



# CLEVELAND HEIGHTS

## MINUTES OF THE COUNCIL MEETING OF MONDAY, FEBRUARY 2, 2004

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

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Czaga, Downey, Malone, Niermann O'Neil, Reddy, Ruane, L. Wagner, R. 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 7:30 p.m. Second by Council Member Wilcox.

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 litigation.

Executive Session concluded at 7:32 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:43 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 Tuesday, January 20, 2004 were signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

Marianna Stein, 2727 Lancashire Road, stated, "I went down to the Board of Elections today with a couple more registration cards and I do want to mention that some people who did not put their social security numbers or their drivers license numbers - those cards may be sent back. The other thing I heard when I was down there, was that they may put a little flag at the poling place and it could possibly be corrected but that's not for sure. We do have people, especially in my building, who have just become citizens and I found one today that she did not put down the numbers that were needed, but mostly I think everything is going well. Thank you."

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

Mr. Downey stated, "Thank you very much, your Honor. I have one item this evening and that would be to request authority to advertise for bids for catch basin cleaning and for the Coventry Road streetscape and landscape enhancement 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 Wilcox.

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

Nays: None

**Motion passed**

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

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that four resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following: BZA Calendar No. 3026, accessory use regulations; BZA Calendar No. 3030, accessory use regulations; BZA Calendar No. 3031, supplemental standards for conditional uses; and BZA Calendar No. 3032, accessory use regulations. Your Honor, I need to make these a matter of record."

Mayor Kelley made them a matter of record and referred them to the Planning and Development Committee of Council.

Mr. Malone continued, "Thank you, your Honor. I also need to notify Council that one Fiscal Officer's Certificate pertaining to proposed legislation to be introduced later in the meeting to provide for the issuance of notes in anticipation of the issuance of bonds. I need to make this a matter of record."

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

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

Council Member Wilcox stated, "Thank you, your Honor. There are four pieces of legislation from the Finance Committee tonight. The first one is Ordinance No. 23-2004(F), amending Section

157.0501, "Rate and Income Taxable", to specify the inclusion of gambling and lottery winnings over One Hundred Thousand Dollars (\$100,000.00) as taxable income; and declaring an emergency.

This legislation is being introduced to update and clarify our Income Tax Code and is a reflection of the fact that there has been a great increase in the number of lotteries and mega-million winnings, etc., and the city obviously is looking at those and basically looking at winnings in excess of \$100,000.00 as a windfall to which the income tax should apply.

Section 1 of the Ordinance adds a section to the Income Tax Code noted, "Rate and Income Taxable". It states: *The term "other compensation" shall include, without limitation, income in the amount of One Hundred Thousand Dollars (\$100,000.00) or more derived from gaming, wagering, schemes of chance and lotteries, including the Ohio State Lottery, earned on or after January 1, 2004 by residents of the City of Cleveland Heights.*

Section 2 is notice of passage and Section 3 declares this to be an emergency measure. I offer Ordinance No. 23-2004(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 23-2004(F) for passage.

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

Nays: None

**Ordinance passed**

Council Member Wilcox continued, "Thank you. I have Ordinance No. 24-2004(F), which is an ordinance that will refinance or authorize the refinancing of our notes for improvements to the Ring Road. This is an Ordinance, to provide for the issuance of \$3,518,000 notes in anticipation of the issuance of bonds for the purpose of paying the property owners' portion, in anticipation of the levy and collection of special assessments, and the City's portion, of the cost of improving Ring Road, including its access roads to Mayfield and Taylor Roads, located at Severance Town Center and all appurtenances thereto, by reconstructing the roadway and installing sidewalks, curbs, water lines, storm sewers, traffic signals, retaining walls, lighting and streetscape, together with all necessary appurtenances thereto, and declaring an emergency.

This Council previously authorized legislation that provided for the issuance of notes in anticipation of the issuance of bonds in the amount of \$3,510,000 in March of 2003. Those notes now mature in March of 2004. The City, by Council, has determined that an additional \$70,000 should be borrowed for the project thus making the outstanding amount of the notes \$3,580,000. The Fiscal Officer has certified that the estimated life of the improvements of at least five (5) years and has the maximum maturity of the bonds to be issued of twenty-five (25) years and the maximum maturity of the notes in anticipation of bonds being to December 31, 2008. This Ordinance provides for the issuance of bonds in November of 2004 in the amount of \$3,580,000. Two Million Five Hundred Twenty-five thousand (\$2,525,000) is related to the levy and collection of special assessments and \$1,055,000 is the City's portion and that is all for the improvement of the Ring Road. In anticipation of the bonds to be issued, notes will be issued in the amount of \$3,580,000. The rate is not to exceed five percent (5%) although we would expect the rate to be much less than that. These notes will mature between six (6) months and one (1) year from the date of their issuance. The Ordinance also provides for a private sale of the bonds. The bonds are tax exempt and has other requirements [of] the City - to meet those tax exempt requirements and provides that the notes are tax exempt qualified or bank qualified obligations of the City. I offer Ordinance No. 24-2004(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 24-2004(F) for passage.

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

Nays: None

**Ordinance passed**

Council Member Wilcox continued, "Next, I have Resolution No. 25-2004(F), authorizing the reprogramming and reallocation of Community Development Block Grant Funds; and declaring an emergency. There are a number of community development projects which need funding. The staff has made a recommendation for the reprogramming of available funds. The proposed reprogramming of the additional funds has been approved by the Citizens Advisory Committee. This Resolution provides for various reallocations and reprogramming of block grant funds in the following amounts: \$186,382.00 from the Contingency account to the Housing Preservation Office Administration; \$46,887.00 from the Apartment Renovation Rebate Program to the Short Term Deferred Loan; \$2,250.00 from the ARRP slum & blight loan to the Short Term Deferred Loan; \$2,250.00 from another account in the ARRP slum & blight loan to the Paint Program; \$8,062.00 from the Heights Home Improvement Program low/moderate to the Paint Program; and, \$5,314.00 from the Heights Home Improvement Program slum & blight to the Paint Program.

Section 2 authorizes the City Manager to enter into agreements to implement these changes. Section 3 is notice of passage and Section 4 declares this to be an emergency. I offer Resolution No. 25-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 25-2004(F) for passage.

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

Nays: None

**Resolution passed**

Council Member Wilcox continued, "Finally, I have Resolution No. 26-2004(F), amending Resolution No. 173-2003 authorizing certain designated City employees to be signatories on certain City accounts; and declaring an emergency. This Resolution simply amends a previous resolution to reflect the transfer of the Section 108 Loan Repayment Trust Account from Fifth Third Bank to US Bank. I offer Resolution No. 26-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 26-2004(F) for passage.

Roll Call: Ayes: Kelley, Montlack, Wilcox, Caplan, 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 this evening. First, I have Resolution No. 27-2004(MS), authorizing the City Manager to enter into an agreement with Central Engineering, Inc. for a waterline survey; providing compensation therefor; and declaring an emergency. The fees for the service shall be at the Engineer's usual hourly rate, plus expenses, with total fees and costs not to exceed Thirty-one Thousand Four Hundred Twenty-one Dollars and Twenty-five cents (\$31,421.25). The agreement and all accompanying documents shall be approved

as to form by the Director of Law. Your Honor, I offer Resolution No. 27-2004(MS) for passage this evening.”

Mayor Kelley accepted Resolution No. 27-2004(MS) for passage.

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

Nays: None

**Resolution passed**

Council Member Hicks continued, “Thank you. I have Resolution No. 28-2004(MS), authorizing the City Manager to enter into an amendment to an agreement with Mackay Engineering & Surveying Company for professional services for the Staunton Road sanitary and storm sewer project and the Randolph Road /Lecona Drive sanitary sewer project; providing compensation therefor; and declaring an emergency. The amended agreement shall provide for additional compensation for the Staunton Road sewer replacement in the sum of One Thousand Five Hundred Dollars (\$1,500.00), with total compensation to now equal the sum of Twenty-one Thousand Four Hundred Ninety-four Dollars (\$21,494.00). The agreement and any related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 28-2004(MS) for passage this evening.”

Mayor Kelley accepted Resolution No. 28-2004(MS) for passage.

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

Nays: None

**Resolution passed**

Council Member Hicks continued, “I have Resolution No. 29-2004(MS), authorizing the City Manager to enter into an agreement with the State of Ohio, Department of Transportation for partial funding and contract administration for the Coventry Road Streetscape Project; providing compensation therefor; and declaring an emergency. The agreement shall provide for ODOT to administer the contract and to provide federal funds for eighty percent (80%) of eligible project costs, with the City paying the remaining twenty percent (20%). Total project costs are estimated to be Two Hundred Thousand Five Hundred Seventy Dollars (\$200,570.00), with ODOT paying up to One Hundred Sixty Thousand Four Hundred Fifty-six Dollars (\$160,456.00) with federal funds. The agreement and all related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 29-2004(MS) for passage this evening.”

Mayor Kelley accepted Resolution No. 29-2004(MS) for passage.

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

Nays: None

**Resolution passed**

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

Vice Mayor Montlack stated, “Thank you, your Honor. There is one piece of legislation and some referrals from the Board of Zoning Appeals. First, I will take the legislation. It is Resolution No. 32-2004(PD), authorizing the establishment of a First Time Home Buyer Program for purchasers of one and two family homes and condominiums in the City of Cleveland Heights; authorizing an agreement with the Cuyahoga Housing Consortium through the Consortium’s HOME Program for funding for said Program; and declaring an emergency. This legislation established the First Time Home Buyer

Program in order to encourage owner-occupancy of one and two family homes and condominiums in the City. It operates through the HOME Program which is available to the Consortium of entitlement cities. This is one of the HUD programs. This is what is to be authorized with an affirmative vote by the Council. This First Time Home Buyer Program will be available to applicants who meet the following: First, they must be Cleveland Heights residents for a maximum of one year prior to the application for this loan. Their income must not exceed eighty percent (80%) of the area median income as determined by HUD. There will be, on such purchases, a minimum of three percent (3%) down payment to be given for the purchase from their own funds. The maximum down payment assistance through this program will be Fifteen Thousand Dollars (\$15,000.00) for a two-family home, Ten Thousand Dollars (\$10,000.00) for a condominium in a two family structure, and Five Thousand Dollars (\$5,000.00) for a single-family home or condominium in a multi-unit building. The loan shall be secured by a second mortgage, shall bear simple interest at a rate of five percent (5%) per year for five years, and shall be forgiven at a rate of 1/60th of the principal per month of ownership and occupancy as the buyer's primary residence in years six through ten. The City Manager is authorized to enter into an agreement with the Cuyahoga Housing Consortium for the funding of this program and the agreement shall provide for funding for the program in the sum of Two Hundred Forty-six Thousand One Hundred Thirty-six Dollars (\$246,136.00) for a time period from March 1, 2004 through February 28, 2006.

All I can add is that this is excellent work by the staff of the Planning Department as well as our Law Department in putting this critical piece into place because we are now working on bricks and mortar projects that we are hoping will begin to fulfill the need, along with this financing part, for owner-occupancy in what has been some problematic housing up to this point.

Resolution No. 32-2004(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 32-2004(PD) for passage.

Council Member Dietrich commented, "I just feel the need to underline this piece of legislation as one of those jewels of legislation that kind of gets mixed in with all our more mundane stuff that we do. This is legislation that could really hopefully make a big difference in our city. The more rental property you have, the more problems a city has. This should encourage people to buy and occupy the houses that they buy, instead of buy them and rent them out. I feel like sometimes the important legislation can kind of get lost in the midst of all the other legislation and I just wanted to say that I think that this is one of those big ones."

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

Nays: None

**Resolution passed**

Vice Mayor Montlack continued, "Thank you. Now, there are four Calendar matters from the Board of Zoning Appeals that require endorsements and in effect adoption by the City Council. In each of these cases the Board of Zoning Appeals issued a variance at its last meeting on Wednesday, January 21, 2004. I'll go through each of these as they are presented for a motion for approval. BZA Calendar No. 3030 Michael and Sydney Harris, 3587 Severn Road, in an 'A' single-family district, they were the applicants and have asked for a variance from the accessory use regulations of the Zoning Code to allow an addition to their house with a 4-ft. side-yard setback. The Zoning Code requires a 5-ft. side-yard setback. The Board of Zoning Appeals determined that the applicants would suffer a practical difficulty if the variance was not granted because the addition was built with a 4-ft. setback with the understanding that an addition could maintain the legally nonconforming 4-ft. setback of the existing structure; the building permit was issued by a staff member (who shall remain nameless) who was

unaware of the restriction that required the length of the addition to not exceed the length of the existing wall; the applicant's predicament cannot feasibly be resolved without a variance. The BZA voted to issue a special permit, of course always conditioned on the approval of this Council. I move such approval be confirmed."

Second by Council Member Evans.

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

Nays: None

**Resolution confirmed**

Vice Mayor Montlack continued, "Thank you. BZA Calendar No. 3031 from the same BZA hearing. In this case, the applicant is DeSota Berkeley Improvement, Inc., 3246 DeSota Avenue, in an 'A' single-family district, asking for a variance from the supplemental standards for conditional uses of the Zoning Code, to permit an addition to a place of worship, and that addition will have a 5-ft. setback from the public right-of-way line, where the Zoning Code would require a 50-ft. setback from a public right-a-way line. The BZA found that the applicant would suffer practical difficulty if the variance is not granted because another arrangement would be impossible on the small oddly shaped lot; the addition will improve the area; the existing building has nonconforming setbacks; and the applicant's predicament cannot be resolved without a variance. The issuance of a permit would be authorized to permit construction of an entrance addition at the place of worship, as shown in the plans submitted to the Board. It is conditioned, if passed, on the applicant obtaining a building permit and approval of the Architectural Board of Review prior to construction and construction is to be completed within 18 months of the date of approval of this resolution by City Council. By all indications, as shown by the BZA, this will be quite an improvement. Therefor, I move that Calendar No. 3031 be confirmed by resolution of this Council."

Second by Council Member Hicks.

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

Nays: None

**Resolution confirmed**

Vice Mayor Montlack continued, "BZA Calendar No. 3032, from the same hearing, comes forth from applicant Alta Development LLC, owner, and Marous Brothers Construction, 12626 Mayfield Road, in an MF-2 multiple-family district, requesting a variance from the accessory use regulations of the Zoning Code, to permit construction of a deck with a 9-ft. setback from the rear property line for one of the townhouse units. The Zoning Code requires a 15 ft. setback. Here, the BZA found exceptional and unusual circumstances resulting in practical difficulty in complying with the requirements of the Zoning Code as follows: The applicants showed according to the BZA that if the variance is not granted because the deck is needed to provide access to the dwelling unit's rear yard for maintenance purposes, there would be this practical difficulty. The situation is complicated by the development's straddling of the line between two municipal jurisdictions (although Cleveland Heights probably enjoys that sort of difficulty in this situation) and because of the topography and geometry of the development site; and the variance, in this case, is likely to have no negative impact. The BZA voted to issue a special permit authorizing the construction of a 6.2-ft. deep deck onto the back of the townhouse at 12626 Mayfield Road. That would be the western most townhouse right up at the Cleveland line. The applicants would be required to obtain a building permit before starting construction and all such construction must be completed within 6 months of the date of approval of the resolution by City Council. Calendar No. 3032 is moved for confirmation by this Council."

Second by Council Member Caplan.

Council Member Wilcox stated, "Thank you, your Honor. I would request that Council permit me to abstain from voting on this because my firm has represented the owner of this property."

Mayor Kelley asked for a motion.

So moved by Council Member Hicks.

Second by Council Member Dietrich.

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

Nays: None

**Motion to abstain passed**

Mayor Kelley called for the vote on BZA Calendar No. 3032.

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

Nays: None

**Resolution confirmed**

Vice Mayor Montlack continued, "Finally, BZA Calendar No. 3026 comes about through applicants' Rockie and Karen Brockway, 3050 East Derbyshire Road, in an 'A' single-family district seeking a variance from the accessory use regulations of the Zoning Code, to permit construction of a 10-ft.-tall arbor with a gate, in their rear yard, across their driveway. Under the Zoning Code, an arbor still is defined as a fence or part of a fence and that Code requires that arbors that are used as enclosures be considered a fence, as I said, and limits fences in rear yards to 7 ft. in height. So, at the hearing the BZA found that there was a practical difficulty if the variance was not granted because the applicants need a fence in their rear yard and the arbor provides appropriate landscaping and preservation of green space; the variance is minimal; and impact on neighboring properties will be positive; and there is little or no obstruction to the views from neighboring properties. The BZA voted to grant that variance to construction the 10-ft.-tall arbor with a gate, in their rear yard, across their driveway, as shown in plans submitted to the Board. Additional conditions, the applicants were to obtain the fence permit prior to construction and complete that construction within 6 months. Calendar No. 3026 is presented on motion for adoption."

Second by Council Member Dietrich.

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

Nays: None

**Resolution confirmed**

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

Council Member Evans stated, "Thank you, your Honor. There is no legislation this evening, but I would like to urge our residents to shovel their sidewalks. So many people have decided that that's

not a good thing to do. We have a lot people, particularly children who walk back and forth to school that would make it so much easier if they could walk on the sidewalks. The young ones do walk on the sidewalks, you'll notice that the older children walk in the street. It becomes quite a hazard for them to have to walk in the street and it's hazardous for some of us old folks to have to walk on un-shoveled sidewalks. We do have an ordinance that states that snow and ice should be removed within 24 hours of a snow fall. So, I really, really would like to urge our residents to make a commitment to remove the snow in front of their home. That concludes my report."

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

Council Member Dietrich stated, "Thank you. I have no legislation but this committee is recommending the reappointment of Gail Bromley to the Board of Zoning Appeals. Gail has served for seven years already and this new term would be a four-year term which actually began February 1, 2004 and will extend until January 31, 2008. I offer Gail Bromley for reappointment to the Board of Zoning Appeals."

Second by Council Member Evans.

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

Nays: None

**Reappointment passed**

Council Member Dietrich continued, "Also, I want to get on my high horse, which I do every once in a while and comment on something that's bothering me which is the apparently growing number of our residents who just won't vote. I just finished participating in a voter registration drive that was part of the school levy campaign. It was orchestrated in a very personal way. The outreach was done so that each volunteer had 25 people that they were responsible for and we did it through personal phone calls, even with offers to go to peoples' houses and help them fill out the registration form. With 60 people volunteering to do this, we really could have registered 1,500 new voters and all of the people that were targeted were parents of children who attend our public schools. The volunteers averaged one (1) new registrant per volunteer, meaning that on an average each one of those 60 volunteers got 24 people who just weren't interested. As I was beginning to have trouble doing this, I actually got two (2) people, then I heard that all the other volunteers were meeting with this same lack of interest and it made me angry actually, and when you think about the trouble that some of our forebears went to so that we would be able to vote, the struggle was wasted by so many people who just are not interested and these are our Cleveland Heights' residents today who want no part of voting. What I was going to say, it makes me discouraged, actually it makes me angry and I think it's pretty bad. That's all that I have."

Mayor Kelley said, "Thank you, Councilwoman Dietrich. Not only are these our residents, these are our neighbors and our friends and these people hold the future of our children in their hands and one would hope that they would just not minimally vote for the levy, but we have a presidential election, we have a state rep election, and county commissioner seat and a number of judicial elections. Food for thought."

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

Council Member Caplan stated, "I have two pieces of legislation and the first piece of legislation will be read by Councilwoman Phyllis Evans."

Council Member Evans stated, "Thank you. Resolution No. 30-2004(CRR), recognizing February, 2004 as National African American History Month; and declaring an emergency. The City of Cleveland Heights is rich in its diversity of cultures and races. The citizens of Cleveland Heights take great pride in the harmonious relationships that exist among and within the City's many diverse communities. The Council of the City of Cleveland Heights recognizes the importance of explaining and sharing the rich cultural and spiritual heritage of each of the City's various ethnic groups in order to foster and encourage harmony and understanding among these groups. The month of February is recognized as "National African American History Month" by communities throughout the United States in order to honor and review the accomplishments and contributions of African Americans to the United States. Therefore, be it resolved by the Council of the City of Cleveland Heights, Ohio, that: Section 1. The month of February, 2004 is hereby designated as National African American History Month in the City of Cleveland Heights in recognition of the accomplishments and contributions of African American citizens to this community and to our country. The City hereby reaffirms its commitment to maintain Cleveland Heights as a truly integrated community and to continue the tradition of appreciation and respect of our cultural diversity. Section 2 is notice of passage and Section 3 is the emergency clause. I'd like to present Resolution No. 30-2004(CRR) for passage this evening."

Mayor Kelley accepted Resolution No. 30-2004(CRR).

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

Nays: None

**Resolution passed**

Council Member Caplan continued, "Thank you, Councilwoman Evans. Now I have Resolution No. 31-2004(CRR), and this a resolution that's sort of a twist. Usually, our resolutions talk about paying out money, this time we're going to get some. Resolution No. 31-2004(CRR), authorizing the City Manager to accept a grant from the Western Reserve Area Agency on Aging on behalf of the City of Cleveland Heights Office on Aging, and to execute the grant agreement; and declaring an emergency. In past years the City's Office on Aging has received grants from the Western Reserve Area Agency on Aging ("WRAAA") for the provision of transportation, socialization and other support services to older persons in the community. A grant in the amount of Thirty-one Thousand Two Hundred Sixty-nine Dollars (\$31,269.00) has been awarded by the WRAAA to the City's Office on Aging for transportation services. Acceptance of the aforesaid grant requires the City to execute an agreement with the WRAAA to continue the provision of transportation services to older persons by the City's Office on Aging, upon substantially the same terms and conditions as the City's prior agreements with the WRAAA. Acceptance of this grant will facilitate the delivery of necessary services to the City's older citizens without interruption or delay, and is in the best interests of the City and its residents. Now, therefore, be it resolved by this Council that the City Manager be authorized and directed to accept this grant award. The City Manager is further authorized to execute any and all documents necessary. Notice of passage shall be given and this Resolution is declared to be an emergency for passage tonight. I offer Resolution No. 31-2004(CRR) for passage."

Mayor Kelley accepted Resolution No. 31-2004(CRR).

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

Nays: None

**Resolution passed**

Council Member Caplan concluded, "Now, I have a few announcements. The first is about this brochure [displaying brochure] that you're going to be getting in the mail very soon, in the next few

days. It's important that you pay attention to it because it is both the spring and summer booklet about activities in our community. Usually you get a spring one and then you get a summer one, but this year they're together. So you really need to look at it to plan your summer activities. Cain Park offerings are already in here and all the summer camps. There are all kinds of very interesting information - everything ranging from safety town for young children who will be starting school in September to line-dancing and co-ed karate and pilates and tap dancing for seniors (sort of that sort of interested me). Do look for this, there's lots of information about the city in it and save it because you'll want to be referring to it as the months go on. So, this is the first thing I want to remind you about and the next thing is because I've talked about this before from February 26 to the 29 is our Short Track Championship Speed Skating that is coming to our pavilion. We're going to get national exposure. It's very exciting. This is the trials for speed skaters to get into the Olympics. Ohno, who won - how many years ago - four years ago will be here and if you want to go you can buy tickets and the number to call, if you want to buy tickets is 621-0600 and they're not terribly expensive, but most of all just pay attention to the excitement that's going on in our community. That's all I have. Thank you."

### **REPORT OF THE MAYOR**

Mayor Kelley stated, "Again, following up on Councilwoman Dietrich, there is a primary election on Tuesday, March 2 and I encourage you to vote. Tuesday, March 2, the polls will be open from 6:30 in the morning until 7:30 at night. Vote at your regular place, but again I would encourage those of you who are in need to use the absentee voting system, especially our senior citizens or those who will be traveling or out of the county on that day. Do not take for granted that the weather will be any nicer than it is this day or this week. Please exercise your right to vote for what ever reason or reasons, we have a lot of important things happening in our community, especially our school issue. Do not take for granted your right-to-vote as Councilwoman Dietrich alluded to in the voter sign up. It's very important we show our support. We have a number of issues - our school issue. I believe there is a health and human service issue, there is an arts issue on the ballot. We need to get out and support those people that need our support, the less fortunate. Our children, in this community need our support now more than ever. Our school children, our school administrators need our support, so we need to get there and support them by voting affirmatively on March 2<sup>nd</sup> for these issues. It is time to do it and get out and do it and do it affirmatively. There are a number of other races including the state rep race, county commissioner race, and other races, judicial races that have a great bearing on what happens and also exercise your right-to-vote in the presidential race, if indeed you are voting in that side of the ledger. It is time to make sure you do something and not sit at home and do nothing and then complain later. This meeting is adjourned at 8:30 p.m. Our next meeting will be on Tuesday, February 17, 2004. Thank you for coming tonight."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc