



CLEVELAND HEIGHTS
COUNCIL MEETING OF MONDAY, MAY 5, 2003

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

Kenneth Montlack, presiding

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

Council Members absent: Kelley

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

Vice Mayor Montlack excused the absence of Mayor Kelley stating that he would be arriving shortly.

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

Council Member moved to adjourn into Executive Session at 7:04 p.m. Second by Council Member Caplan.

Kenneth Montlack, presiding

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

Council Members absent: Kelley (arrived at 7:15 p.m.)

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

Topic of discussion included potential litigation over real estate.

Executive Session concluded at 7:20 p.m. and reconvened to Committee of the Whole adjourning at 7:35 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:46 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, April 21, 2003 were approved and signed by Mayor Kelley along with the ordinance and resolutions passed at that meeting.

Abdullah Hasan, 860 Woodview Road, stated, "I was watching you on tv. I believe it was last week and you were speaking about bridges and stuff. But, to make a long story short, you said that you hadn't forgotten about the people on Noble Road. I'm not on Noble Road, I'm on Woodview, I'm off of Noble Road. I'm a taxpayer and you said you had your eyes open for developers."

Mayor Kelley responded, "Yes, we do."

Mr. Hasan continued, "What type of development?"

Mayor Kelley responded, "As you know, on Noble we've done that Greyton Court development which are twenty-two town homes. We recently purchased the old McDonald's site where the McDonald's restaurant was and we're looking at other potential sites on Noble Road to do other development. We've not clarified exactly what we'd like to do there. Obviously, potentially, other housing opportunities would be an option. But we would probably need to assemble more land to do something like that."

Mr. Hasan said, "Okay, because I have people that would also be interested in the land if it was sold off or rentable or piece -."

Mayor Kelley said, "What you should do is contact the City Manager's office, Mr. Downey at 291-3737 or right behind you is Mr. Wong, who is our Planning Director. Richard, would you raise your hand? You can maybe step out in the hallway and have a conversation with them. Any type of arrangement or any type of opportunity like that, you would discuss it with the city staff."

Mr. Hasan replied, "Okay."

Mayor Kelley again reiterated, "Mr. Wong is right behind there and he would be more than happy to step out in the hall with you and have a brief conversation to set something up later on. Thank you for coming tonight and thank you for your interest in Noble Road obviously. Richard, you want to have a conversation, please? Thank you for coming."

"Good evening. I'm John Deutsch. I live at 2209 Oakdale Road in Cleveland Heights, of course. Cleveland Heights, Mayor and Council, thank you for having this public hearing and allowing us concerned citizens of Cleveland Heights to speak to you. Tonight, I am the spokesperson for the Cedar Lee Landlords Association. We believe that our association speaks for not only the landlords in the Cedar Lee area, but also for the landlords throughout Cleveland Heights entirely. We are here tonight to ask City Council to work with us on three major issues that could benefit the City and the owners of the multi-family properties that are located in Cleveland Heights. We're in desperate times right now. The economy has changed, the world has changed, things have changed drastically. Up until now, real estate signs were allowed for the sale of property. They were not allowed for the rental of property. They were never really needed, because people were totally attracted to this town. Something has been lost in the translation to those people. I'm not sure exactly how or why, but they are moving to other areas, some are purchasing homes. The competition is real tough with other areas, other cities that offer rental properties. The landlords are being cited and fined and dragged into court because of these rental signs that are out there. We'd like to work, in cooperation with you, in trying to get to some agreement on how to promote our industry which is a pretty viable industry in Cleveland Heights, just as a number of the other businesses are. So, we feel we are just as important as Giant Eagle or Home

Depot or any other company that really comes into town. The relocation business is also down. People just aren't coming to Cleveland right now because the job market is a little bit low here and corporate executive leases are just not being pushed here, forwarded here, whatever the circumstances - it's just not coming here and we need to get out and attract those people in a number of ways. The most logical way would be to deal with 'For Rent' signs. I'm a homeowner also. They are the most ugly things I've ever seen - but they're a necessary item, just as the sign outside of any other business in Cleveland Heights is. It's not attractive for me to drive by any restaurant and see a bright neon sign out there but it's a necessary item for that business to promote its business and get people in and a 'For Rent' sign, I think, would bring that objectivity to those people. We'd like to revisit and recreate the Housing Service. We think that department needs to be re-looked at, re-thought out and decide exactly what direction they need to go in to promote housing in Cleveland Heights, both the sale and the rental of those properties. We'd probably deal with it in some kind of marketing outreach system. Possibly a Web site and printed list of available rentals. We're hopeful that Cleveland Heights will partner with the landlords to address our common goals and the existing problems. Our request and concern is in keeping with the recommendation of the visioning committee that existed for the last few years. Our association has been meeting for over a year now and with the focus and purpose of attracting quality tenants, marketing our rental multi-family properties to these tenants, making our properties more attractive to these tenants, working with the landlords and the tenants to make a more peaceable quiet neighborhood, making sure the landlords are aware of all the financial instruments that are available in the City to deal with the violation corrections. Problems for the investor and the owner-occupied multi-family properties that we have identified are vacancies, problems with the maintenance of the multi-family properties, marketing our properties and the role of the Housing Service Rental Office. To date we have attempted to address these problems in a number of formats and meetings throughout our monthly meetings. One of them has been to form a contractor clearing house to try and find good solid contractors that will work at a reasonable rate and will return your phone calls and communicate with those people. A landlord advisory group, which we're working on with our group, but [we] also want to reach out to the Cain Park, the Coventry area, the Superior area, all other areas, Noble-Nela area, those are areas that are also involved. The guest speakers have included landscape architects, attorneys, the water department came to speak to us, [and] insurance companies. We've talked about things like inadequate parking and noise abatement. We've conducted our first spring cleanup, which was a total success in cooperation with the City to provide trucks for people to get motivated to really clean out their garages and their basements. That was very successful and our next one is coming up very soon. The establishment of a Web site I think is imperative to marketing our rental opportunities here. I think it is the best way to get out nationally, not just to the people that live in Cleveland Heights but to all the other states and cities that are out there. We need some new marketing strategies. Funding sources for making repairs and updating the properties - those are pretty evident with the different programs that have been discussed by Rick Wagner and forwarded to us very completely. What the signs, the 'For Rent' signs, I think that whole area needs to be revisited. We're currently dealing with a commercial apartment-type sign change at this point, if I understand correctly, there are some ordinances being read right now. We'd like to be considered as part of that and also have our input put into that so possibly our landlords won't have to really struggle. If you go a month without a tenant that's fine, two months you're starting to hurt, three months it's really hurting the pocketbooks of these people. If they don't have the money to put back into the house then the properties are going to start to deteriorate. So, hopefully, if more renters come, the money flow will be there and people will take care of their properties.

We want the City Council to commit to addressing the 'For Rent' signs, accessing the role of the Housing Service in its current focus, develop new marketing strategies for the multi-family vacancies including establishing a Web site, maintenance and systematic inspections in the multi-family market. These are serious times and we believe that the city needs to do more for the existing properties at a time when the new developments have taken the attention and resources of the city. We are here to work

with the city to our mutual benefit. Thank you.”

Mayor Kelley said, “Just a quick question for you. On the issue of a Web site, couldn’t you create your own Web site and link up with our Web site?”

Mr. Deutsch answered, “We’re in the process of trying to develop something that would be interactive with people from that point and that it would be linked to your Web site or possibly another Web site; cleveland.com. There are a couple of other choices in the area. When you look at it on a national level, not that many people know Cleveland Heights. So somehow the word Cleveland has to get in there, so it’s either going to be your Web site or Cleveland or otherwise people in New York or Illinois -”

Mayor Kelley said, “I mean if you had a Web site and is linked to our Web site, which many other people do. Have you looked into that?”

Mr. Deutsch answered, “Yes we have and we’re trying to work out those details so that landlords can deal with it directly themselves as an interactive Web site rather than having a staff taking care of that. We are a little short on funds and we’re a little short on people at this point.”

Mayor Kelley asked, “Did you get any costs associated with that?”

Mr. Deutsch answered, “The cost really hasn’t been developed. We’re looking at probably about a hundred dollars to get the Web site set up and we’re probably looking at somewhere in the area of about twenty dollars a month to keep the Web site going. A lot of those funds would come from the landlords who would become members. There are a number of directions that we can go in as far as paying for that Web site usage.”

Mayor Kelley asked, “Any way I can get a copy of what you read?”

Mr. Deutsch replied, “Sure.”

Mayor Kelley asked, “So I don’t have to wait till the notes come out from the meeting.”

Mr. Deutsch replied, “We can give you a brief synopsis of it. This one is kind of scratched up a little bit.”

Mayor Kelley answered, “Great. Thanks, John.”

Vice Mayor Montlack said, “John and I have had a few conversations on these items. The hearing on the zoning change being proposed with regard to signage is on Monday, May 12 at 7:00 p.m. in these chambers and the Planning Commission will certainly have this on its agenda since it’s been referred to the Planning Commission. I do not have the specific date of the meeting when that will take place and since Mr. Wong is doing all kinds of duty, I would refer you to him and he can get you that date.”

Mr. Deutsch asked, “Is May 12 the first reading or second reading?”

Vice Mayor Montlack answered, “It has been read once and in our procedure any zoning change is read once, referred to the Planning Commission and then they report back its recommendations, but the Council hearing on this proposed zoning matter is Monday, May 12 at 7:00 p.m. But it will be at some point on the Planning Commission agenda when they have a discussion, staff presentation, etc., preparatory to their making a recommendation back to City Council.”

Mr. Deutsch said, "So our input at this next meeting --"

Vice Mayor Montlack said, "There are two opportunities for you or other residents to be heard."

"My name is Matt Kall. I live at 1725 Preyer Avenue. I understand at the last meeting this Council voted to declare a house on my street a nuisance and take steps to abate it, specifically the house at 1729 Preyer Avenue which has an above ground pool. The pool has not been in use for many years and it's an obvious risk for West Nile virus with standing water above and below the cover to the pool. It is within a quarter mile of the rec center and the senior center. It borders on Cumberland Park and it is within a couple hundred yards of the swing set and the playground there. I have pictures of the pool available, if you need them. I'd like to first of all thank Inspector Marge Moon with the building department[1] for the efforts she took to bring the matter to Council's attention. However, I'm still troubled by the length of time that it took for the matter to finally get here. Last August, when the West Nile scare was running rampant throughout the whole City of Cleveland and became a matter of concern for this Council, I called the building department last August to inform them of the status of that property and that pool. They sent an inspector out at that time. They issued a violation on that property and then the matter got dropped. I've never been able to get an explanation from the building department as to why the matter was dropped. I called the housing department again in February of this year to inquire what the status is and why nothing was done about it. My hope was that by taking action early in the winter, the matter could be addressed in a timely basis so that the water and the mosquitoes didn't become a problem. I also sent a letter on February 24th to the Public Safety and Health Committee. The matter languished for several weeks. It wasn't until April 30th that the City posted at the property, the notice, that the abatement proceedings had begun and the property owner has thirty days from that time to take steps to correct the property themselves. So at the earliest it would be May 30th before anything is done and given the delays that's happened in the past, I believe that it will take several days, if not weeks after that for the City to come out, treat the pool, remove it, do what's necessary to remove this nuisance. By that time, as we know, mosquitoes are out and mosquitoes are active in Cleveland Heights.

There was a report in the Cleveland Plain Dealer. I believe it was on April 25th regarding a recent report from the Cuyahoga County Board of Health and the Board of Health estimated based on sampling they took of over a thousand people that somewhere between 4 and 6.4% of the county's population was infected with West Nile last year. Based on a population of approximately 50,000 in Cleveland Heights, that's 2,000 to 3,000 people. I think you'll agree that's far too many. So, I'm here tonight to express my thanks for taking the steps that you are taking and to express my hopes that in the future that this matter will be taken a little bit more seriously and will be addressed in a more timely matter so that public nuisances like this which are made known to the city in August of 2002 are addressed before June of 2003. Thank you."

Mayor Kelley responded, "Thank you for coming tonight and thank you for your diligence on this issue. A couple things, we are working with the county board of health to get that pool drained as soon as possible and not wait the thirty days. Number one, not only does it pose an issue with West Nile virus, it also poses an attractive nuisance for the kids in the neighborhood cutting through their backyard and leading to a potential danger that you and I don't even want to think about. Number two, the sampling you referred to, that 4 to 6.4% was not taken in Cleveland Heights and we hope that if a sampling was done in Cleveland Heights it would be even lower because we had the outbreaks of West Nile virus on the borders of University Heights and South Euclid. Rest assured in our Focus Magazine we will do everything we can to make sure that the city tries to remain West Nile free including the aggressive larviciding programming that will be starting the end of May. There is no excuse for you to have to wait as long as you had to wait, so I do apologize for that. But rest assured, we will try to do what we can with the county board of health to get that pool drained as soon as possible. Thank you for

coming. Sorry you had to come. I appreciate you being a good neighbor and really worrying about it especially with the situation you're in. Thank you."

Mr. Kall asked, "Thank you. May I inquire, do you know a contact person I should speak to either with the city or with the Board of Health?"

Mayor Kelley answered, "Rick Wagner, is head of our housing department. He personally brought pictures of the pool so we saw how ugly and unsightly and the potential danger of the pool. Rick is in daily contact with us. We said the same thing you said, we want the pool drained as soon as possible. We want it out of there just as you do and it's not acceptable to us either. His number would be 216-291-4444. That's the general number and you'll get to him directly. We want it out of there as soon as you do. But thank you for staying with us and thanking you for being a responsible citizen. We appreciate your time."

"My name is David Ritchey. I'm the general manager at the Madstone Centrum Theater on the corner of Euclid Heights Boulevard and Coventry Road. I'm also a homeowner in Cleveland Heights. I live at 3382 East Fairfax Road. I just wanted to make my presence known to Council as I've worked at the theater since it reopened, but in the last eight months I've been the general manager and as I manage on behalf of out-of-state interests, that puts me in an unique situation of trying to juggle their interests as well as the patrons' interests and all of our own. I'm very committed to the Coventry Business District as well as to Cleveland Heights in general. I just wanted to thank the Council for all their hard work in improving the streetscape as it's rapidly under construction and it looks a little rough, but you can see the progress is on the way and I think that will be a big benefit for everyone, not just in Cleveland Heights but as we're a regional draw for the community, I think it'll make things much more accessible and easier for those coming from as far away as Geneva and Lexington. I have patrons from all over. They tell me how far they drive to come to the theater and I'd like to keep this community asset. It has been in the past and hopefully will be in the future. I just wanted to say, please stop by the theater. I've seen some of you as patrons at the theater, I would like to make it known that you're all welcome at any time, to stop by and please find me. I'm usually around the theater. There are some specific things that council may be able to help me with in my diligent labors in improving the Centrum Theater. Thank you for your time and I hope to see you soon."

Mayor Kelley said, "Thank you, David. I enjoyed our conversation today. It's always a pleasure when we have Charles Zuchowski on the line. Thank you, David."

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 request authority to advertise for the bids for the purchase of a tri-axle truck for the Public Works Department and the Upper Dugway Valley / Forest Hills Park Erosion Control Program. I request these be made a matter of record."

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 the authority as requested.

Second by Council Member Evans.

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

Nays: None

Motion passed

Mr. Downey continued, "Thank you very much, your Honor. In your packets Council received a copy of bid tabulation and award of contract for Bid Document No. 2003-12, the Staunton Road Sanitary Sewer Replacement and Storm Sewer Rehabilitation Project. The lowest and best bidder is North-east Ohio Trenching Service in the amount of \$63,945.00. Your Honor, I would request the bid tabulation and 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 have no report tonight."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have no legislation this evening but I would like to extend my condolences to the family of David Mitchell, who was a former councilman in University Heights. My heart and prayers are with them during this time. Thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There are two pieces of legislation tonight from this committee. The first is Resolution No. 63-2003(PD), amending Resolution No. 142-2001 to restructure the loan to Diner Rama, Inc. and to authorize additional funds for business growth; and declaring an emergency.

As many of you know recently the City has worked with Diner Rama, Inc. to help in the redevelopment and the establishment of those fine diners and to get the business up and running. And now under this Resolution which amends the prior one, granting some loans, the amount to be lent under the Commercial Revolving Loan Fund Program will now be the total of Five Hundred Seventy-five Thousand Dollars (\$575,000.00) and that includes the funds previously disbursed. The entire loan including these funds under the Revolving Loan Fund will bear interest at the rate of three percent (3%), payable over a ten (10) year term, with interest only payments of One Thousand Four Hundred Thirty-seven dollars and fifty cents (\$1,437.50) per month for the months of March, 2003 through October, 2005 inclusive, after which payments shall be in the sum of Six Thousand Seven Hundred Forty-four dollars and fifty cents (\$6,744.50) per month. Security for the Revolving Loan and other terms of the Loan shall be as stated in the previous legislation. Terms of the Storefront Loan shall remain unchanged. That is a second loan in a smaller amount. All documents related to the amended Loan shall be approved as to form and content by the Director of Law. Resolution No. 63-2003(PD) is presented on first reading for passage."

Mayor Kelley accepted Resolution No. 63-2003(PD).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Thank you. If you haven't been to Dottie's Diner, etc., on Lee Road, it's a treat and now that they have been in business and have been through their initial operations

and getting things on the road it should be even more delightful.

Ordinance No. 64-2003(PD), authorizing the City Manager to enter into a purchase agreement for the sale of City-owned property at 2748 Lancashire Road, Cleveland Heights; and declaring an emergency. The City owns a single-family property located at 2748 Lancashire Road, Cleveland Heights, and has found that property is not needed for municipal purposes. Therefore, a process was created that included advertising and review of responses. Now the City has determined that acceptance of the offer to purchase submitted by Jeanette Urbanic and Stephen Orban is most advantageous to the City. Therefore, under Section 1, the City Manager would be authorized to enter into a purchase agreement with those two prospective purchasers for the sale of this City-owned property. The agreement will provide for a sale price of One Hundred Nineteen Thousand Dollars (\$119,000.00), with buyers to assume all violations and comply with the escrow requirements of Codified Ordinances section 1329.051. The terms of the agreement shall be substantially in accordance with the purchase agreement on file with the Clerk of Council.

All that I will add to this is that there were a few folks who did respond. Each of the offers was quite attractive and to those who weren't selected on this, we certainly hope that you'll keep looking at your options in Cleveland Heights because we would like you all as residents here.

Ordinance No. 64-2003(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 64-2003(PD).

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

Nays: None

Ordinance passed

Vice Mayor Montlack concluded, "Thank you. Just a couple of comments on two diverse topics. Virtually every landlord known to City Hall in Cleveland Heights should now or by tomorrow have received an attractive postcard titled, 'Great News for Cleveland Heights Landlords'. What this postcard provides in terms of information is access to programs that have been worked on by the City staff to entice, as you would, landlords both large and small into taking advantage at reduced rates, of a program that allows for reports for qualifying tenants and for qualifying applicants also, for employment. This is an absolute critical part of any rental decision, for example, because it is one thing to rent to a resident, but it is equally important to make sure that the resident you have in terms of his or her background is credit worthy, is likely to be a good resident for the property and the neighboring properties. So there are a variety of reports that are of the kind that every good landlord, every competent landlord should be using in order to qualify those applications. All of these reports and the prices are listed and I can tell you that they are all very competitive and I'd like to say congratulations to the City staff once again, both our Housing Department, our PR [public relations] Department for putting this through. It's great to see.

The other comment relates to a public hearing that Cleveland Heights hosted last week, Tuesday, April 29. It was a RTA public hearing having to do with the proposed circulator route that we are hoping to have up and running by some point in June that will carry folks back and forth between the Coventry/Overlook/Hampshire/Lancashire area in Cleveland Heights, University Circle, the Shaker Square area, and other portions of Cleveland and Shaker Heights as well as through Little Italy. This was an unusual hearing in that there seemed to be an abundance of positive comment regarding the proposals - - and how exciting is that in Cleveland Heights to have a public meeting where most of the people appeared to be happy. That was great. It was well-attended. We had many people from Abington

Arms, close to Mayfield and Euclid, from the Shaker Square Area Development Corporation, from the Coventry Merchants, from folks in the apartment districts in Cleveland Heights. A lot of ideas - there were some suggestions on tweaking the routes and all of that is now being studied by the Regional Transit Authority. Shortly, they're going to come back with any potential changes. So far so good and now we in the City know that what we have to do is get the word out to all of our residents, especially in the service areas, the RTA service areas, and get one more good mode of transportation going. That completes the report of this committee."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. The next four resolutions all pertain to nuisance abatement properties. As you know these properties are in a state of disrepair that has gone on for a number of years. They have been cited by the Housing Inspection Department for various and numerous housing code violations and at this point they are considered to be a hazard to the health, safety and welfare of the potential occupants and the public and they are blighting and deteriorating factors in the neighborhood which adversely affects the value of the neighboring properties. At this time I'd like to present Resolution No. 65-2003(PSH), declaring the property at 3361 East Fairfax Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. I'd like to submit Resolution No. 65-2003(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 65-2003(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Next is Resolution No. 66-2003(PSH), declaring the property at 3281 East Overlook Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. This property, as well, has had numerous housing code violations for over three years. I'd like to submit Resolution No. 66-2003(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 66-2003(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Resolution No. 67-2003(PSH), declaring the property at 3227 Redwood Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. This property has had numerous violations for well over two years. I'd like to submit Resolution No. 67-2003(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 67-2003(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Resolution No. 68-2003(PSH), declaring the property at 3625 Washington Boulevard to be a nuisance; authorizing abatement of the nuisance; and declaring an emer-

gency. This property, as well, has had numerous violations for a good number of years. I'd like to submit Resolution No. 68-2003(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 68-2003(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "As you well know, these property owners will be given thirty days to abate the nuisance themselves. If they do not do that, the City will take care of the violations on the exterior of the property.

I have an announcement and that has to do with safety town registration which is a free traffic safety program sponsored by the City of Cleveland Heights Police Department. It is open to children who will be attending kindergarten in the fall who live in Cleveland Heights or in our school district. Safety Town is going to be held this year at a new location, that's at our new community center. Each class and I believe there are twelve different classes, are a week long. They are limited to thirty children on the first come, first serve basis. There will be registration that will be scheduled May 28, that is on a Wednesday from 6:30 in the evening to 8:00 p.m. There will be no early registration and we'd like to strongly encourage you to register your children and have them be a part of this program. It is a program that is greatly beneficial to the youngsters and everyone really enjoys and the kids really love the program. That concludes my report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. Administrative Services has no legislation tonight but I do have a couple things I'd like to mention. As you may know the City has joined with Cleveland and Shaker Heights and also with some organizations such as the Nature Center in what is called the Doan Brook Watershed Partnership which is for the stewardship of what we probably refer to as the Shaker Lakes, but it is more extensive than that. The partnership is sponsoring a watershed wide cleanup on Saturday, May 31 from eight to eleven in the morning. So we are looking for interested people to come and help with that. There are three gathering places. People can go to the nature center, that is the closest to anybody who lives in Cleveland Heights. They can also go to Rockefeller Park at University Circle or Sowinsky Park which is at the end of Martin Luther King Boulevard. This event could really be a worth while service project for a group and it could also be just a fun outdoor morning to spend by yourself if you want. Bags will be provided and this is a joke 'doan-uts' and you are urged to bring gloves. So on that day, May 31st, in between the American Cancer Society Relay for Life which goes for the 18 hours starting the night before and the Heights Arts Collaborative Prom which happens that night, we hope that you find time to come to the Doan Brook Watershed Partnership Cleanup.

On a more serious note I do want to mention is one of the services proved by the Health and Human Services Levy, which we hope by the time people are watching this has passed along with the school levy. This is about adoption. There are about according to this paper 6,000 children in Ohio waiting to be adopted. Adoptive parents can be men or women, single, married or divorced, with or without children, any income level, could be a homeowner or a renter, there is no upper age limit to be an adoptive parent and that there is money available to support adoption. I would like to just urge people to take the question seriously to think about whether they could become adoptive parents and one of the places to contact is the Northeast Ohio Adoption Services and their number is 1-800-686-6627 extension 126. The need is very real in our area.

Finally, there are more condolences for the city to pass on tonight and that is to the family of Lacy Lott who passed away last week. Lacy was one of the first families, decades ago, to integrate Cleveland Heights and he had remained very, very active in the effort to have successful diversity here in Cleveland Heights. He had been a member of Heights Community Congress Board for as long as I can remember and served right up until the time of his death. So we send our sympathies to the family of Lacy Lott. Thank you, that's all that I have."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. There is no legislation from this committee tonight, but the flowers are blooming and the trees have bursted to this wonderful green and flowering trees everywhere and that means spring and summer are coming. So I want to remind you about what's coming in the city. The pools will be opening, actually the pools, Cumberland and Denison will open June 14th which isn't so far away. We will have Memorial Day weekend on the 24th and the 25th, the two days that people can begin to sign up (Cleveland Heights residents only) for tickets for Cain Park. I have a partial list right here for some of the things that are coming to Cain Park. There is something for everyone. We have our tried and true Livingston Taylor, who comes almost every year and who is quite wonderful, as is Bela Fleck and the Flecktones. You'll have to bring earplugs which you don't have to do for Livingston Taylor. Sheryl Crow is coming. Joe Cocker is coming. There is lots of dance, the Von Trapp children. So look for the list, so you can make your plans for the summer because if you are a Cleveland Heights' resident you can have first choice of some of those tickets. Then, of course, there will be a Memorial Day parade on Monday. It will start at 10:00 from here and go down and across from the community center to our war memorial where we will have a special service. Lots of things are happening. All the teams are beginning softball, summer camps [is coming] and all of the things at Cain Park. So do pay attention what's coming along. It promises to be a very interesting spring and summer and of course we have our Cain Park Arts Festival which is the weekend of July 11th. We look forward to seeing all of you someplace in the community, so you can come out and have fun and meet with your neighbors. That's all I have."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is one piece of legislation from the Finance Committee tonight and that is actually a result of some legislation that was passed by the Ohio House and it is known as the Electronic Government Services Act (House Bill 95), that is currently before the Ohio Senate Finance Committee as a rider to the Budget Bill. The reason will become obvious as we go through this. When the visioning report was presented to the city, the visioning committee emphasized making our government more accessible and communicate better with the citizens, especially through electronic means and using technology such as a Web site. Since that time the city has greatly increased the use of its Web site to disseminate information to its citizens. Unfortunately, if this act would pass it would reverse those advances we've made since it purports to prohibit municipal government from using electronic communication means to further promote services which compete with services provided by private enterprise. That could conceivably include things on our Web site such as promoting our housing programs, the community center and the Cain Park entertainment which you just heard about. This is Resolution No. 69-2003(F), opposing the proposed "Electronic Government Services Act"; and declaring an emergency. As I noted, the Ohio House of Representatives has passed this legislation and included amendments to the Ohio Revised Code originally introduced as the "Electronic Government Services Act" and it is now before the Ohio Senate as a part of the Biennial Budget Act of 2003. The proposed Electronic Government Services Act purports to prohibit municipalities and other local governments from providing information technology-based services if they are also available from private enterprise. The proposed Electronic Government Services Act would destroy the

benefits and efficiencies now enjoyed by local government and made possible by means of electronic communications such as muniipal Web sites or fiber optic networks. The proposed Electronic Government Services Act would seriously impair the ability of local governments to enter the information age and stop the deployment of electronic government services and would prevent efforts to make government more accessible to citizens. It would prevent innovation and stifle the synergistic partnerships between local governments and others that are key to the success of the State's Third Frontier initiative, which was designed to make state-of-the-art information and e-government services available throughout the State. Adoption of the proposed Electronic Government Services Act in the context of the State's biennial budget patently violates the Single Subject Rule contained in the Ohio Constitution, imperiling the validity of the entire biennial budget. It also would violate the Home Rule powers guaranteed to municipalities under the Ohio Constitution and would potentially prohibit municipalities from providing many services which they currently provide over the Internet through Web sites or fiber optic networks, which services are a proper public purpose and a substantial benefit to the public and the municipalities. Section 1 of this resolution provides that the Council hereby declares its opposition to the passage of the Electronic Government Services Act on the basis that it is unconstitutional and contrary to public interest. Section 2 provides that the Clerk of Council is hereby directed to send a copy of this Resolution to Governor Bob Taft, Attorney General Jim Petro, State Senator C.J. Prentiss, and members of the Senate Finance Committee. Section 3 is notice of passage. Section 4 declares this to be an emergency measure. I offer Resolution No. 69-2003(F) for passage tonight."

Mayor Kelley accepted Resolution No. 69-2003(F).

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

Nays: None

Resolution passed

REPORT OF THE MAYOR

Mayor Kelley stated, "I, too, want to send my condolences to the Lacy Lott's family. He certainly will be missed in this community. He and his wife, before her passing, did so much for this community over the years. Mr. Lott will certainly be missed. He certainly was one gentleman and gave a lot of kind advice and was a pillar of the community. He certainly will be missed.

I, too, want to mention our Memorial Day parade. Our award winning parade will begin here at City Hall at 10:00. We will probably wind up at the war memorial around 11:00 and certainly with the events in Iraq this year it will be only fitting to have a nice Memorial Day parade. Some great words and some events where our children will be involved at our usual Memorial Day parade. It will be a special day with the events in Iraq this year.

Our next council meeting will be Monday, May 19, 2003 at 7:30. Thank you for coming. Council and staff will stick around if there are any questions."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc