



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY, MAY 3, 2004

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:30 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, Reddy, Ruane, Wagner, Wong, Zins

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

Committee of the Whole adjourned at 7:40 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:48 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, Tomaro, Wagner, Wong, Zins

The minutes of the Regular Council Meeting held Monday, April 19, 2004 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 is to request authority to advertise for bids for the purchase of a tri-axle chassis, dump truck body & snow plow for the Street Maintenance Department and a refuse rear-packer truck for the Refuse Collection Department."

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

Motion passed

Mr. Downey continued, "Thank you very much, your Honor. In your packets Council received a copy of Bid Document No. 2004-16, the purchase of three thermal imaging cameras for use in the Fire Department. The lowest and best bidder is Fire Force, Inc., in the amount of \$30,375.00. Your Honor, I would request that the bid tabulation and the award of contract be made a matter of record."

Mayor Kelley made it 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: Kenneth Wayne Gibson, Sr., dba Gibbs Restaurant, new D1, D3 and D3A permits, premises 1932 South Taylor Road, 44118. Your Honor, 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.

Mr. Malone continued, "I need to notify Council that two 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. 3034 Rich Management Co., owner of a 7-suite apartment building at 2749 Euclid Heights Boulevard, off-street parking regulations; and BZA Calendar No. 3035 Michael J. Walker, 2157 Delaware Drive, accessory use regulations. 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.

REPORT OF THE FINANCE COMMITTEE

Mr. Wilcox stated, "Thank you, your Honor. I have three resolutions all involving allocation of Community Development Block Grant Funds. The first is Resolution No. 70-2004(F), authorizing the reprogramming and reallocation of Community Development Block Grant Funds; and declaring an emergency. There exists a number of important community development projects which need funding. City staff has made recommendations for the programming of the additional available funds; and the proposed programming of the additional funds has been approved by the Citizens Advisory Committee. This particular legislation involves reprogramming at the request of the Home Repair Resource Center which manages a number of programs. This legislation will reallocate certain resources available within one program to another program. Section 1 of this Resolution provides the following reallocation and reprogramming of Community Development Block Grant Funds is hereby approved for the purposes outlined: This provides for \$5,000.00 to be transferred from the Major System Deferred Loan Match Program to the Neighborhood Project Repair Program as noted. Section 2 authorizes the City Manager to enter into such agreements and/or amendments to agreements as may be necessary to implement the changes. Section 3 is notice of passage and Section 4 declares this to be an emergency. I offer Resolution No. 70-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 70-2004(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, "The next two resolutions involve allocation of CDBG money for our Fair Housing activities. This year we took a little bit different approach and a different procedure in order to allow us to update the Impediments Study of the City and then allocate it a certain dollar amount for Fair Housing activities. The CAC then worked with the RFP process to select appropriate organizations that can conduct the Fair Housing activities that were selected from the Impediments Study.

This is Resolution No. 71-2004(F), authorizing the City Manager to enter into an agreement with the Heights Community Congress, a non-profit corporation, for paired rental and sales audits and discrimination complaint investigation services; providing compensation therefor; and declaring an emergency. Again, Council has allocated funding for certain fair housing activities which were identified as being needed in an update of the Analysis of Impediments to Fair Housing Study. The Citizens Advisory Committee ("CAC") reviewed proposals submitted by various organizations to conduct such activities and issued its recommendation to this Council; and this Council is in agreement with the recommendations of the CAC that contracts be awarded to two agencies to conduct fair housing activities. Section 1 of this Resolution then provides that the City Manager is authorized to enter into an agreement with the Heights Community Congress, a non-profit corporation, for paired rental and sales audits and discrimination complaint investigation services. The agreement shall be for the period from July 1, 2004 through June 30, 2005. Payment for the services shall be per unit of service and shall not exceed the sum of Twenty Thousand Eight Hundred Fifty Dollars (\$20,850.00). Section 2 is notice of passage and Section 3 declares this to be an emergency. I offer Resolution No. 71-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 71-2004(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, "I have Resolution No. 72-2004(F). This is another Resolution dealing with allocation of monies for the Fair Housing activities I spoke of before. This is Resolution No. 72-2004(F), authorizing the City Manager to enter into an agreement with The Housing Research and Advocacy Center, a non-profit corporation, for insurance testing and a Home Mortgage Disclosure Act study; providing compensation therefor; and declaring an emergency. Again, the CAC has reviewed this proposal and recommended that the Council and Council is in agreement with that recommendation. Section 1 provides that the City Manager is authorized to enter into an agreement with The Housing Research and Advocacy Center, a non-profit corporation, for insurance testing and a Home Mortgage Disclosure Act study. The agreement shall be for the period from July 1, 2004 through June 30, 2005. Payment for the services shall be per unit of service and shall not exceed the sum of Nineteen Thousand Dollars (\$19,000.00). I offer Resolution No. 72- 2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 72-2004(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox added, "That concludes the legislation. I just wanted to thank the CAC

again for their efforts and recommendations on these important activities that are funded through our CDBG program. That concludes the Finance Committee report.”

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, “Thank you, your Honor. I have no legislation today, but I have a couple of comments I definitely would like to make. First, I want to congratulate our Municipal Services Department. As you can notice here I have Oscar the Grouch [showing display of the Oscar] joining us today and this is a little Oscar award that we received and this was from the Cuyagoga County Commissioners and it says,

Performance, pride and deep personal pleasure in saluting the City of Cleveland Heights on the occasion of receiving the Solid Waste District’s Trash Oscar Award for best original screen play on a recycling report. The City is being recognized for their extensive effort in detailing all of their recycling activities in their 2003 Residential Recycling Report. The City is an expert in the field of Waste Management and Recycling. Congratulations and best wishes for continued success.

*Peter Lawson Jones, President
Tim McCormack, Vice President
Jimmy Dimora, Commissioner*

We want to thank our Municipal Services Department for keeping Cleveland Heights in the limelight of recycling and being one of the ten communities to receive an award such as this, out of fifty in Cuyagoga County.

I also want to let residents know, while we’re talking about municipal services, as of April 30th, that was your last day to put your loose leaf clippings on your lawn. From now on all grass and leaf clippings must be placed in the Kraft bags that can be purchased at City Hall.

Also, Municipal Services Committee of Council - we’re going to still be looking at the cell phone dead areas and so please let us know where your cell phone is not receiving service in the City of Cleveland Heights. We’re still looking into that.

I want to thank the Canterbury School Student Council members (elementary school Student Council members) who had their Arbor Day ceremony and invited us from Cleveland Heights to come out and plant a tree with them. I appreciated their hospitality and also at the Hebrew Academy in Cleveland Heights. The kindergarten class - for their adorable kids - that came out to also help us plant some trees right there on Taylor Road and you can see all the new trees that were planted at the Hebrew Academy - when they blossom will be very nice. Finally, I want to personally thank Senator Voinovich for inviting me to Washington, DC to be a part of the African American Leadership Conference. I got a chance to meet Senator Voinovich, Senator DeWine and Senator Santorum and also Senator Kay Hutchison, who again, it was a pleasure to go down there and meet and talk about issues that affect our community: housing stock, health care, a number of issues that I’m ready to come back and share with my colleagues on Council. Thank you, your Honor, that’s all that I have.”

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, “Thank you, your Honor. There is no legislation from this committee tonight. There are two resolutions from the Board of Zoning Appeals to be presented as motions. The first is BZA Calendar No. 3034. This comes about by the application of Rich Management Co.,

owner of a 7-suite apartment building at 2749 Euclid Heights Boulevard, in an MF- 3 multiple-family zoning district, requesting a variance from the off-street parking regulations of the Zoning Code, to permit resumption of the use of an 8th suite that has not been rented for an indeterminate number of years. The Zoning Code requires that multi-family dwellings provide 2 parking spaces, one covered and one uncovered for each dwelling unit and like virtually every apartment building in this part of Cleveland Heights, that building fails with 8, 7 or any number of suites to meet that parking requirement. After hearing this matter on Wednesday, April 21, 2004 at 7:30 p.m., the Board of Zoning Appeals found that the applicant will suffer the requisite practical difficulty if the variance was not granted because it would be impossible to provide the required parking on-site; and the applicant has taken significant steps to secure necessary parking for its tenants off-site, that parking being at other buildings owned by the applicant as well as some spaces rented from a nearby site. The issuance of this permit is recommended and would be permitted as shown on the plans. The applicant, naturally, is required to obtain a building permit prior to the start of necessary repair work on the unit. All construction must be completed within 60 days of the date of approval by this City Council. I move that BZA Calendar No. 3034 be confirmed."

Second by Council Member Hicks.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack continued, "Thank you. It's the same hearing, for the second BZA Calendar No. 3035 that was approved. Michael J. Walker, 2157 Delaware Drive, in an "A" single-family district, is the applicant and requested a variance from the accessory use regulations of the Zoning Code, to permit construction of a 5-1/2 foot-tall fence in a corner-side-yard. This is a residential property and this residence is located on the southeast corner of Delaware and Cedar Road. The Board of Zoning Appeals found that the applicant would suffer practical difficulty if the variance is not granted because of the heavy pedestrian and vehicular traffic and other noises along Cedar Road that need to be screened for this private residence. The fence will improve the appearance of the neighborhood causing no detriment and the applicant's predicament cannot be resolved without a variance.

Actually, the applicant had requested a slightly taller fence, but the 5 1/2-foot-tall fence was recommended and is the heart of this resolution tonight.

Pursuant to this resolution the fence must be set back 6 feet from the property line in a corner-side-yard, as shown in the plans submitted to the Board. The variance is also conditioned upon approval by the Architectural Board of Review prior to installation and the fence being located 6 feet from the property line and a landscape plan being submitted for approval of the Planning Director prior to installation. All construction must be completed within 60 days of Council's approval. BZA Calendar No. 3035 is presented on motion for approval and adoption."

Second by Council Member Wilcox.

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

Nays: None

Resolution confirmed

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Resolution No. 73-2004(PSH), objecting to the issuance of D1, D3 and D3A liquor permits to Kenneth Wayne Gibson, Sr., dba Gibbs Restaurant, 1932 South Taylor Road, Cleveland Heights, Ohio; and declaring an emergency. Section 1 states that there is an objection made to this issuance and that a hearing will be requested to take place here in Cuyahoga County. The Chief of Police and /or his designee(s) shall represent the City at said hearing. Section 2 states that the Clerk of Council is instructed to certify notice of the City's objection and request for a hearing to the Ohio Department of Liquor Control no later than May 17, 2004. I'd like to submit Resolution No. 73-2004(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 73-2004(PSH) for passage.

Council Member Hicks commented, "Just real quick. I just want to thank our Chief of Police and the police department for their due diligence. We see, since I've been on Council, a number of these liquor permits and even on ones we didn't necessarily like, there wasn't much we could do, but they continue to do their due diligence and this is one that if they had not, might have slipped through the cracks."

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

Nays: None

Resolution passed

Council Member Evans continued, "Next, is Resolution No. 74-2004(PSH), declaring the property at 3114 Kensington Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. This is a property that has not been maintained for a number of years and is in a state of severe disrepair. The City Manager and Certified Building Official have further reported that the owners of the subject property has been cited by the Housing Inspection Department for numerous housing code violations on the property over the past nine (9) years and that little progress has been made toward correction of the violations. The property has deteriorated over the years to the point that it is a hazard to the health, safety and welfare of the occupants and is a public and a blighting and a deteriorating factor in the neighborhood adversely affecting the value of neighboring property. Section 1 states that pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights, that the premises owned by Valeria Lee known as 3114 Kensington Road is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and is hereby declared to be a public nuisance. I'd like to submit Resolution No. 74-2004(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 74-2004(PSH) for passage.

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

Nays: None

Resolution passed

Council Member Evans continued, "Last week I had the opportunity to attend the annual leadership academy dinner at Cleveland State's annual dinner for the alumni. I'm just pleased to be able to congratulate Councilwoman Bonnie Caplan on receiving the Outstanding Leadership Award last week and I thought it would be nice to let everyone know that. That completes my report."

Mayor Kelley commented, Congratulations to you, Councilwoman Caplan."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. This committee has no legislation but I would like to draw your attention to some ground breaking work that is being done by the First Suburbs Consortium and also by our housing department here in Cleveland Heights.

I was reading my Governing Magazine today, the April edition. It's a national magazine for governments, obviously, and there was Cleveland Heights in bold print on page 12. It was only a quarter of a page article, but still it's a national magazine and we did get an article in there. It was about older cities and suburbs and the problems that they and we face as far as our housing stock being - well, getting older and that there are homes not old enough to be considered historic so that you wouldn't exactly renovate them and preserve them but yet they are dated by today's homeowners' wishes. Cleveland Heights has a lot of those home and this is what the article said, *The First Suburbs Development Council*, which is located right here in City Hall, *is showing builders how to turn these houses into something desirable. The first demonstration house is an 83 year-old up and down in Cleveland Heights, which when renovated will become a pair of town houses with three bedrooms, 2 1/2 bathrooms and garages. When the renovation is completed the First Suburbs Group will show it off, sell it and move on to other projects.* This is on Beechwood Road in Cleveland Heights and it is done.

The other projects that were mentioned on this page were places like Houston and St. Petersburg. So, I just wanted to mention it because here it is the First Suburbs Consortium which our Vice Mayor Ken Montlack founded and is the president of and here it is in a national magazine of new ideas, doing the kinds of things that we need to do and other suburbs need to do to keep our older housing stock attractive and viable. Along the same vein, Rick Wagner, our housing director, has been working with a landlord here in Cleveland Heights who is interested in making a big impact with this kind of thing and buying some 2-families here in Cleveland Heights and doing this town house side-by-side idea renovation with them. Those kind of things that we're doing will really turn around a street. Another thing about the housing department - in our weekly report this time, the city that was mentioned happened to be Parma Heights that came to visit our housing department. Very often in our weekly report we hear about cities like Shaker that come to learn from Rick Wagner and what he's doing here in housing. In fact, the official that came from Parma Heights said he learned more in an hour here in Cleveland Heights than he's learned from all the cities that he's gone to altogether. Once again, here's an example of how we are really in the forefront of keeping our older residential neighborhoods maintained and desirable to live in. So, I just wanted to acknowledge First Suburbs Consortium and our housing department for creative solutions to the challenges that face us."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. There is no legislation this evening, but I do have a couple of things to talk about. To spite the fact that last week it snowed, summer is really coming and starting today is the registration for pool passes and Learn to Swim classes. Remember that Cumberland Pool will open on June 5th and stay open until Labor Day. Denison Pool will open on June 12th and close on August 15th. So snow and cold - tonight they talk about it, maybe it is going to freeze but summer really will come and the pools are going to open so make arrangements for your pool passes and your classes.

In addition to that, on May 31st, on Monday at 10:00 in the morning is our annual Cleveland Heights Memorial Day parade. It's a wonderful parade. It's what I think of as small town USA kind of parade in that all kinds of people, all kinds of organizations, street clubs - there is a dog walking club that walks down Mayfield Road. We are always welcoming different organizations if they'd like to

participate. It starts at 10:00 and starts at City Hall and goes down to our Veterans Memorial on Mayfield across from the Community Center. We encourage your participation and this year, in particular, it is meaningful that we show our respect for those people who are serving our country now and for our veterans who served our country in the past and for those who have given their lives for our country. Do remember about the Memorial Day Parade. That's all that I have. Thank you."

REPORT OF THE MAYOR

Mayor Kelley stated, "There will be no Mayor's Report tonight and to the earliness of the hour, I will adjourn the meeting at 8:19 p.m. Our next meeting will be Monday, May 17, 2004 at 7:30. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc