



CLEVELAND HEIGHTS

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, 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 7:25 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:36 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, February 3, 2003 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have several items this evening. The first of which is to advertise for bids for the Cumberland Pool renovations and the rehabilitation of the Staunton Road storm and sanitary sewers."

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

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

Second by Council Member Dietrich.

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

Nays: None

Mr. Downey continued, "Thank you very much, your Honor. As we discussed at our previous meeting, I would request that Council move to make the emergency payment of invoices from Cargill Salt in the amount of \$16,667.00. As we discussed, at the end of January - beginning of February, when our salt supplies were low, we turned to another supplier, to Cargill Salt, and they were able to supply us when we had that need back on January 31st."

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

Council Member Hicks moved that the purchase at a cost of \$16,667.00 for emergency salt, be approved.

Second by Council Member Caplan.

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

Nays: None

Motion passed

Mr. Downey continued, "Thank you. In your packets you received a copy of Bid Document No. 2002-30, Coventry Road Pavement Rehabilitation Project, lowest and best bidder is the Perk Company, in the amount of \$1,375,394.55. Bid Document No. 2003-03, 2003 NFPA Self-Contained Breathing Apparatus, the lowest and best bidder is Fire Force, in the amount of \$218,536.00. Bid Document No. 2003-05, the purchase of our plastic refuse bags, the lowest and best bidder is Dyna-Pak in the amount of \$42,840.00. Bid Document No. 2003-06, the purchase of kraft paper yard waste bags, the lowest and best bidder is Pabco Industries, in the amount of \$17,395.00. Your Honor, I would request that these tabulations and award of contract be made a matter."

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 need to notify Council that one notice has been received from the Ohio Department of Liquor Control advising that application has been made by the following: Richard Tonelli, new D1 permit, premises 14591 Superior Avenue, 44118. I need to make this a matter of record."

Mayor Kelley made it a matter of record and referred it to the Public Safety and Health Committee of Council, the City Manager, and the Director of Law.

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have several pieces of legislation this evening. Ordinance No. 24-2003(MS), authorizing the City Manager to enter into an agreement with Best Equipment Co., Inc. for a Giant Vac Leaf-Truck Loader for the Public Works Department; providing compensation therefor; and declaring an emergency. Section 1 reads, the City Manager, is hereby authorized to execute any and all agreements necessary for the purchase of a Giant Vac Leaf-Truck Loader from Best Equipment Co., Inc., through the Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements of Section 125.04 of the Ohio Revised Code and this Council's Resolution 115-1988. The purchase agreement shall provide for payment for said vehicle in a total sum not to exceed Eighteen Thousand Dollars (\$18,000.00) and shall be in a form approved by

the Director of Law. Section 2 is the notice of passage and Section 3 is declaring this to be an emergency measure. Your Honor, I offer Ordinance No. 24-2003(MS) for passage.”

Mayor Kelley accepted Ordinance No. 24-2003(MS) for passage.

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

Nays: None Ordinance passed

Council Member Hicks continued, “Thank you. I have Resolution No. 25-2003(MS), amending Resolutions 105-1995 and 174-2002 authorizing an agreement with Michael Benza & Associates, Inc. for engineering services for the Euclid Heights Boulevard Rehabilitation Project to provide additional services requested by the Ohio Department of Transportation; providing compensation therefor; and declaring an emergency. The fees and expenses for the additional services shall be Four Thousand Two Hundred Dollars (\$4,200.00), with total fees and expenses for engineering services for the Project not to exceed the sum of Two Hundred Fifty-seven Thousand Two Hundred Dollars (\$257,200.00). The agreement and all documents related thereto shall be approved as to form by the Director of Law. Section 2 is notice of passage and Section 3 is declaring this to be an emergency measure. Your Honor, I offer Resolution No. 25-2003(MS) for passage tonight.”

Mayor Kelley accepted Resolution No. 25-2003(MS) for passage.

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

Nays: None Resolution passed

Council Member Hicks continued, “Thank you. I have Resolution No. 26-2003(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 2003 street resurfacing program; providing compensation therefor; and declaring an emergency. The services to be provided by the engineer are as set forth in the proposal on file with the Clerk of Council, which among other obligations contains the following detailed services to be performed: Development of project mapping and subsequent construction plans utilizing procedures supplemented by field surveys. Development of traffic maintenance plans. Coordination of utilities. Preparation of detailed drawings to show the character and scope of the work to be performed by the contractor on the project for incorporation into the contract documents. Preparation of technical data in the form of work and material specifications to be performed and/or furnished by the contractor on the project for incorporation into the contract documents. Preparation of quantity and cost estimates based on the completed drawings and specifications. Preparation of contract documents to include, but not be limited to, the drawings, specifications, advertisement, instructions to bidders, proposal forms, contract bonds, and general and special conditions. Provision of periodic on-site inspection services.

The fees to be paid to CT Consultants, Inc., for the aforesaid basic services shall be a sum equal to nine and two-tenths percent (9.2%) of the first Seven Hundred Fifty Thousand Dollars (\$750,000.00) of actual construction costs, plus six and four-tenths percent (6.4%) of the next Two Hundred Fifty Thousand Dollars (\$250,000.00) of construction costs, plus five and five-tenths percent (5.5%) of construction costs over One Million Dollars (\$1,000,000.00). The agreement shall also provide for compensation for additional services, if requested by the City, and reimbursable expenses in an additional amount not to exceed \$7,000.00. All documents hereunder shall be in a form approved by the Director of Law. Section 3 is the notice of passage and Section 4 declares this to be an emergency measure. Your Honor, I offer Resolution No. 26-2003(MS) for passage tonight.”

Mayor Kelley accepted Resolution No. 26-2003(MS) for passage.

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

Nays: None

Resolution passed

Council Member Hicks continued, "I have Resolution No. 27-2003(MS), authorizing an amendment to an agreement with Wade-Trim/Ohio, Inc., for engineering services for the South Taylor Road Reconstruction Project; providing compensation therefor; and declaring an emergency.

The City Manager is hereby authorized to enter into an amendment to an agreement with Wade-Trim/Ohio, Inc. for engineering services relating to the South Taylor Road Reconstruction Project to provide for compensation for additional services requested by the City. Compensation for the additional services shall be the sum of Three Thousand One Hundred Forty Dollars (\$3,140.00), with total fees and expenses for engineering services for the project not to exceed the sum of Seventy-four Thousand Dollars (\$74,000.00). The agreement shall be in a form approved by the Director of Law.

Section 2 is the notice of passage and Section 3 declares this to be an emergency measure. Your Honor, I offer Resolution No. 27-2003(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 27-2003(MS) for passage.

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

Nays: None

Resolution passed

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, you Honor. There is one piece of legislation from this committee tonight. It is Resolution No. 28-2003(PD), authorizing the City Manager to execute a listing agreement with Colliers International Retail for the lease of City-owned commercial property at 1807 Coventry Road, Cleveland Heights; and declaring an emergency.

This is a situation, as happens in many of our commercial districts, not only in Cleveland Heights but all over America, there are vacancies in these tough economic times. Cities are good at a lot of things, but one area that it makes sense, certainly to bring on a consultant (outside help) has to do with enlisting the services of a broker to try and secure a tenant.

Therefore, the City Manager under this Resolution, would be authorized to execute a listing agreement with Colliers International Retail (instead of the kind of listing agreements most of us are familiar with as in the sale of a home). This, in relation to the lease, the securing of a tenant for this vacant space. The agreement that would be authorized by this vote would provide for a commission of six percent (6%) of the aggregate value of the initial lease, and four percent (4%) of the value of any exercised renewal options that might take place after the term of the initial lease is up. The listing agreement shall be approved as to form by the Director of Law. Resolution No. 28-2003(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 28-2003(PD) for passage.

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

Nays: None

Resolution passed

Vice Mayor Montlack added, "In regard to that resolution and some of the other tough situations we're seeing in this kind of down economic times, there is hope for optimism even now. If our economy can take a turn and eventually it's going to and the city is doing what it can from its end. Certainly, in the Coventry Commercial District, as you've been hearing, not only the roadway but the streetscape improvements are going to be coming in spring, the same kinds of upgrades are going to be visible in the Severance Center area. We've been trying to encourage and assist in the development of special improvement districts to strengthen the Cedar-Lee and Cedar-Fairmount commercial districts. When these things come together I think we're definitely going to see some improvements because right now when things may look bleak all across the country, that's the time when you know that things can start to turn around and there is something we can do to help, all of us residents, keeping in mind that where we buy our goods and services means that we either strengthen or detract from our community. Because money and the spending of money translates into all kinds of benefits. When you make your decisions whether it be for food, shopping, clothing, any of the things that we buy, remember think about Cleveland Heights. Think about those special commercial districts that we have in Cleveland Heights. They are so special these days that some of the hot shot planners go around selling other communities on how to reinvent commercial districts that are connected to our residential districts. Try, if you can, frankly, to spend your dollars in those districts as opposed to taking them out to that mall that is close to the interstate. Because it benefits you, it benefits your neighbors, and it really benefits this community. Thank you. That completes this report."

Mayor Kelley responded, "Thank you, Vice Mayor. Real simple slogan — stay home in Cleveland Heights."

PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. There is no legislation this evening. But I would like to take a moment to thank our street maintenance department, Division of Public Works Department under the direction of Craig Zins for making our city safer. As you probably know, we've had forty-two snowstorms this year and thus far have removed over 80 inches of snow from our streets. That certainly helps to make traffic flow a lot more smoothly. It helps to make the city safer all the way around. In addition to that, you heard that we did pass - at least the City Manager presented the amount of money that it took to put down calcium chloride and salt and all that is really important so that people can pass through our city and specifically for those of us who live in the city. It is nice to know that we are safe as possible. That completes my report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. I can be very brief tonight. I am pleased to appoint Joanne Anderson to the Fair Housing Board. She will replace Reginald Butler, who recently moved out of state and whom we were sorry to see go from Cleveland Heights. He served well on the Fair Housing Board. Joanne Anderson lives on Cleveland Heights Boulevard and has been in Cleveland Heights for about twenty years. She is recently retired from Ameritech and is currently serving on the Commission on Aging. We've asked her to leave that board and take this position on Fair Housing because she has such good experience in that area having worked as Fair Housing Coordinator for Heights Community Congress some years ago. She will be a wonderful addition to this board. Fair Housing is a very small board. It only has three members and an alternate, but it's very important to the City because although some people may not think it anymore, there does continue to be a need for monitoring for racial discrimination in the housing and rental market. I move the appointment of Joanne Anderson to Fair Housing Board."

Second by Council Member Caplan.

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

Nays: None

Appointment passed

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. I have no legislation tonight either. However, I did want to bring up, that two weeks ago at our last Council meeting, we did have a major discussion about peace in the United States and since that time there has been a big discussion about whether it was appropriate or not for Council to have passed any kind of legislation and whether it was appropriate for us to have had a conversation about the political times in our country. Actually to remind people, I would like to tell them - is that essentially what we passed had two sections, one: that this Council hereby states its support for the men and women serving in the Armed Forces for their commitment to our nation's safety and security; and the second was that this Council hereby states its opposition to the imminent commencement of war against Iraq and urges President Bush to work with America's partners, its allies and the United Nations Security Council to eliminate Iraq's capacity to develop, keep and make available to others and use weapons of mass destruction. That is what we voted on. Is it appropriate for us to have had that discussion? We voted on it. It had a majority agreement with what I just read. Yes, I think it is appropriate for us to be discussing what goes on in our country. Politics are local and this is the one place where our community has a voice and that voice can have a face; writing a letter to our congressmen is a good thing, writing a letter to the President is a good thing. But, this is one place where someone can stand up and say what they think and sometimes there is some strength in unity. Slowing down and paying attention to what's happening in our country and in our world is really important. Yes, I do think that we, our neighbor, Shaker Heights, the City of Cleveland, and the scores of other cities across the country have opened up the debate to the people who live in our country and that debate is becoming louder. So, I'm glad that we have done this. That's all I have for tonight. Thank you."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation from the Finance Committee tonight but I did have a couple of comments to make. One does involve our federal government and in particular the 2004 federal budget which has just been proposed. This is actually an example of how a federal budget does have a direct impact on us locally. Next year's proposed federal budget funding for our community development block grant is being cut by 260 million dollars which is over five percent (5%) or at least that's the proposal at this time. Last year the City received approximately 2 million dollars of our tax money back from Washington for this program and we received a request for over 3 million dollars, however, for this program. This year we're still waiting for conference committee results to see how much money the city will receive and hopefully we will not be cut from last year's funding level. But as you can see, the next year's federal budget which starts in October of 2003 - they are proposing more cuts in this program. This is important, because much of this funding helps low and moderate income residents and in particular helps our non-profit corporations and agencies and city departments to provide services to many in our community from youth to seniors to families, for everything from providing meals to assistance with housing. Therefore, it is critically important, especially in difficult economic times, to maintain this funding. So, cutting this funding will only put a greater strain on non-profits and city departments who depend on this funding. I'm hoping that our elected representatives in their budget discussions will keep these things in mind when reviewing the budget, not only for this year, but for next year.

Finally, speaking of budgets, I want to add that our city continues to depend more and more on our income tax revenue as our main source of funding as the federal and state governments cut back on

our revenue sources. So, it is a friendly reminder, that April 15th is less than two months away, which I actually think is a good thing to say with all the snow outside so we can at least think of springtime. If you are a resident of Cleveland Heights in 2002 and are eighteen years or older and have earned income or you have worked in the city or have a business in the city that's created income you do have to file an income tax return. If you only have W2 income, you can send in your W-2 statements with an I-7 Individual tax return which is the short form. Send that to the city by March 15th, and the city will actually calculate the tax for you and send back the billing statement which would be due then by April 15th. If you have any questions about this you can contact the city at 291- 3900. That concludes the Finance Committee report."

REPORT OF THE MAYOR

Mayor Kelley stated, "Thank you, Council Member Wilcox. It's a great service that this city will provide for you. Send it in by March 15th and pay us by April 15th. I, too, want to weigh in on whether this Council should or should not do what we did. When it came time to talk about universal health care, this Council weighed in very heavily and sent a message to Washington and I think to Columbus about what we thought about what we should or shouldn't have for our residents. And when we talked about prescription drugs, I believe, we sent something down to Columbus, so we do not just deal with issues that deal with the city. We find the time and the opportunity to get more involved. We are not just seven people that just sit here and effect our borders. We are capable of doing more and we will continue to do more. It has been a hallmark of every city council that has served in Cleveland Heights. We are capable unbeknownst to the Sun Press or any other paper that we can do more and we can do things - - it is not a democrat or republican thing or non-partisan or partisan thing. We do get involved. We do take on some issues. We don't take on every single issue but we are far capable of doing more things than those that just effect the day to day things of Cleveland Heights. We are a very global thinking council, that's why we have the First Suburbs Consortium, that does more than just things that affect Cleveland Heights. It's been very successful.

I, for one, will continue to do things that affect more than just the residents of Cleveland Heights on a day-to-day basis. When I see things that I don't think are right that affect our residents, I will bring it to Council and work with my colleagues no matter how it comes to us. I don't think the Sun Press will be telling us what to do or a couple letters to the editor from people who chronically write to the Sun Press and complain about everything that they don't think is right in the city from the high taxes to the school levies to bridges or to things that they don't think are right. They chronically write to the Sun Press about every two to three months and they should have their own column as far as I'm concerned. We will continue to do what we think is right and be able to do more than just affect our city on a day-to-day basis, whether it be, as I said, health care issues, prescription drug issues, war amendments, domestic partner issues, or things of that nature. I'm proud to serve on a council that can do more than just worry about things that happen on our borders, we're far more capable, far more talented, and I'll be more than happy to match our council against any council on any particular issue on any given day.

I'll adjourn the meeting at 8:07 p.m. The next Council meeting will be Monday, March 3, 2003. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc