



CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF MONDAY, MAY 17, 2010

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:18 p.m.

Edward Kelley, presiding

Council Members present: Evans, Kelley, Montlack, Stephens, Tumeo, Wilcox

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

Staff present: Carter, Czaga, Downey, Malone, Mannarino, Niermann O'Neil, L. Wagner, R. Wagner, Wong

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

Council Member Stephens moved to adjourn into Executive Session at 7:13 p.m. Second by Council Member Tumeo.

Edward Kelley, presiding

Council Members present: Evans, Kelley, Montlack, Stephens, Tumeo, Wilcox

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

Staff present: Carter, Czaga, Downey, Malone, Mannarino, Niermann O'Neil, L. Wagner, R. Wagner, Wong

Topic of discussion included property annexation and litigation.

Executive Session concluded at 7:25 p.m. and continued into Committee of the Whole, adjourning at 7:28 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:38 p.m.

Edward Kelley, presiding

Council Members present: Evans, Kelley, Montlack, Stephens, Tumeo, Wilcox

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

Staff present: Carter, Czaga, Downey, Malone, Mannarino, Niermann O'Neil, L. Wagner, R. Wagner, Wong

The minutes of the Regular Council Meeting held Monday, May 3, 2010 were signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

Mayor Kelley stated, "Before we move to personal communications from our citizens it is my pleasure tonight to welcome some of our finest students from Cleveland Heights High School. We are honoring tonight some of the members of the National Honor Society. I'm going to read one of the proclamations and then we will ask you to come forward to receive the proclamation and then we are going to ask you to come to the podium and tell us a little bit about your background, where you will be going to college and share some time with us. So Daniella Baxter is first and, Daniella, we would like to recognize you as a member of the *National Honor Society - In recognition of your demonstrated excellence in the areas of Scholarship, Leadership, Service and Character. We also congratulate you on being recognized as Heights High's 2010 Phi Beta Kappa Honoree. We wish you continued success as you further your education, pursue your goals.* Signed by this City Council. So, Daniella, I'd like you to come forward and present - not here. I did it backwards. Erin Morris is not here. We also want to recognize Erin Morris, who is not here, is also, in addition to her *Scholarship, Leadership, Service and Character, she is a National Achievement Outstanding Participant.* So also, we want to recognize Erin Morris tonight. So why don't we give Daniella and Erin a round of applause in their absence.

Now the fun begins for the people that are here tonight. I'm going to ask Alexandra Miller to come forward. In addition to her *Scholarship, Leadership, Character, you are also a National Merit Commended Student.* If you would come forward, I would love to give you this proclamation. Come right here and if you would come to the podium and tell us a little bit about what is going on in your life and where you're going to be next year and how your experience has been with us at the high school."

"I'm Alex Miller, like you said, and next year I'm going to Columbia University with a major in biochemistry and a minor in Hispanic Studies. I hope to pursue a career in global health and medicine. I've gone to Cleveland Heights - I've been in the school district my entire life. I went to Coventry and then to Roxboro. I think one of the things that I like the best about the district is actually its music program. That is one of the major reasons that I stayed in the Cleveland Heights district and I absolutely loved it. It's been a wonderful experience."

Mayor Kelley replied, "Congratulations. One of my favorite students in high school, Lewis Pollis, who some of us met on the campaign trail last year, you are also a *National Merit Commended Student*, so Lewis, if you come up here and receive your proclamation and share a little bit about where we're going to see you next year. Congratulations. Step up to the podium."

"I'm Lewis Pollis. I'm going to Brown University in the fall, majoring in political science and I'm not sure what I'm going to do with it yet. I've been a student in the district just the last four years. It's been a great experience for me to be in a school with so much diversity and meeting all kinds of people, a lot of the opportunities in a big school like that."

Mayor Kelley asked, "And your grandfather was involved with the media a number of years ago, wasn't he?"

Lewis answered, "Yes."

Mayor Kelley asked, "Tell us a little bit about him."

Lewis replied, "Grandfather Merle Pollis was the first radio talking head, oh yes. He said he invented the Collins Show. I don't know if that's accurate or not, but - -."

Mayor Kelley replied, "Great. Congratulations. Natajah Roberts, who is also a *National Achievement Scholarship Finalist*. Would she come forward and I'll give it to her and tell us about what's going on in your life next year, please. Miss Roberts, congratulations."

"My name is Natajah and I'm going to be attending the University of Rochester next year. I'm going to be double majoring in English and anthropology and I'm not sure what I want to do with it yet, probably end up teaching English or anthropology."

Mayor Kelley replied, "Great. What else have you been involved with in the high school, any activities or any clubs or anything?"

Natajah replied, "I'm the president of the Gay/Straight Alliance."

Mayor Kelley continued, "Great. Welcome. Keep us in mind and let us know how you're doing next year. Thank you for coming."

Natajah thanked the Mayor.

Mayor Kelley continued, "Jaiye Sampson, who is also a *National Achievement Outstanding Participant*. Congratulations, Jaiye. Step up to podium and tell us what's going on."

"My name is Jaiye Sampson. I'm going to Rochester Institute of Technology next year for college. One of the things that I like about Heights as Louie said is I really like the diversity. I did meet a lot of great friends there. I made friends and I enjoyed being in that kind of environment where you didn't exactly know what you were going to get."

Mayor Kelley said, "It sounds like an ad campaign, Kal. Thank you. Last and certainly not least our very own Matt Zucker who seems to show up at City Council meetings a couple times a year, who is also a *National Merit Scholarship Recipient*. So, Matt, congratulations."

"I'm Matt Zucker. I've been in the Heights system my whole life. Like Alex, I really appreciated the music department at the school and next year I'll be pursuing a degree in child performance at the Cleveland Institute of Music."

Mayor Kelley replied, "Fantastic. We still have two things left. I want to give Council an opportunity to say something to each and everyone of you individually and then we're going to take a nice picture for our Focus Magazine for the next issue. So, Ken, if you'd like to say a few words?"

Council Member Montlack stated, "I found out tonight that Councilman Wilcox was the valedictorian of his class and he really should go first, but I'll let him follow. This is one of those evenings that is absolutely a standout for any of us on City Council, on the staff, associated with the City, because the honoraries tonight are so much a part of the reason why Cleveland Heights has survived and much more has prospered, because there are all sorts of natural resources in this world,

but there is only one resource that counts in the long run - that human resource - your parents and all who have supported you have done such a wonderful job and should be proud and you should be proud of yourselves. I can't express to you the joy that I feel seeing a product of our educational system, your parents and this community. Congratulations and thank you, thank you very much."

Vice Mayor Evans stated, "It is always such a pleasure to have an opportunity to say thank you to our young people and to have an opportunity to meet you. You have done something to make yourself very proud of yourselves, but you've made the entire city very proud of you. And certainly with those lofty goals ahead of you, I wish you a lot of luck and success and come back and visit us."

Council Member Wilcox stated, "Thank you. Congratulations and also congratulations to your parents, your family and your teachers. I know this is something to me that reminds me of being a proud parent of two Heights High grads and it's good to see that we're still turning out some excellent students at Heights High - makes me very proud to sit up here and see you all come up and tell us about your future, what you've accomplished so far, but also what you are really going to make of the world and the emphasis and the importance you're going to have in the world in what you do in the future. So, the best of luck to you in the future and we hope to see you back here soon."

Council Member Tumeo stated, "I add my congratulations to all of you and to your parents and your friends. You wouldn't be where you are without them. I think it's really, really important that we recognize you here the same way we recognize the sports' teams and all the other great clubs and activities that the schools here offer. I think an important thing that needs to be pointed out, we often hear lots of bad things about our school district, that it's not what it could be or should be. And I challenge anybody, any school district to come up with this kind of quality of students - going to the kind of universities that these students are going to. We have an excellent school system and I think we all have a very good reason to be proud it and these students are fine representatives that demonstrate that."

Council Member Stephens stated, "I, too, want to add my words of gratitude to you for representing us well and staying on a hard, narrow course toward your success. But, one of the things that people forget to tell you is that a sense of humor eases the rest of the road for you. And so I want to encourage you to remember the brighter side as you go the next four years or maybe the next eight years if you end up working on a masters or a doctorate, because all those things are important, but keep a sense of humor and a sense of perspective and remember home and come and visit us frequently, but, thank you. We are very appreciative of your success and wish you much more success."

Mayor Kelley added, "I just want to say congratulations. Some of you I've known for a few years, have gotten to know over the years. We are so proud to have you here, but we are really behind you as you move on and move out of the community to go to college or graduate school, whatever - [but] you come home to Cleveland Heights any time. This is the type of story that I like to see on the front page of the Sun Press and the front page of the Heights Observer. No if ands or buts, this is not a Page C2 story or a Page 16 - this should be on the front page because this is excellence, these are our leaders of tomorrow, their families - it's a cross-section of Cleveland Heights and this is what should be in the reporting that we read, not all the other nonsense that we read sometimes in our newspapers. So, if you guys would come up, we're going to take a picture and we're going to put it in front and center in our next Focus Magazine that will come out in a few months. So you can rest assure that. But good luck as you pursue your academic pursuits."

Pictures were taken of Council and the students.

Mayor Kelley resumed the Council meeting.

“Hi. My name is Chris Johnson. I live on [848] Cambridge Road. Back when they had that Oxford Neighborhood Police Liaison group. I know it’s disbanded, but I was the person that kind of helped out on Cambridge Road and several residents have been voicing a concern to me and I didn’t know what the procedure was or whatever or if you guys could help us out. We have - just to mention, students that come from Monticello and Oxford that walk up and down our street and it’s been noted that cars, especially at Cambridge and Windsor don’t stop and many of them are speeding. I would just guess about 40 mph up the street. One resident mentioned to me that there is no speed limit sign on our street and several people were wondering if we could do that - just for safety purposes for the children. That’s my concern.”

Mayor Kelley asked, “That’s it?”

Ms. Johnson replied, “Yes, Sir.”

Mayor Kelley continued, “Mr. Downey is our Safety Director and he’ll have someone out tomorrow to take a look at the site in particular and I would assume that a speed limit or a safe children sign or a combination of signs would be put up there. We are with you. We do not want any injury of any sort, because of the pedestrian/vehicle traffic not being mixed up. Bob, do you want to say anything more?”

Mr. Downey replied, “You’re absolutely right, your Honor. If you would stay, we’ll be finished shortly here. I’d like to talk with you a little bit afterwards about the street as well.”

Mayor Kelley added, “Because, we may invest a little bit of man power to put radar on your street to slow down the traffic in addition to the sign. Usually a nice 38 in a 25 zone ticket helps slow a lot of people down, but be warned, a lot of times the people who live on the street get the ticket. Just from our experience.”

Council Member Montlack added, “And sometimes it helps to remind the youth to use sidewalks. You know, streets are generally reserved for vehicles.”

Ms. Johnson said, “I agree with you 100%. Just the other day I saw four young ladies walking straight up the middle of the road and I felt really badly when a vehicle was trying to get through and it took them at least 10 seconds to disband so the vehicle could proceed and I thought that was pretty sad.”

Mayor Kelley said, “Chris, if you stick around Mr. Downey will talk to you afterwards. It may take a while to produce the sign. We’re just starting into our spring/summer season for Municipal Service. But, I’m sure we’ll be able to help you out.”

Ms. Johnson thanked the Mayor.

Mayor Kelley continued, “Thank you for bringing this to our attention, we do appreciate it.”

“Good evening, Mayor, Council Members. My name is Mani Ayodele, 2849 Mayfield Road. First of all I want to give honor to our beloved City Manager Mr. Downey for helping me out with a situation when my civil human rights were violated. He helped me out with the situation by resolving the situation and the situation was resolved, so I want to bring it to the attention. Okay. Thank you.”

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have just one item this evening, that would be to request authority to advertise for bids for Denison Park improvements and to purchase one front-loading refuse truck."

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

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

Second by Council Member Tumeo.

Roll Call: Ayes: Evans, Kelley, Montlack, Stephens, Tumeo, Wilcox

Nays: None

Motion passed

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

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

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Montlack stated, "Thank you, your Honor. There are two pieces of legislation from this committee tonight. The first is Ordinance No. 50-2010(PSH), amending Ordinance No. 119-2009 and Section 761.01 of the Codified Ordinances of the City of Cleveland Heights to refine the definition of "secondhand dealers"; and declaring an emergency.

Previously, this City Council passed legislation, as recommended by our Chief of Police, to assist monitoring the sales and purchases of items that may have been taken in unlawful activities, to do so by looking at or requiring certain records and doing investigations with regard to secondhand dealers. We found, in the process, that the net we cast might have been a bit too broad and to make sure that we keep this legislation fine tuned and just targeted where it needs to be. This most important part of this Ordinance is to add two subsections and that relates to Section 1 of the Ordinance that relates to the following provision:

- (2) A person, firm or corporation meeting one or more of the following criteria shall not be considered a "secondhand dealer" under the terms of this Ordinance including the following:
- And we're looking at Section (2) Subsection (C) and (D)
- (C) A retail business whose inventory consists primarily (95% or more) of items which are at least thirty (30) years old and which are considered "antiques" or "collectibles"; and this is a second exception,
 - (D) A retail business which would be classified as a "secondhand dealer" only by virtue of selling secondhand computers, electronic, audio, visual and / or entertainment equipment or devices as specified in subsection (c)(1)(F) hereinabove when the proprietor is able to establish that all of the computers, electronic, audio, visual and/or entertainment equipment sold are at least twelve (12) years old.

These two changes came after discussions with several reputable businesses in Cleveland Heights.

Ordinance No. 50-2010(PSH) is presented on first reading for passage tonight.”

Mayor Kelley accepted Ordinance No. 50-2010(PSH).

Roll Call: Ayes: Kelley, Montlack, Stephens, Tumeo, Wilcox, Evans

Nays: None

Ordinance passed

Council Member Montlack continued, “Thank you. Resolution No. 51-2010(MS), amending Resolution No. 11-1998 authorizing an agreement with Life Force Management, Inc. for billing and collection services in connection with the City’s ambulance transport program to authorize Life Force to bill nursing homes for services provided to their residents; and declaring an emergency.

Over the past several years when emergency transportation has been necessary, traditionally the City has billed Medicare or Medicaid in appropriate circumstances. Federal regulations, as we’ve learned in the City, advise us that since those agencies pay for such services to nursing homes that when an individual in a nursing home facility needs that kind of transportation and the funds are already paid, as I indicated, that the appropriate kind of billing would be to the nursing home and for that reason the nursing home billing procedure is added as another alternative to this law.

Under Section 1, Resolution No. 11-1998 is amended authorizing that Life Force Management, Inc. is authorized to bill, on the City’s behalf, patients who receive ambulance services as well as any third party who may be liable for payment for those ambulance services, including, without limitation, Medicare, Medicaid, private insurance companies and nursing homes. All other provisions of Resolution No. 11-1998 not inconsistent herewith shall remain in full force and effect. Resolution No. 51-2010(PSH) is presented on first reading for passage tonight.”

Mayor Kelley accepted Resolution No. 51-2010(PSH).

Roll Call: Ayes: Montlack, Stephens, Tumeo, Wilcox, Evans, Kelley

Nays: None

Resolution passed

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Stephens stated, “Thank you, Mr. Mayor. Ordinance No. 52-2010(AS), to approve current replacement pages to the Cleveland Heights Codified Ordinances and declaring an emergency.

To those of you who don’t know what our Codified Ordinances look like, it is a document of biblical proportion, which records all of the details of what we should and shouldn’t do in Cleveland Heights. It is basically the document management piece of legislation that I am proposing to my colleagues for passage tonight.

Ordinances of a general and permanent nature passed by this Council and Councils that preceded us sometimes need to be amended, corrected and changed as well as updated. We have entered into a contract with the Walter H. Drane Company to prepare and publish such revision to our document. Now the following Ordinances of Cleveland Heights of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections, certain of these have to be replaced. Some of them are extremely boring, some of them are exciting. For example

the first Ordinance that we had to update this year was Special Funds, every thing from tree lawn assessments to water and sewer line assessments. The most exciting of which was 1775.07 which made a change to the Tattoo Section of the Codified Ordinances. So we do get to do a few exciting things here. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to distribute current replacement pages to the Codified Ordinances. This is offered to my colleagues for passage this evening, Mr. Mayor.”

Mayor Kelley accepted Ordinance No. 52-2010(AS).

Roll Call: Ayes: Stephens, Tumeo, Wilcox, Evans, Kelley, Montlack

Nays: None

Ordinance passed

Mayor Kelley referred to somebody in the audience wishing to speak and stated, “I just want to say, that’s why we let people talk before the meeting. Most, not most, but a lot of councils don’t let people talk until the meeting is over, at the end of the agenda, but we have that first. But, we’ll talk afterwards.”

Council Member Stephens continued, “For those of you who have known me for a while you know that I have a couple of social issues that I believe in with all my heart. One of them is the elimination of breast cancer. I lost my mother to breast cancer four years ago and one of our colleagues on council is a survivor of breast cancer. So as you see me walking around the community this spring, I am in training for the equivalent of three back-to-back marathons at the end of July. This will be the fourth year that I participate in the three-day, the breast cancer events sponsored by the Susan G. Komen Fund. I encourage you to watch as you see women in pink all over Cuyahoga County begin to walk and get their training in. This was a ten-mile weekend for most of us, each of the two-weekend days. This is very important, health and maintenance of our health. Not only women are stricken by breast cancer, but so are men. And so, as we go about our business and we try to fight cancer’s effects, it’s most important for us to stay healthy and active. Last week you heard about bicycling and the week before, but walking is one of the easiest non-costly ways to keep your health together. So, honk your horn as you see me walking around Cleveland Heights or sometimes I walk into other communities, when I have to get those twenty miles in since we’re only 8.2 miles, but thank you for your support. And once again keep your health a priority. Mr. Mayor.”

Mayor Kelley added, “Thank you. For those of you who have called me wondering why Councilwoman Stephens is still out there campaigning, she’s not campaigning, she has an even bigger campaign she’s working for and a bigger cause that Councilwoman Stephens is out there for. Say hello to her and if you’d like to be a sponsor I’m sure Cheryl would be more than happy to sign you up.”

Council Member Stephens added, “I’ll be more than happy to take your money.”

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Vice Mayor Evans stated, “Thank you. Resolution proclaiming May, 2010, as *Bike Month* in the City of Cleveland Heights; and declaring an emergency. Whereas, bicycling is a viable, environmentally-sound mode of transportation, and an excellent form of fitness and recreation. The

United States Department of Transportation on March 11, 2010 adopted a policy to improve conditions and opportunities for walking and bicycling to the extent that "walking and bicycling are considered as equals with other transportation modes". The State of Ohio recognizes bicycles as valid vehicles for use on most roads. The League of American Bicyclists and transportation and fitness bicyclists in Cleveland Heights are promoting greater public awareness of cycling during the month of May. Educating cyclists on the proper and safe operation of bicycles, and motorists on how to properly share roads with bicyclists (including our school children) is important to ensure the safety and well-being of all. The City of Cleveland Heights' streets and buildings are ideally arranged in a compact, well-connected pattern making it easy to walk and bike to business, schools, and recreational and cultural facilities. Cleveland Heights is part of a growing regional bicycle community that is working for safe, accessible and welcoming bicycle routes and facilities, and has also been recognized by the League of American Bicyclists with an "Honorable Mention" as a bike-friendly community. I'd like to present Resolution No. 53-2010(CRR) for passage this evening."

Mayor Kelley accepted Resolution No. 53-2010(CRR).

Roll Call: Ayes: Tumeo, Wilcox, Evans, Kelley, Montlack, Stephens

Nays: None

Resolution passed

Vice Mayor Evans continued, "Certainly, a special thank you to Mary Dunbar for putting in some time and effort with this Resolution."

REPORT OF THE FINANCE COMMITTEE

Council Member Tumeo stated, "Thank you, your Honor. I have two pieces of legislation tonight. They are both dealing with the distribution of Community Development Block Grant funds. Resolution No. 54-2010(F), authorizing the City Manager to enter into an agreement with the Cleveland Tenants Organization, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its telephone information services; providing compensation therefore; and declaring an emergency.

Every year, about this time, there will be a series of these over the next couple of meetings. Through the process of the Citizens Advisory Committee they review several applications from multiple different applicants and make recommendations to the Council on how we might best distribute the block grant monies to our non-profit sector. This is one of the ones that went through the process and was recommended and approved by City Council.

The services that they will be providing is their landlord/tenant counseling through telephone information services. They answer tenants and landlord questions about rights, responsibilities and remedies under local, state and federal law. This contract is for Seven Thousand Dollars (\$7,000.00) and it's for the period commencing July 1, 2010, and terminating June 30, 2011. This is Resolution No. 54-2010(F) for passage tonight."

Mayor Kelley accepted Resolution No. 54-2010(F).

Roll Call: Ayes: Wilcox, Evans, Kelley, Montlack, Stephens, Tumeo

Nays: None

Resolution passed

Council Member Tumeo continued, "Thank you. Next, I have Resolution No. 55-2010(F), authorizing the City Manager to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses; providing compensation therefore; and declaring an emergency. The Heights Emergency Food Center (HEFC"), which was established in 1981 is probably one of the most well known and one of the most important of the non-profits that we actually do provide funding for. If we could, we'd provide more but we're not allowed to buy food for them. You aren't allowed to do that with block grant money so we provide this for operating expense, which we are allowed to do. They served approximately 3,100 people last year and they expect an increase. Their service area includes Cleveland Heights, Lyndhurst, South Euclid and University Heights. But our funds go with the administrative costs associated with the Cleveland Heights' portion of that. This contract will be for Six Thousand Four Hundred Dollars (\$6,400.00) for the year, once again from July 1, 2010, through June 30, 2011. I'd like to introduce Resolution No. 55-2010(F) for passage tonight."

Mayor Kelley accepted Resolution No. 55-2010(F).

Roll Call: Ayes: Evans, Kelley, Montlack, Stephens, Tumeo, Wilcox

Nays: None

Resolution passed

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Montlack stated, "Thank you, your Honor. There is one piece of legislation from this committee. Ordinance No. 56-2010(MS), authorizing an agreement with 32 Ford Mercury, Inc. for the purchase of two Ford F250 pickup trucks through the Ohio Department of Administrative Services Cooperative Purchasing Program, and the purchase of other necessary accessories from Best Truck Equipment, Inc.; providing compensation therefor; and declaring an emergency.

The one exception to the charter requirement under certain circumstances, purchases of goods shall be through bidding or direct bidding in the City happens - when we (the City) are able to take advantage of a state administrative program that has already gone through that bidding process to make available goods and services at a competitive price and so when we determine in the City that's the best deal, we go that route with this kind of legislation. Each year, with reviews, the City compiles a capital list, a list of capital items for various departments that are needed. Of course, we can't get all the items that are needed each year given budget considerations, but take these in order or priority. This purchase that is being authorized here through the state program was discussed at the last Municipal Services Committee.

Under this Ordinance, the City Manager is authorized to enter into an agreement through the state, as I indicated, to purchase these two (2) 2010 Ford F250 pickup trucks at a total cost not to exceed the sum of Thirty Four Thousand Eighteen Dollars (\$34,018.00). Further, the City Manager is authorized to enter into an agreement with Best Truck Equipment, Inc. for the purchase of cab protectors, light bars, bed liners and other necessary accessories at a total cost not to exceed Three Thousand Forty-seven and 96/100 Dollars (\$3,047.96). The City reasonably expects that the cost of such expenditures will be paid with proceeds from the City's issuance of tax-exempt notes or bonds in a principal amount that is not anticipated to exceed Forty Thousand Dollars (\$40,000.00). Ordinance No. 56-2010(MS) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 56-2010(MS).

Roll Call: Ayes: Kelley, Montlack, Stephens, Tumeo, Wilcox, Evans

Nays: None

Ordinance passed

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you. I have Ordinance No. 57-2010(PD), authorizing the sale of City-owned property at 3795 Berkeley Road to Home in the Heights, an Ohio nonprofit corporation, for rehabilitation and resale to an owner-occupant as part of the City's HUD One Dollar Home Program; repealing Ordinance No. 115-2008; and declaring an emergency. The City previously purchased this property pursuant to the HUD \$1 Home Program and determined pursuant to the General Program Requirements that it adopted to govern this purchase and by Ordinance No. 115-2008, the Council authorized the sale of this home to Community Housing Solutions. Community Housing Solutions was unable to obtain financing to purchase and rehab the home so another qualifying non-profit, Home in the Heights, a wholly-owned subsidiary of Home Repair Resource Center, has submitted a request to purchase the Berkeley property. Home in the Heights has the experience and financing to carry out the necessary rehabilitation and resale of the property and it would be in the best interest of the City and its residents to authorize such sale. Home in the Heights has previously purchased properties at Westover and Edison and rehabbed them and the City has had a long-term relationship with this organization in helping the housing throughout the City. In Section 1 of this Ordinance authorizes the City Manager to enter into an agreement with Home in the Heights, an Ohio nonprofit corporation, for the sale of City-owned property located at 3795 Berkeley Road, Cleveland Heights. The agreement shall require the agency to rehabilitate the property and sell the same to an owner-occupant. The Agreement shall provide for a purchase price equal to the City's purchase price and closing costs at the time of the purchase from HUD, plus an administrative holding fee of Two Thousand Dollars (\$2,000.00). Home in the Heights will pay all closing costs associated with the sale from the City. The Council further finds that the sale of this property for rehabilitation and resale to an owner-occupant is a valid public purpose and finally, Council repeals Ordinance No. 115-2008. I offer Ordinance No. 57-2010(PD) for passage tonight."

Mayor Kelley accepted Ordinance No. 57-2010(PD).

Roll Call: Ayes: Montlack, Stephens, Tumeo, Wilcox, Evans, Kelley

Nays: None

Ordinance passed

Council Member Wilcox continued, "Thank you. Next, I have Resolution No. 58-2010(PD), authorizing the renewal of an agreement with Tim Barrett, Franklin Piccirillo, Catherine Sabolik and Carolyn R. Smith for design and coordinating consulting services relative to the Storefront Renovation Program; providing compensation therefore; and declaring an emergency. The City has, for many years, operated a Storefront Renovation Program in targeted areas to encourage reinvestment and create positive visual and economic impact in our commercial districts. This Program is funded with our Community Development Block Grant Funds. In 2007, Council authorized an agreement with the Storefront Renovation Consulting Team consisting of Tim Barrett, Franklin Piccirillo, Catherine Sabolik and Carolyn R. Smith ("Consultants") to provide design and coordinating services for the Program. It's in the best interest of the City to renew that agreement for professional services. This legislation authorizes the City Manger to enter into a renewal of an agreement with Tim Barrett, Franklin Piccirillo, Catherine Sabolik and Carolyn R. Smith ("Consultants") for design and coordinating consulting services relative to the Storefront Renovation Program. It shall provide the Consultants to provide services to the City as independent contractors, at rates of Three Thousand Five Hundred Dollars (\$3,500.00) per

project for design services, and up to Five Thousand Dollars (\$5,000.00) per project for coordinating consulting services, the latter at a rate of Fifty Dollars (\$50.00) per hour. The agreement is for a period of one year, with a total fee during that time period not to exceed the sum of Forty Thousand Dollars (\$40,000.00).

I would say this has been a very good relationship with the City and these consultants, because they provided invaluable service to help implement our Storefront Renovation Program. I should also point out that the funding for this contract comes from our block grant funding.

I offer Resolution No. 58-2010(PD) for passage tonight.”

Mayor Kelley accepted Resolution No. 58-2010(PD).

Roll Call: Ayes: Stephens, Tumeo, Wilcox, Evans, Kelley, Montlack

Nays: None

Resolution passed

REPORT OF THE MAYOR

Mayor Kelley stated, “Just two great items. Many of you have been asking when Melt will be opening up, the award-winning restaurant that has one in Lakewood now, but will be here in Cleveland Heights. It will open this Friday, May 21st. There will be a soft opening tomorrow night, if you’re driving, drive there around 5:30 tomorrow night and you’ll see your City Council cutting a ribbon welcoming Melt to Cleveland Heights. They will be located at the Cedar-Taylor intersection. Well-needed boost in the arm. We’re happy to have them. We wish Matt Fish, the owner, and the new employees best luck in the world. I want to be very clear, this is not a chain store. It is not a national store. It’s the store we borrowed from Lakewood to have here, so you have two opportunities. For those of you who can’t get into the store in Lakewood, because it is up to a 2-hour wait sometimes, feel free to come to Cleveland Heights. There is a lot to do if you have to wait here in Cleveland Heights, including our other award-winning restaurants, Cain Park, Cedar-Lee - the movie theater. So, we’d love to have you and we guarantee the service at this Melt will be even better than the Lakewood restaurant. How do I know that? I’m just guessing.

My other favorite thing, this is the time of year where youth baseball and softball starts for our young boys and girls in our community. Please feel free - Forest Hills every Saturday is jumping from about 8:00 - 9:00 in the morning till dark. Some of the other places we play baseball is Heights High School this year. We’re going back to Heights High School for the first year in a while. We’ll be at Oxford, we’ll be at Monticello, we’ll be at Roxboro and I think that’s it. So on almost any given night and especially on Mondays and Thursdays you can catch this great entertainment. These are our young children.

Also, at Forest Hills, we do have adults softball leagues going on, both men and women and coed. It’s a great opportunity to get out and see the stars of tomorrow. I’ve been very fortunate, my one son, Sean, no longer plays, was on the Wilcox Wildcat team a few years ago, sponsored by Councilman Wilcox. My youngest son, Patrick, plays this year and he’s on the Monty Pythons’ team sponsored by Councilman Montlack. So, it’s been a great thing. It’s great for the community. It’s good, cheap fun and the kids love it - a lot of grandparents. You see a lot of people that you haven’t seen for a while. They are watching maybe their son or daughter or maybe their grandchildren play. It’s a great opportunity. It’s free. It’s free, it’s open to the public and it’s good clean fun for the community.

This will be the end of our meeting. It will be adjourned at 8:28 p.m. Our next meeting will be on Monday, June 7, 2010. Thank you for coming tonight.”

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc