough for one person for one night other than congratulations to my colleagues who have been re-elected and just to say it is such an honor and I feel so lucky to be serving with these people.”

Mayor Kelley added, “I think we have a congratulations we should say to you. Would you want to share your blessed event with us.”

Council Member Dietrich stated, “Oh, it’s in my purse. My daughter had a baby - a little boy the day before Christmas so I’ve become a grandmother. This is Brady Gallagher [shows picture of baby]. He is a resident of Edgehill in Cleveland Heights.”

Mayor Kelley asked, “Have you missed a day of holding him?”

Council Member Dietrich added, “Yes, there was one day we were in Buffalo for hockey.”

Mayor Kelley kidded, “Nancy, hockey or your grandchild?”

Council Member Dietrich added, “Yes.”

Mayor Kelley continued, “Congratulations, again.”

Council Member Hicks added, “I just want to congratulate - I had a tooth pulled today, so I’ve been trying to say very little because I have a lot of legislation, but I want to congratulate Council colleagues and Mayor Kelley and Ken Montlack for being re-elected as Mayor and Vice Mayor. One thing I can say about this Council is that there have been times when we disagree, but we do not and for the good of Cleveland Heights, we do not take a disagreement into a totally different issue. We deal with that issue separately and I can say that my Council colleagues, all here, have done that and to their credit - that we can deal with each issue separately and independently for the best and for the good of Cleveland Heights and it’s very good to be on a council with a group of people like that. Congratulations.”

Mayor Kelley said, “Thank you. Before I begin my speech, I want to thank my family. It’s been an amazing journey. We got started in 1993, my wife and I, and let me see, Eddie was about three, a lot shorter, Erin was maybe one - one and a half, and it’s been a great ride. I love this job as mayor and I love the support you guys have given me and we’ve grown as a family. My brother, I thank you for swearing me in and being there for me. To my mother, I thank you too. To my wife, I love you very much. To my children, you guys are great. Shawn, I appreciate you putting on that tie. I promise you’ll get to sit in the Mayor’s chair when we adjourn for a while. To my in-laws, Bill and Alma Wilkinson, you’ve been there with me. I remember, Bill, you driving around in the first campaign and talking to people, going door to door, and helping me out there. We’ve really come a long way in a long period of time. Ryan, I appreciate all you do, from being the third born like I was in my family and you’re very artistic and all that. I appreciate, Eddie, I know you’re missing basketball practice and you do need some work on your free-throws, but Chuck Lamb, the Heights coach, has promised to help you out a little bit so we’ll get to that. Really, this is really a special time and this is one job I really love and I wouldn’t change this job for anything. It’s a special town - a special city - give me about six or seven minutes and I’m going to give you one of my better speeches. This is really the highlight speech I do every couple years and then we’ll adjourn and have some refreshments downstairs. So, give me a couple minutes and we’ll move things along.

This is certainly a special night of congratulations and rededication for the Cleveland Heights City Council. First, I want to congratulate my colleagues Phyllis Evans, Ken Montlack, and Dennis Wilcox on their re-election to city council. Their campaigns were straight-forward, informative about their work over the past four years on this city council. I want to congratulate Ken Montlack on his re-election as vice mayor and I look forward to working with him as vice mayor. I also look forward to working with my colleagues Bonnie Caplan, Nancy Dietrich, and Jimmie Hicks. Each of us bring different perspectives and talent to the table every week, but all of us love this city and want the best for it. This city council has many accomplishments over the past few years by working together as a council, by developing its strong partnerships with the public and private sectors, and by a continued good working relationship with our staff. Cleveland Heights in 2004 continues to be one of the most desirable cities in the state of Ohio to live, to raise a family, to visit, to shop, to dine or to retire in.

Cleveland Heights' financial status continues on a solid course. However, like every other city in the country we have had to address these difficult economic times, but through creative planning and attention to budget priorities our city remains strong. Economic development over the last six years has surpassed 300 million dollars in total. In new housing alone, development is approaching 90 million dollars in new housing development. Our commercial districts continue to thrive and Severance Town Center is enjoying a rebirth. We are proud of the new look to the ring road, the sidewalks, and the landscaping to come. Our police, fire, and EMS continue to provide excellent safety services. According to FBI crime statistics for a city of 50,000 or more, Cleveland Heights is one of the safest cities in the State of Ohio. Let me repeat that so it's clear. *According to FBI crime statistics for a city of 50,000 or more, Cleveland Heights is one of the safest cities in the State of Ohio.* If you've ever had to call the fire or EMS departments, these men and women are the best. The State of Ohio ranks our fire department as one of eight cities in the state of Ohio as a top city. One of eight in the state of Ohio, so that means if you ever have to call the fire department or god-forbid EMS, you are in the best hands in the State of Ohio and we're very proud of that.

Our recreational opportunities continue to be excellent, whether it be baseball, hockey, basketball, swimming or tennis. We have facilities to meet the increasing needs of our residents. Our goal continues to be to enhance the quality of life from youth to seniors through recreation both active and passive. Our award winning community center is growing every month with new programming and our parks continue to be a place of beauty and enjoyment. Cain Park continues to provide a solid base of diverse entertainment for all. A way in which our city can celebrate the arts in a way that it can bring people together.

Our infrastructure continues to improve. New road work, new sewers, a walking path and a bike path at Severance and new signs and signals continue to make Cleveland Heights a walkable, friendly community. There is no other city that will put a bike path in at a mall, but here in our town, our residents would not settle for anything less. While it would be easy to rest on our accomplishments this city cannot and will not do that.

We all realize that Cleveland Heights has a long tradition of exceptional representation from its city councils. Each of us is committed to that tradition and are proud to serve. This city council is one of the most diverse and dedicated. We do not back down from tough issues and we will continue to work long and hard to meet the needs of one of the most diverse communities in the United States.

Finally, this city council will always address head on any and all challenges brought to us by our 51,000 residents. As your mayor, I can tell you that we pledge as a council to address the challenges ahead. We will continue on a steady course with strong attention to our city finances. Fiscal responsi-

bility is a foundation for the health and vitality of Cleveland Heights. Again, *fiscal responsibility is the foundation for the health and vitality of Cleveland Heights.*

Economic development will continue to anchor the rebirth and redevelopment of our city. However, more needs to be done on Taylor Road and Noble Road corridors. Furthermore, we know that more economic development centered around job growth and income tax growth is vital to improving our financial position. We will continue to support our police and fire departments especially in the wake of 9/11. Both departments are top rated in the State of Ohio whether it be proper training, new equipment, technological advances or cutting-edge legislation, council will be there for our safety forces just as they are there for our residents.

While our recreational opportunities are top-shelf we will continue to look for ways to meet the increasing needs of our children, our young families and our seniors. Cain Park must also expand its revenue producing performances to support its free programming and bring in audiences from all over the region.

We will continue to work with our County Engineer Bob Klaiber, NOACA, the State of Ohio to find creative funding sources to even do more road projects. This will improve our city in the curb appeal for our homes. We will stay attentive to the condition of our aging infrastructure. We will continue to be a leader among first ring suburbs in the very real and important issues of urban sprawl. Finally, we will continue to appreciate, understand and support this wonderful diverse and unique community. As it has been our style as a council, we will listen to you, our residents. Your comments, concerns and ideas are vitally important to our health and success as a city. I am grateful and humbled to be re-elected mayor of this city for the fourth time. I was born and raised in Cleveland Heights. I have watched it grow and evolve. Now, as I raise my own family here, I feel privileged to be able to play a part in the continued success of this great city. I promise you that I will continue to work hard as your mayor. I will continue to serve all the residents of Cleveland Heights with dedication and commitment. The best is yet to come. Thank you very much.

Now, we are going to adjourn the meeting [7:56 p.m.] to go downstairs for a brief reception and then we'll come back up and we'll begin with approval of the minutes and personal communications from the citizens. So, thank you for coming. Please join us for a reception downstairs."

The meeting resumed at 8:25 p.m.

The minutes of the Regular Council Meeting held Monday, December 15, 2003 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

"I'm David Lipins. I'm the mayor of Taylor Road. I live at 3495 Shannon Road. I wish to congratulate the re-elected members of Council, Mayor, Vice Mayor and we have a great team working for the City of Cleveland Heights. I've been living in Cleveland Heights since 1970. But, we must not forget our City Manager. Our City Manager Bob Downey, I remember when he became the City Manager. I thought it was ten years ago but I think Bob told me it was 18 years. Correct me if I'm wrong. Is it that long?"

Mr. Downey confirmed it's 18 years as City Manager.

Mr. Lipins continued, "The work that he does, seven days a week, from morning to night. Our law director and the rest of the staff of the City Manager - also I must congratulate the city services. On Christmas Day, I think that was one of the biggest snows we had, they were out there from morning to night. Really! And I must compliment them, and especially that live in Block R,

where children go to school in the morning at 6:00 and years ago it was hard for them to even walk in the street, but now it's plowed, its salted - whatever they do with the ice and everything else. I would like to compliment our police department, Chief Lentz. I don't know if you heard what happened in Block R. The last few months, there have been many burglaries, stolen cars and I'd like to compliment, give credit to the chief, captains, lieutenants, sergeants, detectives and the police officers. They nailed the one that was doing all this burglary and everything else and he also admitted to all the burglaries that were done in Cleveland Heights. This is a compliment that happened in 2004, so I'm really the first one to compliment the police department and I'm glad they didn't catch him on December 31<sup>st</sup>, guys. Again, it's a great city to live in and thank god, we should all be blessed - and courage you should have, everybody, for a happy and a healthy new year and I'll tell you like my grandmother used to say. She used to wish everybody happy new year, keep smiling, sick people - people in pain don't smile. I'll pass that on. Thank you very much everybody, it's been a pleasure."

"My name is William Davis, Mayor, Council."

Mayor Kelley responded, "Welcome, Mr. Davis. Do you want to give your address for the record."

Mr. Davis continued, "1176 Yellowstone Road. I've come today on behalf of those who appreciate strong leadership in Cleveland Heights. In these challenging times strong leadership is more important than ever. We need leadership that is concerned with the needs of the community. A leader's first concern should be how they can best serve their community. A true leader is willing to inform and doesn't seek to manipulate. That leadership is based on what is good for the community not necessarily what is popular, convenient or trendy. Leadership committed to striving for the best and providing an example of courage and integrity. We are people that want to see leadership that provides an example of good and godly character. People who value leadership that is able to face opposition in a strong yet humble manner. I come on behalf of those who want to see Cleveland Heights thrive as a community for all people. Therefore, on behalf of a broad spectrum of citizens of Cleveland Heights it is my honor to recognize Councilman Jimmie Hicks as a true leader in this city. It is a privilege to stand here and thank him for his commitment for what is best for Cleveland Heights and its residents. On a personal note, I admire Jimmie even though I'm slightly older than he is. I have observed him for quite a number of years and have seen his dedication and his selflessness towards the community. He has a servants attitude towards his constituency and he has lived here all his life as far as I know. His children go to Cleveland Heights schools. He has a business in Cleveland Heights. He displays a love and a passion for Cleveland Heights and every encounter that I've had with Jimmie he's been a real person. No disguises, he's always been true - honest and a man of integrity. Therefore, we have a plaque. Councilman Hicks, can you come forward? I'd like to have his parents and his wife. We also have a book of love letters for you, Jimmie. The plaque says:

*For marks of leadership, courage, commitment, wisdom and integrity; in appreciation of your outstanding leadership and working for the very best for Cleveland Heights. From your grateful constituents January 5, 2004.*

I want to read from the very beginning, here's a little quote from Proverbs 27, it says

*Suggest man walkth in his integrity and his children are blessed after him.*

And thanks to your parents for raising you."

Council Member Hicks replied, "I'm not often at a loss for words. Thank you. Thank you. I don't do or have done anything for recognition or gratitude, just trying to be the best person that I can be and it's better for me to be in office and not so much be concerned about, will I be elected the next

time, but to be more so - how can I look in the mirror when I wake up and –. Just thank you. This was not my day. I saw people coming in, I just braced myself and thought about, they're about to give it to Council and I never expected this, so thank you. Thank you very much."

"Thank you very much. I'm Phil Hart, 3080 Essex Road, Cleveland Heights. Good afternoon, good evening. Congratulations to all of your re-elections, both as Mayor, Vice Mayor and on Council. I truly admire what you people have been doing and been saying. I don't mean you people - that's terrible, but what you guys have been doing. It's been marvelous and something that I had always hoped for when I was on Council and that was to increase the living in Cleveland Heights and you've been doing that just beautifully. I have just two comments about that and one is very personal. My wife and I decided we needed to live in a one-floor house - you know an empty nester house. So we looked in Cleveland Heights. Then we did the unspeakable, we thought about moving out of Cleveland Heights, but we persevered and found a wonderful one-story house on Glen Allen and hopefully in March or April or May we will move into it. But, what that shows is the kind of need that Cleveland Heights has for developing true empty nester housing. I don't mean that you have to walk up any stairs. No stairs is the first ingredient of an empty nester house. Please, look for that and develop it. The second thing that I wish you would take into consideration - I think most of you know that I'm in sustainability and green building and I don't see much of that demand here in Cleveland Heights from the city and I think you ought to really look at that and see that all the buildings that you build, all the buildings that are the public buildings of Cleveland Heights and of all of the things that you can control, green, it's a simple word, green but you know green is green. What I mean by that is, if you noticed that everybody here has noticed it. Gas prices keep on going up. The income goes down folks, and the only way I know to beat that is to button up your houses and make it mandatory that kind of thing has to happen. Instead of throwing our gas out into the air, let's try and keep it where it really helps. So, please consider doing something about green and sustainability and I'll be glad to help on that and empty nester is something that you should strive for. I thank you very much. I really, again, appreciate the jobs you've been doing and happy new year - good luck."

Mayor Kelley responded, "Thank you for continued commitment to Cleveland Heights, Phil."

Rita O'Connor, 1478 Middleton, stated, "I was sitting at work today and thinking about Jimmie and all the work that he's done and all the work that we have done in Cleveland Heights and I feel very passionately [*sic*] for the stand that I took and I know Jimmie and all of my other friends feel passionate about what we were doing and trying to accomplish. I was thinking about hero - wanted to look up the definition in the dictionary but I never had time. There are a lot of heroes amongst [*sic*] us who very seldom get recognized or get accolades or rewards; like the policemen, the firemen who save and protect lives everyday, the school teacher, like my daughter, who tries everyday to help poor ghetto kids recognize their self worth and to make their lives better, the nurse who works double shift to take care of the sick and the elderly. There are a few leaders in the political world too, the ones who get out of their safety zone - who step out in faith and courage to do what they believe is the best for America and society, the best for ethics and morality, the best for our children and our grandchildren. There are two people in this political arena who live up to my standards in this area and one is Jimmie Hicks. I want to thank you and praise you for not staying safe and [doing] what is popular. I personally know what it's like to feel like I'm standing alone with my convictions, losing friends in the process. I'm sure Jimmie Hicks felt that way at times. I hope though, that you now know and realize that you have tons of friends.

I believe that it is the liberal thinking - this is my personal belief - liberal thinking in this country that is bringing down our society, especially our children and grandchildren. We don't have prayer in school. There are people that want to take out the pledge of allegiance and this is all in the belief that it's

not politically correct. Standards are being lowered everywhere. In the work place (and I know that for a fact), in schools and churches and society in general, just to be politically correct. Well now we are politically correct in Cleveland Heights with the passage of Issue 35. It won't hurt my marriage but it will hurt marriages that come of our children and it will lower the standards for who and what can be married. So Jimmie, thank you for your heroism, your courage and your god-fearing faith. You have more friends than you will ever know and I will continue to pray for those on Council who do not think like you do."

Marianna Stein, 2727 Lancashire, stated, "I do think we do have a wonderful city and one of the things about it is we can all have our own opinions and still not have to be angry with each other. Sometimes - and Jimmie and I have had that, but sometimes we have to agree to disagree. That doesn't make him or anybody else a worse person. I'm still running to your church once a week with bread. I think you're a wonderful person. We have a good council and a good city and sometimes we just have to agree to disagree. We can still move on and be friends. God bless everybody and congratulations to everyone who has been re-elected and those who are trying to do the right thing."

### **REPORT OF THE CITY MANAGER**

Mr. Downey stated, "Thank you very much, your Honor. This evening we have just one item and that would be to request authority to advertise for bids for the Edgehill Road sewer improvement project."

Mayor Kelley made it a matter of record and referred it to the Municipal Services Committee of Council.

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

Second by Council Member Dietrich.

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

Nays: None

**Motion passed**

Mr. Downey continued, "Thank you very much, your Honor. On behalf of all the staff, congratulations to all of our council members."

Mayor Kelley stated, "Before we move to the report of the Director of Finance, if anybody would like to leave the meeting, feel free, if you want to leave now you can leave. I know there are some children in the audience that need to go home after the first day of school being back. We'll take a minute or two if you want to clear out. We just have committee reports and the extensive report of the Director of Council/Clerk of Council, Mr. Malone, coming up and a very short Mayor's Report."

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

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

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

Council Member Dietrich stated, "Thank you. I have one piece of legislation and a couple of

appointments to make. First of all it's Resolution No. 1-2004(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 of Cleveland Heights, has sixteen years of working experience with the Arthur J. Gallagher & Co. This is a professional service for which bidding is not required, and after informal evaluation, it has been determined that the fees proposed are competitive and reasonable. Therefore, be it resolved that the City Manager is authorized to enter into all necessary agreements with Arthur J. Gallagher & Co. and all other necessary entities for the continuation of the City's protected liability self-insurance program for the period from January 1, 2004 through December 31, 2004, at a cost not to exceed Three Hundred Sixty-six Thousand Five Hundred Seventy-seven Dollars (\$366,577.00).

I just want to make note of the fact that this is an increase of only two percent (2%) over last year which amounts to Seven Thousand Four Hundred Eighty-Nine Dollars (\$7,489.00) of an increase and that is because we have not had any significant claims and also because the City has sold some property in the past year.

A copy of the agreement is on file with the Clerk of Council. I offer Resolution No. 1-2004(AS) for passage."

Mayor Kelley accepted Resolution No. 1-2004(AS) for passage.

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

Nays: None

**Resolution passed**

Council Member Dietrich continued, "I have a couple of appointments to make for boards and commissions. First of all I'd like to reappoint Todd Anderson to the Architectural Board of Review. His term ended on December 31, 2003 so this is effective immediately and it extends three years until December 31, 2006. Mr. Anderson has been on the ABR for almost ten years, so he is definitely one of the reasons that we hear such good feedback about the ABR from the citizens that appear before them. I would like to offer Todd Anderson for reappointment to the ABR."

Second by Council Member Wilcox.

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

Nays: None

**Re-appointment passed**

Council Member Dietrich continued, "I have one other sort of surprise thing to do, which is an appointment to the CAC, the Citizens Advisory Committee, which is a brand new application that I just received in my packet this weekend and we discussed appointing this person at our meeting at dinner time and I said I can't do it tonight because I have to call him up and make sure that he still wants to be and lo and behold Rommel Upshur, the new applicant, was here tonight so I got to ask him. I would like to move the appointment of Rommel Upshur to the Citizens Advisory Committee. This will be for a one year term effective immediately and ending December 31, 2004. He is an eight year resident who lives on North Taylor Road, so he would be the second representative of the Caledonia neighborhood. I would like to offer Rommel Upshur for the CAC."

Second by Council Member Evans.

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

Nays: None

**Appointment passed**

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

Council Member Hicks stated, "Thank you, your Honor. I have two pieces of legislation this evening that are both on first reading. I will save the extensive reading for Councilwoman Caplan when she returns. This Ordinance No. 2-2004(CRR), authorizing and approving the presentation of entertainment and recreation programs in Cain Park and other locations for the year 2004, providing for use regulations, and establishing rates for the described activities and repealing Ordinances No. 3-2003 and 5-2003. Basically, the rates for the items that we talked about in Cain Park will have a ten percent (10%) to twenty percent (20%) increase in rates. One of the new things that is in here that doesn't have an increase, it's a new rate, will be for picnic shelters which up until this year did not cost anything to reserve a picnic shelter but beginning this year the cost of picnic shelters will be ten dollars (\$10.00) per day for any portion thereof for the period from May 15 through October 15. Everything else, the rates are again like I said consistent with a ten percent to twenty percent increase. Anyone interested in seeing that, please call City Hall to get a further breakdown of everything that will be increased. I want to offer Ordinance No. 2-2004(CRR), for first reading only tonight."

Mayor Kelley accepted Ordinance No. 2-2004(CRR), first reading only for tonight.

Council Member Hicks continued, "Ordinance No. 3-2004(CRR), 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 2004; and repealing Ordinance No. 4-2003. Again, this is a ten (10) to twenty percent (20%) increase concerning those pools, but the one thing that is new and/or different, we call it the grandmother clause is that you will be able to bring more than two people into the swimming pools with you. Grandmother, grandfather clause are not being biased, but that's one of the things that will be different. Everything else is an increase in terms of rates. Your Honor, I offer Ordinance No. 3-2004(CRR), for first reading only tonight."

Mayor Kelley accepted Ordinance No. 3-2004(CRR), first reading only for tonight.

Council Member Hicks concluded, "One other thing I wanted to mention is that the middle school nights at the community center have gone so well, that I believe in the reports it was said that it was going to be once a month now [confirmed] and that there was going to be a competition with the middle schools for the most people [in attendance] from a particular middle school, and so that middle school with the most number of young people coming to the community center once a month on middle school night will receive a pizza party at the middle school that wins. I think I said that correctly. That's all that I have, your Honor."

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

Council Member Wilcox stated, "Thank you, you Honor. There are two pieces of legislation from the Finance Committee. The first is Ordinance No. 4-2004(F), amending Chapter 171, "Contracts", of the Cleveland Heights Codified Ordinances to raise the limits for expenditures to be made without bidding from Fifteen Thousand Dollars (\$15,000.00) to Twenty-five Thousand Dollars (\$25,000.00); and declaring an emergency. Chapter 171 of the Codified Ordinances of the City of Cleve-

land Heights presently provides that contracts or agreements which involve the expenditure of Fifteen Thousand Dollars (\$15,000.00) or less or contracts for personal services may be made without published notice and competitive bidding. The State Legislature has recently raised the bid limits in the Ohio Revised Code from Fifteen Thousand Dollars (\$15,000.00) to Twenty-five Thousand Dollars (\$25,000.00); and many communities in Ohio have also raised their bid limits to Twenty-five Thousand Dollars (\$25,000.00); which allows the City necessary flexibility to make routine purchases in an expeditious manner, while still preserving the requirement of bidding for larger contracts. Section 1 of this Ordinance, amends Section 171.02(a) of our Codified Ordinances and reads:

(a) Contracts or agreements which involve the expenditure of Twenty-five Thousand Dollars (\$25,000.00) or less, or contracts for personal services, may be made without published notice and without competitive bidding. But in all cases, except as otherwise provided for in this chapter, where the expenditure exceeds Twenty-five Thousand Dollars (\$25,000.00), the contract shall be let only to the lowest and best responsible bidder, after advertising for bids once a week for not less than two nor more than four consecutive weeks in a newspaper of general circulation in the City. All bids received pursuant to such advertisement shall be opened publicly by the City Manager or his designee in the presence of one or more other City employees.

Section 2 of the Ordinance provides that Section 171.02(c) of the Codified Ordinances is amended and reads as follows:

(c) Notwithstanding the provisions of this chapter, when the City Manager determines that the emergency repair or purchase of personal or real property costs more than Twenty-five Thousand Dollars (\$25,000.00) and is necessary to provide essential governmental services, he shall cause such emergency services to be accomplished and advise Council of such act at the earliest time possible. Council shall approve by motion the expenditure for such emergency repair or purchase.

Section 3 of the Ordinance provides that Section 171.06 of our Codified Ordinances are amended to read as follows:

#### 171.06 BIDDING PROCEDURE FOR PERMANENT IMPROVEMENTS INVOLVING CONSTRUCTION MANAGER.

(a) All portions of any permanent improvement performed pursuant to Section 171.02(d), that the construction manager does not perform with its own forces, shall be performed under separate contracts by and between the construction manager and contractors for each separate and distinct trade or kind of mechanical labor, employment or business involved in the permanent improvement. Each contract which exceeds Twenty-five Thousand Dollars (\$25,000.00) shall be awarded by the construction manager to the lowest and best bidder after the contractor has developed trade contractor interest, provided there has been an opportunity for open and fair competition, including:

(1) Reasonable advertisement or notice, by newspaper publication or publication in trade journals or other notice, of the expectation that such contracts will be awarded by the construction manager, and

(2) The provision of an adequate description, through notices to bidders, specifications or other written documents, of the work and labor to be performed, and the materials, supplies, equipment and facilities to be provided to those persons, firms or corporations requesting in writing such description from the construction manager.

(b) Each contract to be awarded by the construction manager which exceeds the amount of One Hundred Thousand Dollars (\$100,000.00) shall be approved by Council, by ordinance or resolution, and each contract to be awarded by the construction manager which exceeds Twenty-five Thousand Dollars (\$25,000.00) but does not exceed One Hundred Thousand Dollars (\$100,000.00) shall be approved in a writing signed by the City Manager or an administrative official or employee of the City designated as authorized to approve such contract by the City Manager.

Section 4 takes the existing Subsections 171.02(a), 171.02(c), and 171.06 and repeals them. Section 5 is notice of passage and Section 6 declares this to be an emergency. I offer Ordinance No. 4-2004(F) for passage tonight.”

Mayor Kelley accepted Ordinance No. 4-2004(F) for passage.

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

Nays: None

**Ordinance passed**

Council Member Wilcox continued, “Next, I have Resolution No. 5-2004(F), authorizing a renewal of an agreement with Lexis-Nexis Group, a division of Reed Elsevier, Inc., for LEXIS electronic legal research services for the Law Department and Municipal Court and on-line location services for the Finance Department; providing compensation therefor; and declaring an emergency.

Council previously authorized the City Manager to enter into an agreement with Lexis-Nexis Group, for these services and the Director of Law and Municipal Court judge and the Director of Finance have recommended that the agreements be renewed at a modest increase in price. The cost of the services is reasonable and competitive and actually saves money because the law department, for example, does not need to purchase books but can do on-line research because of this. Section 1 authorizes the City Manager to enter into a renewal of an agreement with Lexis-Nexis Group, for LEXIS electronic legal research services for the City’s Law Department and Municipal Court and on-line location services for the Finance Department. The agreement commences December 1, 2003, at a monthly cost not to exceed One Thousand Six Hundred Dollars (\$1,600.00). The agreement shall be approved as to form by the Director of Law. I offer Resolution No. 5-2004(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 5-2004(F) for passage.

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

Nays: None

**Resolution passed**

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

Council Member Hicks stated, “Thank you, your Honor. I have several pieces of legislation. I have Resolution No. 6-2004(MS), approving a Change Order with Edward R. Flynn for a contract for curtainwall for the Community Center; providing compensation therefor; and declaring an emergency. This is an adjustment of work, actually it’s a decrease to \$52,095.00. The original contract sum was \$1,219,629.00. After the decrease the net contract sum will be \$1,167,534.00. This is money that we don’t have to pay, so your Honor, I gladly offer Resolution No. 6-2004(MS) for passage this evening.”

Mayor Kelley accepted Resolution No. 6-2004(MS) for passage.

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

Nays: None

**Resolution passed**

Council Member Hicks continued, “Thank you, your Honor. I have Ordinance No. 7-2004(MS), authorizing the City Manager to enter into an agreement with the City of Cleveland for disposal of solid waste at Cleveland’s Ridge Road Transfer Station; providing compensation therefor; and declaring an

emergency. This agreement shall be for a two year term, commencing January 1, 2004, and may be terminated by either party without cause on thirty (30) days written notice. The price for disposal of basic solid waste shall be Thirty Dollars (\$30.00) per ton the first year and Twenty-nine Dollars and Ninety Cents (\$29.90) the second year. The price for other waste disposed of, if any, shall be at the then-current market prices charged by Cleveland. Total fees and charges under the agreement shall not exceed the sum of Seven Hundred Thousand Dollars (\$700,000.00) per year. The agreement shall contain such further terms as recommended by the City Manager and Director of Public Works and shall be approved as to form by the Director of Law. Your Honor, I offer Ordinance No. 7-2004(MS) for passage this evening."

Mayor Kelley accepted Ordinance No. 7-2004(MS) for passage.

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

Nays: None

**Ordinance passed**

Council Member Hicks continued, "I have Resolution No. 8-2004(MS), and this one I do with great pleasure because I'm hoping that in our next Municipal Services meeting we can deal with what I think is a growing problem, which is people coming into our community whether to live or to visit here and having no regard for where to place litter. Littering in our community has gotten out of hand and it is something that we need to deal with. I think all around Cleveland Heights, I don't think there is one neighborhood of Cleveland Heights that has been spared by people who have disregard for what litter can do to a community. This is a Resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Natural Resources for the purpose of obtaining grant monies pursuant to Chapter 1502 of the Ohio Revised Code for recycling and litter prevention programs; and declaring an emergency. It reads as follows: Whereas, the City of Cleveland Heights recognizes the need to address recycling and litter prevention concerns within the boundaries of this City and to deal with these issues at the local level; and Whereas, the Ohio Department of Natural Resources, Division of Recycling and Litter Prevention, under the authority of Chapter 1502 of the Ohio Revised Code, allocates funding in the form of grants to supplement local recycling and litter prevention programs; and Whereas, it would be in the City's best interest to obtain a grant from the Ohio Department of Natural Resources to help augment and defray the costs of the City's recycling and litter prevention programs; and Whereas, the Ohio Department of Natural Resources, Division of Recycling and Litter Prevention, has notified the City that it has been awarded a grant in the sum of Fifty-five Thousand Six Hundred Seventy-one Dollars (\$55,671.00). Now, therefore, be it resolved by the Council of the City of Cleveland Heights, Ohio, that: This Council hereby endorses and supports a 2004 Recycle, Ohio! Grant Program for the City of Cleveland Heights, and authorizes the necessary in-kind contributions or matching funds to implement said program as indicated in its application, a copy of which is on file with the Clerk of Council. Section 2, the City Manager be, and he is hereby, authorized to enter into and execute an agreement with the Department of Natural Resources to implement said grant program. The City of Cleveland Heights hereby requests the Department of Natural Resources, Division of Recycling and Litter Prevention, to fund its program as described in the application. The Mayor is hereby designated as the Authorized Official and is thereby the official signatory for all grant documents. Section 5 is the notice of passage and Section 6 is declaring this to be an emergency measure. Your Honor, I offer Resolution No. 8-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 8-2004(MS) for passage.

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

Nays: None

**Resolution passed**

Council Member Hicks stated, "Finally, I have a Resolution No. 15-2004(MS), which was added after we had all of the other resolutions put in, but it is a Resolution authorizing the City Manager to amend the Aggregation Power Supply Agreement between the City of Cleveland Heights and the First Energy Solutions Corp.; and declaring an emergency. Basically, this resolution, as explained to us by our Law Director, who we believe gave us a great rate of a four percent (4%) discounted rate for our power supply agreement with First Energy Solutions. Our Law Director, who does a great job, has stayed on top of and has kept aware, of what has been negotiations that have been done in other communities and has discovered that other communities have received a six percent (6%) discounted rate. And being the good law director that he is, he put a clause in that said that basically that if there is a better discount out there than the four percent (4%) then we should get it in Cleveland Heights. This is a resolution saying that our discounted rate has gone from a four percent (4%) to a six percent (6%) discounted rate. The City Manager is authorized to execute on behalf of the City of Cleveland Heights an agreement amending the existing Power Supply Agreement with First Energy Solutions Corp., pertaining to the city's Electric Aggregation Program, so that effective immediately, and for the balance of the term of the existing Agreement, the residential rate for electric service shall be six percent (6%) off the applicable shopping credit. Your Honor, I offer Resolution No. 15-2004(MS), for passage this evening."

Mayor Kelley accepted Resolution No. 15-2004(MS) for passage.

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

Nays: None

**Resolution passed**

Council Member Hicks concluded, "I did want to thank everyone who did come out this evening to surprise me, as they did. I can talk a little bit better right now than before. I did think that it was some type of solidarity for the article that was in the paper today. I didn't know exactly why. I can say to Rosa Marie Santana, who asked me about the taxes that were not paid - that I think she put in the comments were accurate and correct and I really thank god for the ability to have written a check to pay those off. I never woke up one day to say that I'm not going to pay the taxes, but with the economy that we have, there are things as we well know, that are more important to pay at times. I make no apology for that. Again, I thank god for the ability to be able to be current. All my taxes right now and as long as I have the ability to pay them I will pay them. I have to remind people - I laughed when I saw that article, as I listened to Phyllis Evans and Ken Montlack and Dennis Wilcox swear their oath, not one thing said about I swear to pay my taxes on time. I did not make that oath either, but again, as long as I have the ability to and the Lord blesses me with a job to have income I will pay them as I can. Thank you, your Honor."

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

Vice Mayor Montlack stated, "Thank you, your Honor. There are four pieces of legislation, two each are relating to the two newest special improvement districts. One at Cedar Fairmount, the other on the Lee Road corridor and known as Cedar Lee. In each case one of the pieces of legislation imposes the special assessments which these respective groups of owners in these two commercial districts have imposed upon themselves by virtue of their votes to establish a special improvement district setting forth a services plan and agreeing to the level of the budget and assessments. The other legislation, in each case, votes to advance funds or asks for an advancement of the tax funds as they are collected by the county. They're very similar with just a few different factors which I'll point out. The first is Ordinance No. 9-2004(PD), levying an assessment for a public services plan for the Cedar Fairmount Special

Improvement District, Inc.; and declaring an emergency. This legislation provides that the parcels listed in this ordinance (I won't read all those tedious numbers) are the parcels to which the assessment is placed. In the case of Cedar Fairmount this is a budget for the SID that will not exceed Forty Thousand Dollars (\$40,000.00) a year and will be supported by an assessment against the parcels for each One Hundred Thousand Dollars (\$100,000.00) of actual market value, the assessment will be in the sum of Three Hundred Twenty One Dollars and eighteen cents (\$321.18). Many of these parcels are actually valued considerably higher than that and also provides that this will be for a five year period. Each year the valuation will be recalculated ( I should not say the valuation) each year the assessment will be re-evaluated, readjusted based on the valuation. So as has been carefully researched and put into legislation by our staff, where there is new development for example, or substantial increases in certain valuations then that will be for the benefit of all of the parcels and owners that are being assessed to meet this maximum budget requirement of Forty Thousand Dollars (\$40,000.00). I hope that is understandable, if not ask me about it after the meeting. Ordinance No. 9-2004(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 9-2004(PD) for passage.

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

Nays: None

**Ordinance passed**

Vice Mayor Montlack continued, "Since several people from the audience asked me, when I asked if this was understandable, I can promise at the next legislation for the Cedar Lee SID I'll explain it in much greater detail. Resolution No. 10-2004(PD), is the second resolution relating to this particular SID, Cedar Fairmount. It's a Resolution authorizing the City Manager to enter into an agreement with the Cedar Fairmount Special Improvement District, Inc. ("SID") for advancement of funds in anticipation of assessment; and declaring an emergency. This legislation which sounds a lot like the similar legislation that we passed applies here and the City Manager will be authorized to enter into an agreement with the Cedar Fairmount Special Improvement District, Inc. ("SID") for advancement of funds in the amount of each year's assessment to be used for the five-year public services plan for the District, which plan has been approved by this Council through Resolution No. 124-2003(PD). Resolution No. 10-2004(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 10-2004(PD) for passage.

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

Nays: None

**Resolution passed**

Vice Mayor Montlack continued, "Ordinance No. 11-2004(PD), levying an assessment for a public services plan for the Cedar Lee Special Improvement District, Inc.; and declaring an emergency. This one relates to a different set of parcels, obviously, a more extensive set of parcels in that particular SID. It approves a public services plan in an amount not to exceed Ninety Thousand Dollars (\$90,000.00) per year for each of the five years. In that case, the starting assessment on a One Hundred Thousand Dollar (\$100,000.00) of market value property - each \$100,000.00 - is at the rate of Four Hundred Nine Dollars and Five Cents (\$409.05) with all the same conditions as I explained for the Cedar Fairmount SID and also to be recalculated each year to see whether that amount of assessment per market value is required to be at that level, but in no case will the budget exceed Ninety Thousand Dollars (\$90,000.00). Ordinance No. 11-2004(PD) is presented on first reading for passage."

Mayor Kelley accepted Ordinance No. 11-2004(PD) for passage.

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

Nays: None

**Ordinance passed**

Vice Mayor Montlack continued, "Thank you. Resolution No. 12-2004(PD), authorizing the City Manager to enter into an agreement with the Cedar Lee Special Improvement District, Inc. ("SID") for advancement of funds in anticipation of assessment; and declaring an emergency. Under this provision the City Manager is authorized to enter into an agreement with the Cedar Lee Special Improvement District, Inc. ("SID") for advancement of funds in the amount of each year's assessment to be used for the five-year public services plan for the District. Resolution No. 12-2004(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 12-2004(PD) for passage.

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

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. 13-2004(PSH). This is being presented on first reading only. It is an Ordinance amending and enacting a new Chapter 1301, "International Residential Code for One, Two and Three Family Dwellings"; repealing existing Chapter 1301; and declaring an emergency. The current Chapter 1301 adopts the 1966 edition of the Regional Dwelling House Code, with modifications, for construction of or in one, two and three-family dwellings in the City. It would be in the best interest of the City of Cleveland Heights and its residents to adopt the more current "International Residential Code, 2003 Edition".

There will be more information coming at our meeting in two weeks."

Mayor Kelley accepted Ordinance No. 13-2004(PSH) on first reading only.

Council Member Evans continued, "Resolution No. 14-2004(PSH), authorizing the City Manager to execute an agreement with the Federal Emergency Management Agency ("FEMA") for the acceptance of a grant for the purchase of three thermal imaging cameras for the City's Fire Department, and authorizing the expenditure of the necessary matching funds; providing compensation therefor; and declaring an emergency. The City of Cleveland Heights has been awarded a grant in the sum of Twenty-three Thousand One Hundred Dollars (\$23,100.00) from the Federal Emergency Management Agency ("FEMA") for the purchase of three thermal imaging cameras for the City's Fire Department. The terms of the grant program require the City to provide matching funds in the amount of thirty percent (30%) which amounts to Nine Thousand Nine Hundred Dollars (\$9,900.00) for the purchase price of the equipment. Acceptance of said grant and the purchase of the equipment will allow the Department to provide more effective firefighting capabilities, and will thus be in the best interest of our City and our residents. I'm real happy to present Resolution No. 14-2004(PSH). It means a lot to our city to have the very best equipment for our fire department to help us out in the event of an emergency. Therefore, I present Resolution No. 14-2004(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 14-2004(PSH) for passage.

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

Nays: None

**Resolution passed**

### **REPORT OF THE MAYOR**

Mayor Kelley stated, "Just one item, again this year. On Monday, January 19<sup>th</sup> we will have our Martin Luther King Day Celebration. It will begin at 7:00 p.m. at our Community Center. It is one night to really come and participate to enjoy the program. It is such an uplifting night, especially during the January snowstorm and doldrums, it is one night you will come and hear speeches and hear music and be entertained and hear a lot about the life and times of Martin Luther King. I guarantee if you have not come before, please come and sit back and relax and enjoy yourself. I guarantee, you will leave the Community Center with such an uplifting time, especially during the time that we have here with the snow and ice and everything. It is such a special time in Cleveland Heights. We do such a thorough special job of honoring the life and times of Martin Luther King. This year's speaker is our state rep, Claudette Woodard. But, the time and energy that goes into this program is unbelievable. The amount of time that the students that come to sing and entertain us, the programs we have with the contests; the essay contests, the adult essay contests is unbelievable. Again, it is Monday, two weeks from tonight, January 19<sup>th</sup> at 7:00 p.m. at our Community Center. I can almost guarantee you a parking spot, but it gets bigger and bigger every year. It starts at 7:00. If you come at 6:30 I'll guarantee you a parking spot, but believe me it is one uplifting night. It is one night not to miss. If you've been there before, you come back again. If you haven't been there, please come and bring a friend. It is such a special night and I really enjoy myself and I can guarantee you to spend a little bit of time in Cleveland Heights at this event whether you're from Cleveland Heights or not, please come and enjoy yourself. It is such an uplifting event. It is what Cleveland Heights is all about, the diversity and the crowd and the people that are there, the entertainment and the life and times of Martin Luther King. It is something that should be mandatory for everybody, although we can't accommodate everybody there.

Due to the event, obviously, our next Council meeting will be on Tuesday, January 20, 2004."

Council Member Evans said, "Were you going to say, we neglected to mention something about offering City Hall."

Mayor Kelley replied, "Sure. The other thing is, if you are having heating problems at your house, not that we want anyone in Cleveland Heights to, we'd like it to go a little bit further east - or urban sprawl as the Vice Mayor and I might say, further out - if you are having problems with your heating or whatever City Hall is open twenty-four hours a day for your needs and quite possibly the Community Center if it's a short span. We do not want, especially our older residents trying to combat this cold weather. We've been fortunate the last few days with the 40's and 50's and what have you, but if you are experiencing heating problems in your home and you are going to be out of heat for a great period of time, please take advantage of the City Hall building or our Community Center. Call the police department, 321-1234 or call the City Manager's office, 291-3737 or call our beautiful Community Center, 691-7373. We are here for you. We are here for our residents, to work with you, to have things happen for you. We do not want our seniors, our families or anyone who is alone to try to brave this cold weather especially if your out - if it's a furnace problem over the weekends and nights. Do not try to take on this cold weather by yourself. We would rather you be with us. That is why we have these beautiful buildings. We are here for you, no matter what age, where you live, whenever. We are here for you. That is just one more service the city offers to our residents to make you feel special and we don't

want anything to happen, obviously, but we are here for you again. Take advantage of what we can offer you.

Thank you for coming again. Our next meeting will be Tuesday, January 20, 2004. I did mention our award winning Martin Luther King Day Celebration, 7:00 p.m., Monday, January 19<sup>th</sup> at our Community Center. If you come at 6:30, I'll guarantee you a parking space, after that you may be parking at Honda Motorcars. Thank you for coming. We're adjourned at 9:24 p.m."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc