



CLEVELAND HEIGHTS

MINUTES OF THE COUNCIL MEETING OF JANUARY 20, 2004

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

Edward Kelley, presiding

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

Council Members absent: None

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

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

Council Member Evans moved to adjourn into Executive Session at 7:20 p.m. Second by Council Member Caplan.

Edward Kelley, presiding

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

Council Members absent: None

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

Topic of discussion was property acquisition and potential litigation.

Executive Session concluded at 7:27 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:37 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, January 5, 2004 were 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 several items this evening. The first of which would be to request authority to advertise for bids for the purchase of trees, asphalt, the processing of recyclables and yard waste and the disposal of solid waste."

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

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

Second by Council Member Dietrich.

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

Nays: None

Motion passed

Mr. Downey continued, "Thank you very much, your Honor. Bid Document No. 2004-03, printing services for the Parks and Recreation brochure, the lowest and best bidder is Ballash Press, Inc., in the amount of \$16,896.00 and Bid Document No. 2004-04, printing services for the Focus on the Heights magazine, the lowest and best bidder is Premier Printing Corp., in the amount of \$38,196.00. Your Honor, I would request that the bid tabulations and award of contract be made a matter of record."

Mayor Kelley made them a matter of record.

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

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

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. I have two pieces of legislation. The first is Ordinance No. 2-2004(CRR), Second Reading, As Amended, 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. The sections of this ordinance, I will go through them since they're several pages long, are that the City of Cleveland Heights shall sponsor and present in Cain Park and other locations to be determined, through the spring and summer of 2004, a program of entertainment and recreation activities in general accordance with plans therefor previously adopted by the City Manager and the Community Relations and Recreation Committee of Council. There will be stage productions in Cain Park. One of the changes from last year is that the admission charges for these productions shall not exceed Eighty Dollars (\$80.00). Last year it was Seventy Dollars (\$70.00). Some of the costs for scheduled periods of instruction, which are known as the Cain Park School for the Arts, the rates have been increased. There have been several increases of other costs; terms of how much the cost to hire and present a show. We've raised the cost of the City's share to put a show on at Cain Park from Fifty-Thousand Dollars (\$50,000.00) to Sixty Thousand Dollars (\$60,000.00) per contract. There are several of those kinds of things that have been increased. If anybody is interested, this is of course on file, for our camps, for our childcare, and for season passes. All of those have gone up a little bit. In general, it's less than ten percent (10%). What's new for the first time, we've never done this before, that reservation of picnic shelters by residents shall be available at a cost of Ten Dollars (\$10.00). That shall be from May

15th through October 15th. In the past we have not charged. Any Cleveland Heights resident who is on temporary leave from active military duty service may present his or her military id and use the field house for Three Dollars (\$3.00) per day. The family of the member of the military, the spouse and children, may use the field house for Seven Dollars (\$7.00) per day during the time period the member of the military is on leave. We've never had that section before and that's of course in response to what's going on in our country. In general, it's a general rise in the cost to some extent, although I don't think that they're real significant. I present Ordinance No. 2-2004(CRR) for passage tonight."

Mayor Kelley accepted Ordinance No. 2-2004(CRR) for passage.

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

Nays: None

Ordinance passed

Council Member Caplan continued, "Thank you. The next one I have is Ordinance No. 3-2004(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 2004; and repealing Ordinance No. 4-2003. Section 1 discusses admission and use. What is new is that each holder of a Recreation Identification Card shall be entitled to purchase guest tickets for each public swimming session. The rates have gone up, if you want to rent a swimming pool - which is really quite a wonderful thing to do for a party - the rates have gone up a little bit. For example, Denison Pool has gone up from Two Hundred (\$200.00) to Two Hundred and Twenty Dollars (\$220.00) for an hour and a half (1 ½) usage. There have been some other prices that have gone up for the cost of a season pass. Those have really not gone up a lot. They've gone up in general Two Dollars (\$2.00) or Three Dollars (\$3.00). This is to get ready for summer season, in general, and it's for our pools which are for id holders which are for residents. I offer Ordinance No. 3-2004(CRR) for passage tonight."

Mayor Kelley accepted Ordinance No. 3-2004(CRR) for passage.

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

Nays: None

Ordinance passed

Council Member Caplan concluded, "Thank you and I only have a few announcements. February 26 through the 29th in Cleveland Heights at the recreation center, we're going to hold the Speed Skating Competitions that will provide for the speed skaters to participate in the Olympics. It's really a fabulous thing that's going to happen here. It starts on Thursday and runs through the weekend - and remember the guy, Ohno, he will be here and racing. If you are interested in watching some of those speed skating events, then you need to purchase tickets and you can call City Hall to find out how much they are. They're not exorbitant, but they are something and it's a wonderful thing for Cleveland Heights. The whole country will be watching us because it will be televised. Call 291-4444 and they will direct your call to find out how much it will cost and it's a wonderful event.

The other thing that was wonderful and is wonderful is that this whole week is Martin Luther King, Jr. Week and yesterday was Martin Luther King, Jr. holiday, and we as a city had a celebration and a commemoration at the community center and it was a wonderful event and the thing that made it particularly wonderful is that the children in our community were major participants. They're the ones that participated in a poem essay and poster contest and the children (various ages) won and we presented them with awards and the Cleveland Heights High School acappella group sang and they were amazing, and made us proud to see who all these children were who live in our community. It was a

wonderful event and the only take-home message that I'd like to add if people want to think about what they can do to commemorate all of the values that Martin Luther King, Jr. stood for is to think about voting. Be sure you register to vote and be sure to exercise that right to vote on March 2nd. If you are not registered to vote, you need to register by February 2nd and that's all I have. Thank you very much."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation from the Finance Committee. I just wanted to make a couple of comments tonight and the first one was to thank everyone who turned out for the Martin Luther King Day program at the community center and particularly to thank our staff who does a great job every year with this program and it's wonderful to see all the kids and the families come out. It is a good day for the community and thank Claudette Woodard, our state representative, for being our speaker last night and also just to remind people as well, as Bonnie said, that we do have an election coming up on March 2nd and in order to vote in that election, if you are not registered to vote you can do so by February 2nd. We have made it a little bit easier for you. There are many places to register to vote. The library has always been a place you can register to vote, but we are also making the new voter registration cards available at City Hall and the community center. Just be aware that when you sign up to register to vote now, you need a driver's license number or the last four digit's of your social security number according to new federal law that went into effect. We're hoping that everybody obviously is not only going to register to vote but exercise their right to vote. There are a lot of important local races and national races and obviously every vote does count. That concludes my report."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have several pieces of legislation this evening. First I have Resolution 16-2004(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 2004 street resurfacing program; providing compensation therefor; and declaring an emergency. Your Honor, I offer Resolution No. 16-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 16-2004(MS).

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

Nays: None

Resolution passed

Council Member Hicks continued, "Thank you, your Honor. I have Resolution No. 17-2004(MS), authorizing the City Manager to enter into an agreement with Mackay Engineering & Survey Company for engineering services for the Edgehill Road sewer replacement project; providing compensation therefor; and declaring an emergency. The City Manager will enter into this agreement, a scope of work, shall be, as set forth in the Engineer's proposal dated December 30, 2003, a copy of which is on file with the Clerk of Council. Compensation for such services shall be at the Engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Nineteen Thousand Nine Hundred Sixty Dollars (\$19,960.00). The agreement and any related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 17-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 17-2004(MS).

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

Nays: None

Resolution passed

Council Member Hicks continued, "Thank you, your Honor. I have Ordinance No. 18-2004(MS), authorizing an agreement with S.V.S. Corporation, dba M Tech Co. for a Harbin Sewer Jetting Machine for the Sewer Division of the Public Works Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring an emergency. The agreement shall provide for a purchase price not to exceed Eighty Thousand Eight Hundred Thirty-eight Dollars and Fifty Cents (\$80,838.50) which includes a trade-in allowance of Four Thousand Five Hundred Dollars (\$4,500.00) for the City's present equipment. All agreements hereunder shall be approved as to form by the Director of Law. Your Honor, I offer Ordinance No. 18-2004(MS) for passage this evening."

Mayor Kelley accepted Ordinance No. 18-2004(MS).

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

Council Member Hicks continued, "Thank you, your Honor. I have Resolution No. 19- 2004(MS), amending Resolution No. 15-2002 and subsequent resolutions authorizing agreements with Zwick Associates, Inc. for engineering services for the design and construction phases of the Severance Circle Reconstruction Project to provide for additional services; providing compensation therefor; and declaring an emergency. Compensation for such additional services shall equal the sum of Forty-two Thousand Six Hundred Fifty Dollars (\$42,650.00), with total compensation including prior revisions not to exceed the sum of Two Hundred Eighty-two Thousand Nine Hundred Dollars (\$282,900.00). The amended agreement and all related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 19-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 19-2004(MS).

Roll Call: Ayes: Wilcox, Caplan, Dietrich, Evans, Hicks, Kelley, Montlack
Nays: None **Resolution passed**

Council Member Hicks continued, "Thank you, your Honor. I have Resolution No. 20- 2004(MS), amending Resolution No. 86-2003 authorizing an agreement with Zwick Associates, Inc. to act as the City's full-time Resident Project Representative for the construction phase of the Severance Circle Reconstruction Project; providing compensation therefor; and declaring an emergency. The amended agreement shall provide for additional compensation in the sum of Four Thousand One Hundred Ninety-eight Dollars and Thirteen Cents (\$4,198.13), with total compensation to be in the sum of Thirty-four Thousand One Hundred Ninety-eight Dollars and Thirteen Cents (\$34,198.13). The agreement shall be in a form approved by the Director of Law. Your Honor, I offer Resolution No. 20-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 20-2004(MS).

Roll Call: Ayes: Caplan, Dietrich, Evans, Hicks, Kelley, Montlack, Wilcox
Nays: None **Resolution passed**

Council Member Hicks continued, "Thank you, your Honor. That is all the legislation I have. I do have a couple comments I would like to make. On those last two pieces of legislation I want to congratulate our staff, especially Carl Czaga for the work that was done for the Severance Ring Road. I think that anyone who lives in this community who has been going through Severance knows that we've had to put up with a lot during the reconstruction stage, but I believe that now we can see the

fruits of that labor and it's excellent. I think people driving on Severance Ring Road, who live in this community, we have something that we can be proud of. Whatever else comes, in terms of restaurants, in terms of the planting come the spring and the summer will just be an extra added benefit to what's already there, because already it's really good to say that Severance belongs to Cleveland Heights. It used to be the number one mall and now I think, that again, we have something we can be proud of.

My final comment is on Martin Luther King, his birthday, which we celebrated yesterday and it was a wonderful event that city hall and staff did a great job, as they always do. One concern that I have though was in reading the poems and the essays, just looking at the posters that the young people put out, it seems that we now have a generation who all they know about Dr. King is the "I Have a Dream" speech. In my studies and in what I've learned about Dr. King that was not the end of Dr. King, in fact after the "I Have a Dream" speech he did not get more popular, I think he began to get less popular after that particular [speech]. He did get the Nobel Peace Prize, but he started being more concerned about the Vietnam War and the Poor People's Campaign. At a time when he could have been comfortable with the notoriety that he did have from that "I Have a Dream" speech where he was welcomed into the White House, he began to take stances that were not popular, but he did it because he was compelled to do so. The world and the newspapers at the time were not very kind to Dr. King and I don't believe at the time of his death he was as popular as some of our young people today believe. They only know about the "I Have a Dream" speech. I heard a poem recently that was interesting to me but it was written about Dr. King and said that, 'Now that he is safely dead, let us praise him, for dead men make such convenient heroes. They cannot rise up to challenge the images we fashion for them.' And it goes on to say, "It is easier to build a monument than to give into a movement." Had Dr. King not been assassinated there were a lot of things that he would have continued to do. I think that people did realize that he was right about the Vietnam War and as we look around today, he still is right about the conditions that some people are in, in terms of their poverty and those are some things that we still need to look at in 2004. He said something very interesting in one of his speeches. He said that segregating lunch counters didn't cost America a dime. He said that passing the Voting Rights issue didn't cost America a dime, but when America begins to deal with its poor people, then America is going to have to open up its bankbooks. America, still has to do that and still has to concentrate. There are a lot of things that Dr. King wanted to accomplish that he didn't get accomplished that we still need to work on today. That's all that I have, your Honor."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. I will report briefly on what I consider an important event that occurred today. We had a number of us participate, in Columbus, at the State House in the kickoff of the Greater Ohio Campaign. It is the first time in history, in Ohio, when a diversity of groups from across the state have joined together to approach the State of Ohio, its government, our government, to change policies that impact the preservation of farmland, green space, the revitalization of our urban core and the land-use patterns and core policies in general that have contributed to a great many problem for Ohio and for generations to come, unless there is change. It was a very exciting event. We had represented there a number of environmental groups as was to be expected, but together with that we had the new director of that Greater Ohio organization, Gene Krebs, a former state representative from a rural district, who headed up the farmland preservation task force, representative of an important foundation, many businesses, League of Women Voters, both the Central Ohio and Northeast Ohio First Suburbs Consortium, the representative from the County Commissioners Association of Ohio, preservationist and some kind remarks during the program by Larry Wolpert, a state representative who represents a couple of growth communities in Franklin County. It was a bipartisan effort and it was hopeful. Of course, it is only the beginning. We haven't gotten to the hard part where real changes need to be made but in terms of my own experience, experiences with our state

government, it is the most hopeful effort yet that I've seen and as I've said it is the first time that a number of us have joined together to make our voices heard. I contrast this with an effort that was begun more than three decades ago when the then state representative from Cleveland Heights, Arthur Brooks was instrumental in putting together and working on land-use reforms that went absolutely nowhere in the General Assembly and that record is continued essentially to this date. We're going to be trying, what I would call the high-road, to communicate with and truly educate our representatives and others in state government. We've had many defeats in this kind of approach in the past, but we can't give up for one important reason, there is absolutely no alternative - we must change state policy. It was well worth the effort and it was just one step among many that are yet to come. That concludes this report. Thank you."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. Ordinance No. 13-2004(PSH), 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", which will bring the City up to date with today's construction standards in view of the fact that many construction methods and materials have changed. Chapter 1301 of the Building Code, in Section 1 is amended to enact the International Residential Code, 2003 Edition, and all the specifications are attached in the form of Exhibit "A". Section 2 repeals the current existing Chapter 1301. Section 3 is notice of passage. I'd like to present Ordinance No. 13- 2004(PSH), on second reading, as amended, for passage this evening."

Mayor Kelley accepted Ordinance No. 13-2004(PSH), Second Reading, As Amended.

Roll Call: Ayes: Dietrich, Evans, Hicks, Kelley, Montlack, Wilcox, Caplan
Nays: None

Ordinance passed

Council Member Evans continued, "Next is Resolution No. 21-2004(PSH), authorizing the City Manager to accept a grant from the Wal-Mart Foundation, on behalf of the City of Cleveland Heights Police Department; and declaring an emergency. The Wal-Mart Foundation has awarded a grant of One Thousand Dollars (\$1,000.00) to the City of Cleveland Heights Police Department pursuant to the Safe Neighborhood Heroes Program. Acceptance of said grant will be of benefit to the City and its residents. Section 1 states that the City Manager is authorized to accept this grant. Section 2 is notice of passage. I'd like to present Resolution No. 21-2004(PSH) for passage.

Mayor Kelley accepted Resolution No. 21-2004(PSH).

Roll Call: Ayes: Evans, Hicks, Kelley, Montlack, Wilcox, Caplan, Dietrich
Nays: None

Resolution passed

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. The legislation that I have to read tonight is something that I know we have a number of residents who've been anxiously awaiting this and when you hear me read it you're going to think it sounds awfully mundane - it's almost anti-climatic. This is Ordinance No. 22-2004(AS) through which we'll adopt a fee structure for Domestic Partnership Registration. As you know, a few months ago, an initiative to establish a Domestic Partner Registry was

certified to us and Council determined to submit the measure to the people of Cleveland Heights for a vote in November on the ballot and that measure was passed by the voters. This Ordinance approves and adopts the fee structure for Domestic Partnership Registration recommended by the City Manager of Fifty Dollars (\$50.00) for residents of Cleveland Heights and Sixty-five Dollars (\$65.00) for non-residents. Such charges do cover all the City's costs in the administration of the Registration program. Section 2 is notice of passage and Section 3 declares this an emergency. I offer Ordinance No. 22-2004(AS) for passage tonight."

Mayor Kelley accepted Ordinance No. 22-2004(AS).

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

Nays: None

Ordinance passed

Council Member Dietrich continued, "The partner registry will be open for business at 9:00 a.m. Monday, January 26, 2004 on the second floor of City Hall. This is the first legislation that I have known since I've been on Council - the result of a citizen initiative, so this certainly is an example of democracy at work. To me, I was thinking this afternoon how fitting this is that we're doing this tonight, because I think of it as an expression of the justice and equal treatment, for all, that we celebrated last night at the Martin Luther King commemoration. That's all that I have. Thank you."

REPORT OF THE MAYOR

Mayor Kelley said, "I have no official report tonight. I'd just like to say as the weather continues as far as snow and ice removal that you drive a little safer, try to keep your walks clean, be a little safer around the school zones, and around the business districts and if you're looking for something to do, by all means come down to our community center and catch our youth in action at either a hockey game or basketball game. We do have adult leagues if you want to see some of the old timers trying to act like the LeBron James' of this world. Again, I'll repeat, if you do have a problem with your furnace or your heat going off, please feel free to come to City Hall or our community center, by all means. Do not stay in your house if your heat is going to be off for any long period of time due to not being able to get a heating professional out to your house. City Hall is always available to you and the community center is available to you during the time it is open. So, if you do have some questions or concerns, by all means, get out of your house if you do not have heat for any long period of time. We are here to help unless it is something completely major where the illuminating company or the gas company has really screwed up and we'll work for you.

Our next meeting will be Monday, February 2, 2004. Thank you for coming tonight. We're adjourned at 8:09 p.m."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc