



# CLEVELAND HEIGHTS

## MINUTES OF THE COUNCIL MEETING OF MONDAY, JUNE 7, 2004

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: 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 7:33 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:40 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, May 17, 2004 were approved and signed by Mayor Kelley along with the ordinance and resolutions passed at that meeting.

Mayor Kelley added, "Before we move to personal communications from our citizens it's my great honor tonight to honor Mr. James Cipolletti. Jim, you can sit down, we have a few things to say about you first, but you come up front a little bit, if you'd like. Come to the podium and I'll read a proclamation to you and I think Council will have a few words to say, so bear with us.

*Whereas, James Cipolletti has served as a motivator and mentor for more than twenty-five years in the Cleveland Heights-University Heights School District, serving most recently as administrator principal for Cleveland Heights High School, a high school larger than most school districts in the State of Ohio; and*

*Whereas, he has been a part of the efforts, including the Intergovernmental Youth Task Force, pointing today's youth toward productive and promising futures; and*

*Whereas, Mr. Cipoletti, being an advocate in every sense of the word, for challenging and raising the standards of excellence for Cleveland Heights High School, has fostered a perpetual atmosphere where diversity, education, the arts and athletics could coexist in harmony; and*

*Whereas, for his enduring support of the arts, he garnered the title of Outstanding Administrator of the year from the Ohio Music Education Association, though it is only one of his main accomplishments and accolades; and*

*Whereas, he now retires after giving tirelessly to the lives of literally thousands of burgeoning youth, fellow administrators and teachers;*

*Therefore, on behalf of the Council and the people of the City of Cleveland Heights, I hereby issue this Proclamation of Recognition to*

***James Cipolletti.***

*It takes a lot these days to stand at the helm of today's institutions of education. It takes even more to be effective and successful, but you have. You've taken Cleveland Heights High School from one century to the next, blazing a trail of distinction and dedication. It often goes without saying that the leadership and contributions of fervid educators touch generations of future lawmakers, doctors, journalists, scientists and teachers, people able to stand years down the road and point back to people like you. They'll note how much you served as inspiration and will forever be grateful for the successes in life, knowing you played a role in their becoming all they could possibly be.*

*Edward J. Kelley, Mayor  
City of Cleveland Heights  
June 7, 2004*

*Cleveland Heights Council  
Edward J. Kelley, Mayor;  
Kenneth Montlack, Vice Mayor;  
Bonita W. Caplan; Nancy J. Dietrich;  
Phyllis L. Evans; Jimmie Hicks, Jr.; Dennis R. Wilcox  
Robert C. Downey, City Manager*

Congratulations, we wish you well, health and happiness and good fortune in your retirement. Congratulations. Do you want to say a few words and I know Council wants to address you."

Mr. Cipolletti responded, "I just want to take a moment to thank the City of Cleveland Heights for this award, but also even more important, to thank you for all the cooperation you've given to me and the school district and Cleveland Heights High School. Whenever I needed something from the city, whether it's been police, fire, recreation, anything, the city has always been there. It certainly has made my job a lot easier and I've enjoyed working with all of you. I'll certainly miss you. I'll miss my colleagues, but most of all, I'll miss the kids, but thank you very much."

Mayor Kelley responded, "Thank you, Jim. It's been a pleasure to work with you. We're going to do this a little bit differently, you can sit down. Why don't you sit down in the front row."

Council Member Wilcox stated, "Congratulations and I wanted to say that this is obviously a well-deserved recognition by the City. I want to say that every time that we've met you've always been very pleasant. Your quiet demeanor, but very professional way you go about things, says a lot about your leadership at the school and I believe that you are one of the true leaders in our community. Many times we have students from Heights High come to this Council to receive awards for various activities and that's a reflection on your leadership and what you do at the school and we certainly appreciate your hard work and your dedication. Thank you."

Council Member Dietrich stated, "I would love to say something to Jim Cipolletti who has been a person that I feel like I've worked pretty closely with now and then over the years, when you were principal at Wiley, especially, and I was active in PTA and you were Vice-President of PTA Council for a couple of years. We served on the middle-school together and then I remember doing an event at your school and it was a school that I had never done an event at and you made it so easy. It was like, ask Mr. Cipolletti and it will be done and from that point on I thought I will work with this man on anything. And now, for you to have stayed at the high school these extra years, when you were just exactly what the high school needed. Thank you so much for staying on and we certainly will miss you."

Council Member Hicks said, "I just want to thank you for your time at the high school. You were a pleasant change from, I would say previous two principals at the high school. Your easy going manner - the way you work with everyone, the way you got along with everyone. I really appreciated that and it was a pleasure to send my son to Heights High this year and have him at least be with you for at least one year. It was a pleasure to see you guys on the stage together during the honors ceremony this past year. Again, thank you for all that you've done and again, you've made Heights High a place where people can grow up and if they can't negotiate the system, they had someone there who would help them negotiate the system and we want to thank you for that."

Council Member Caplan added, "We've had the pleasure of working together for several years since you were the principal at Wiley and it's been such a pleasure working with you. We have been on this intergovernmental task force on youth and the cooperative spirit that you have, the humor that you bring, the wonderful good sense has really benefitted all the parties involved and particularly the children. I'm so happy, as Councilwoman Dietrich said, that you stayed on the extra two years so that we could really benefit from you and also so that you could begin to set up this new school, the small schools project. You've had a lot to do with that and we can only succeed because of what you set the foundation to be. I thank you for everything you've done and most of all, I thank you for the wonderful quality you have besides all the other things, that you really like the kids and that is a wonderful quality for a principal of a school that you really think about the kids. You treat them with respect and with dignity and even when you need to tell them no or tell them to change clothes or tell them to go home and come back, you do it because you really like them and you want what's best for them and so we've all benefitted from that. So thank you so much. Enjoy all the things I know you are going to do and I hope we'll see you around. Thank you."

Council Member Evans added, "Mr. Cipolletti, I probably know you best from some of your Wiley years, being that both of my children attended that school. That was over 15 years. My son is now 30 years old. As you know, that was quite a challenge then, but you were certainly very helpful to me as you were with a number of families and through it all the students always had a respect for you. They had a lot of respect for themselves being in that school and I know that that carried over to the high school also. It's great being around you, being in the schools and I wish you a lot of luck in the future."

Vice Mayor Montlack added, "When you hear the same thing said to you over and over that's

because they have the ring of truth. In my case, my then two children who are now 32 and 29 were two of the burgeoning youth that your proclamation speaks to, that you took care of at Wiley. Even then I can remember that as principal you weren't some distant feature. You were always there. You were there for the kids and certainly there for the parents. The theme is always the same; your decency, your gentleman-like conduct all the time, your leadership by example and the way you treated every student as a person and in a way that he and she should be treated. You are surely a great asset and a great resource of this community and wherever you go from this point on you have established a record that we will remember forever. Thank you."

Mayor Kelley concluded, "Well, there are a lot of things I could say and everyone has really said it all but I want to thank you for being such a gentleman and such a fantastic individual. Every time we got together for an event, whether it was at the high school or out in the community or at a basketball game you always had a nice warm handshake, a smile for me and I saw how much you loved the kids, the teachers, the parents, even when the parents weren't so nice and that was just classic Jim Cipolletti. If there ever was a job description for what a principal or an administrator should be, it is you and that's one of the highest honors. You're leaving us and we're certainly going to miss you, but your legacy will live on in this community and at our high school and actually at Wiley also for many, many years. So, again, great health, happiness, in whatever you do you will be successful and if you choose to just relax and travel or enjoy the world or come back and visit us once in a while, that's fine too, because you certainly deserve a life-time of getting up late and not worrying - being the first one there and the last one to leave. We're going to miss you, Jim, and I want to thank you for being so nice to me and always welcoming me into the school with, like I said, a warm handshake and a nice smile. You are just one of the great guys and we are truly going to miss you and the working relationship between the city and the high school was fantastic for the years you were there and hopefully we'll be able to build upon that in the future. We are truly going to miss you. You are truly one of the great guys in this community and we are going to miss you. Good health and happiness to you. Thank you for coming tonight. And you don't have to stay for the rest of the meeting."

"My name is Julie Jones. My address is 3550 Cummings. I'm just a citizen of eighteen years. I had a few questions that I wanted to address, not to anyone specific. My husband and kids and I are around the city during the summer. I noticed that there is a lack of garbage cans in the school- yards and now that school is going to be out I was wondering if they could take the garbage cans that they have by the school buildings and put them closer to the center of the schoolyards and that would keep some of the debris from collecting since the schools will be closed, because I would like to see our playgrounds kept nice and neat during the summer."

Mayor Kelley responded, "Sure, we can raise that - the City Manager can have a discussion with the school superintendent about that and see what we can coordinate with them."

Mrs. Jones continued, "If they could just move them closer to the center of the playground."

Mayor Kelley continued, "The kids are actually playing in the summer and enjoying the playgrounds and the ballfields - sure we can work on that. Thank you for that suggestion."

Mrs. Jones continued, "I also had two more suggestions. The construction at Superior and Taylor by Taylor Academy."

Mayor Kelley asked, "The sewer project?"

Mrs. Jones said, "Yes. How long is that going to be? I come home from work everyday and see

that as soon as I come around the corner to my block.”

Mayor Kelley asked, “How much longer will they be at that site?”

Mrs. Jones replied, “Yes.”

Mayor Kelley asked, “Carl [Czaga], can you answer that real quick? Can you give her a ballpark figure?”

Mr. Czaga replied, “To the end of the year.”

Mrs. Jones asked, “To the end of the year, then we’ll have some grass?”

Mr. Czaga replied that it has been three years. He spoke from the audience without a microphone and he was unable to be heard clearly on the tape.

Mrs. Jones continued, “There is also one last issue.”

Mayor Kelley interrupted, “In order to get that site restored, it’s going to take longer, because they have to plant grass and do some other things.”

Mrs. Jones said, “As long as the barrels—”

Mayor Kelley continued, “It probably won’t be restored and Carl may be giving you the best estimate, the sewer [NEORSD] has a lot of other projects, so let’s be clear. It may not be until sometime next summer when the grass gets planted. You know what I mean. Even though it’s a smaller area than you think, he’s probably giving you the best estimate if something doesn’t go wrong or when they get it up and running, so we’d love to see it by the end of the year, but it may be next summer before it gets fully restored.”

Mrs. Jones asked, “Okay, but the barrels will most likely be removed by the end of this year?”

Mayor Kelly answered, “That’s what Carl Czaga says.”

Mrs. Jones said, “Well, that’s as good approximation. That sounds good.”

Mayor Kelley said, “They [the barrels] won’t be removed off the site until it’s 100 percent, ready to go because we don’t want a hazard to our kids that walk by there in the neighborhood.”

Mrs. Jones said, “Sure, so close to the playground. I understand. I just wanted to know when, because it seems like it’s been there forever. There is also a problem on Superior, coming up and down from Superior where it crosses Lee Road. They have a left turning lane on Lee Road onto Superior from both ways, but since Zagara’s has blocked off that extra street, coming up from Mayfield, it seems like it’s a congestion. If there’s one car making a left turn there, everybody has to wait for maybe two maybe three lights and I was wondering if they could do like they have it at Euclid Heights Boulevard and put a ‘no left turn’ from 4:00 to 6:00 and that way people would have to make a left turn at Euclid Heights, before they get to Superior coming up the hill or if they are going down the hill, they’d have to make it by Cain Park, because Superior and Lee - you know by being curvy - coming down Cain Park, even though it’s 25 mph something needs to be done - right there at Superior and Lee, on Superior.”

Mayor Kelley responded, "Well, the City Manager doubles as the Safety Director. He'll have to take a look at that, but we can't promise you we'll make a change there, because someone has to turn - both of those areas are heavily turned - either to get to Cain Park or Cumberland or to go north or south on Lee Road and obviously I would think that Mr. Zagara and some of the other businesses, that's very important to their businesses. He'll take a look at it, but I can't guarantee you a change will be forthcoming there."

Mrs. Jones asked, "Do you understand what?"

Mayor Kelley replied, "I understand. I travel that way."

Council Member Evans interjected, "On Superior, you're more concerned about people making a left onto Lee Road, because they are making a left - I mean there's a turn lane on Lee Road to turn onto Superior."

Mrs. Jones both stated, "The Superior Road right onto Lee from both directions coming up Superior and going down Superior."

Mrs. Jones said, "Between 4:00 and 6:00, it gets very congested."

Mayor Kelley added, "That would be a lot of the traffic coming up from University Circle. It doesn't use Mayfield or Cedar, but I can't guarantee we'd do that, because a lot of people use that, obviously to get to the grocery store during those hours and some of the other Lee Road places of business. We'll look at it but again I can't guarantee we'll make a change. It may be inconvenient for you or those people that are in line, but on the other hand it's the success of some of those businesses on Lee Road and we're hoping to have the diners open very soon also and that would be a major route of transportation to the diners."

Mrs. Jones said, "It would help the people coming down Superior to make that left turn before they get to Lee, but I was just wondering if your expertise can look into that?"

Mayor Kelley reiterated, "Yes, he'll look into it, but I can't guarantee that we'd make a change that obviously would hurt the businesses and people that use that to transverse to get to East Overlook either way of Lee Road or some of the other streets; Yorkshire, Washington or whatever that come up from University School or people that come down Taylor from University Heights and further east that use that as a way. So I can't guarantee that we'd make a change, but we'll look at it. Thank you for coming tonight."

"My name is Thomas Elloian. I live at 13141 Cedar Road for about fifty years. I've got one little problem. The area is much, much improved in the past fifteen years. I had all kinds of problems in back of the street, East Derbyshire - all kinds of problems."

Mayor Kelley asked, "Are you on the north side of Cedar?"

Mr. Elloian continued, "I'm facing the parking lot - Ameritech parking lot. I've got one problem. Next to me are three houses. They were all before Section 8, well before that - college students were next to me for about a couple of years (and I almost had a nervous breakdown). Now the man sold it to his brother and I have one problem, those three houses in back, they tore all the fences down. What I'm scared of, is since the fences were all torn down, the kids can play football over there and when they play football over there- -"

Mayor Kelley asked, "Through the back yard?"

Mr. Elloian continued, "In back, it's going to come in my back yard. I've got a sign there, but the neighbors next to me they understand - they are wonderful. The two neighbors are Section 8. I'm worried about the next house, the city owns. They are remodeling it now. If they would put one fence from the back this side all the way front, that would cause [sic] the kids from playing over there because it's about 150 feet long. That's my only problem now. Everything else is falling into place. There is hardly no noise, there are no kids running in my yard, no boom boxes. There are no other problems, everything seems to be almost 100 percent improved. That's my only problem, if the city would put a fence around--"

Mayor Kelley asked, "We own the fifth house?"

Mr. Elloian answered, "The house is owned by the city and they --"

Mayor Kelley asked again, "By which number house? You are in the fourth. Do we own the fifth house or the third house?"

Mr. Elloian answered, "The house is 13151 - 13153 Cedar Road. It is the second house next to me. They are remodeling it now."

Mayor Kelley replied, "Mr. Downey will look into it and get back to you. If you leave your name and phone number with Mrs. O'Neil, he'll look into it and get back to you on that issue."

Marianna Stein, 2727 Lancashire, stated, "It's regarding Mr. Cipolletti. Both of my children benefitted. They both went to Hebrew Academy and my older son went to Mesivta and when my younger child left Hebrew Academy and went to Wiley, Mr. Cipolletti was very instrumental in helping him and making him feel safe after some other things (which I am not going to get into) had happened to him. This time I told Mr. Cipolletti that Gabriel now bought into a company in California that has professional medical health. He's a partner. He's now in Europe on his honeymoon and my older child saw Mr. Cipolletti after he went to Mesivta and Mr. Cipolletti suggested that he go in his last year to Heights and he's working in a company with twenty attorneys as a supervisor (he's not an attorney) of records and also facilities. They are both very responsible."

## **REPORT OF THE CITY MANAGER**

Mr. Downey stated, "Thank you very much, your Honor. I have several items this evening, the first of which would be to request authority to advertise for bids for the purchase of salt."

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

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

Second by Council Member Dietrich.

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

Nays: None

**Motion passed**

Mr. Downey continued, "Thank you very much, your Honor. I also request authority to advertise for bids for the purchase of fire hydrants."

Mayor Kelly made it a matter of record and referred it to the Public Safety and Health Committee of Council.

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

Second by Council Member Caplan.

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

Nays: None

**Motion passed**

Mr. Downey continued, "Thank you very much, your Honor. In Council's packets you received a copy of Bid Document No. 2004-15, also known as the 2004 Street Surface Treatment Program. The lowest and best bidder is Specialized Construction in the amount of \$198,175.00. 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 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. 3037 Allen Wilkinson, 1036 Pembroke Road, accessory use regulations. BZA Calendar No. 3038 Lisa Perna and Eddie Carter, 1029 Pembroke Road, accessory use regulations. Your Honor, I need to make these a matter of record."

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

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

Vice Mayor Montlack stated, "Thank you, your Honor. There is one piece of legislation from this committee tonight, it is Ordinance No. 75-2004(PD), authorizing an agreement with Seamus Marotta, Inc., dba Marotta's and Brasserie on Lee, Inc., dba Phoenix Coffee for the placement of a dumpster on City property, and for outdoor dining; and declaring an emergency. Marotta's is on the east side of Lee Road in the Meadowbrook-Lee area and that establishment has asked to relocate its dumpster from immediately behind its building where it proposes to place outdoor dining to two parking spots at City Lot #17 which is adjacent to that property. A small portion of the outdoor dining which would include the service of alcohol would be on a portion of the City property at the edge of that parking area. The staff went out and did a very good study and reported back and we are in accord with their recommendation that these opportunities be provided to this local business and we think it will vastly improve the ambiance, the neighborhood and the economy generally in that area. Under Section 1 the City Manager is authorized to enter into an agreement with Seamus Marotta, Inc., dba Marotta's and Brasserie on Lee, Inc., dba Phoenix Coffee (hereafter "the restaurants") for the lease of two parking spaces at City Lot No. 17 for the placement of the restaurants' dumpster. Said agreement shall provide for the dumpster to be located in spaces in said Lot No. 17 as approved by the City Manager. Said agreement shall further provide for the restaurants to install and maintain appropriate screening for the dumpster, approved by

the Director of Planning and Development, and to pay the established rate for two parking permits in said Lot. The agreement shall require the restaurants to provide the City with a certificate of insurance, with the City as a named insured, and shall be approved as to form by the Director of Law. The City Manager is also authorized to permit the restaurants to extend a small portion of their outdoor dining onto City Lot No. 17, and for Marotta's to include the sale of alcohol in its outdoor dining, with appropriate permits from the Ohio Department of Liquor Control. The restaurants shall install and maintain the landscaped outdoor dining facility as proposed in Sheets 1, 2 & 3 by Ronald Mancini, copies of which are on file with the Clerk of Council. Notice of passage is given and Ordinance No. 75-2004(PD) is proposed on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 75-2004(PD).

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

Nays: None

**Ordinance passed**

Vice Mayor Montlack continued, "There are two calendar resolutions from the Board of Zoning Appeals. Both relate to the hearing of the BZA on Wednesday, May 19, 2004 at 7:30 p.m. The first is BZA Calendar No. 3037, Allen Wilkinson, 1036 Pembroke Road, in an 'A' single-family zoning district, hereinafter referred to as the "applicant", requesting a variance from the accessory use regulations of the Zoning Code, to permit construction of a garage with a 624-square-foot footprint; and the applicable Zoning Code provision limits garage footprints to 500 square-feet in an area on a parcel such as this that cover less than 6,000 square-feet. The applicant was asking for a variance and the BZA found that exceptional and unusual circumstances resulting in a practical difficulty in complying with the Zoning Code were found and determined that the applicant would suffer practical difficulty if the variance is not granted because replacing his deteriorating garage with the proposed larger garage eliminates the need for an exterior shed, which would also be permitted by the Code; and all other Code requirement will be met. Upon this Resolution, that variance would be granted for a 624-square-foot garage shown on the plans subject to the following conditions that the applicant is to obtain a building permit, utility approval of electrical-line placement, and approval of the Architectural Board of Review before starting construction. All construction subject to this Resolution will be completed within 6 months of City Council's approval and the garage shall not be used for a home occupation or human habitation. Therefore, with regard to BZA Calendar No. 3037, I move that this Resolution be confirmed."

Second by Council Member Hicks.

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

Nays: None

**Resolution confirmed**

Vice Mayor Montlack continued, "Thank you. BZA Calendar No. 3038 relating to the same hearing date, also considers an application by Lisa Perna and Eddie Carter, 1029 Pembroke Road, in an 'A' single-family district, asking for a variance from the accessory use regulations of the Zoning Code, to permit a 4-foot-tall fence in a corner-side-yard and the applicable Zoning Code sets a maximum height of 3-feet for such a fence in a corner-side-yard. The BZA, here again, found that there was a practical difficulty demonstrated in complying with Zoning Code requirements on the following basis that if the variance is not granted there would be a need, an unmet need to protect the applicants' two small children, that the property's close proximity to a school and the streets and the need to separate the school children from their dog, which is a large dog also contributes to a reasonable request. The configuration of their corner-side-yard and the determination that the fence height is the minimum neces-

sary to alleviate the applicants' predicament was found and also found that similar variances for fences have been granted for other corner lots in this neighborhood and the applicants' predicament cannot be resolved without a variance. On that basis the BZA has recommended BZA Calendar No. 3038 be adopted and I so move."

Second by Council Member Wilcox.

Council Member Dietrich stated, "I'm looking forward to us maybe - looking at - discussing anyway, our Zoning Code in relation to side-yard fences that are not transparent. We have been granting a lot of variances for heights and what we are ending up with is corner after corner where it looks pretty much like we live in a scary place, where people are wanting to keep people out. I think protecting the people who go by (from your dog) can be accomplished with a fence that you can see through. I just think for the neighborliness and the look of the community we need to make a change. Now we haven't made that change yet, so I will be voting for this, but I just wanted to put this out there because I have come, over the past couple of years, to see that tall fences that you can't see through on corner lots, as not a good thing for our community."

Council Member Caplan added, "Thank you. I understand the need for a higher fence in this situation and I would like to encourage the applicants to take it upon themselves if the Architectural Board of Review doesn't strongly encourage them to do so a fence that is transparent. The kind of message that board on board or shadow board fences makes is not a good statement. It's very, 'keep out fortress-like'. I would encourage the applicants to do something that is more friendly. I understand keeping your children in, your dog inside and keeping others outside but it can be done in a way that's pleasing, that's attractive and using landscaping can be very useful. So I hope that they will be encouraged to do that. I guess it is our responsibility to change the Zoning Code so that it doesn't become an individual kind of thing and I certainly will be supportive of that. Nonetheless, I hope these people can be good neighbors too. Thank you."

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

Nays: None

**Resolution confirmed**

Vice Mayor Montlack stated, "Thank you. Just a few other comments. We now have the community circulator up and running for some time now and as many of you know that provides quicker more convenient service between the Coventry, Coventry-Overlook area of Cleveland Heights, University Circle, Cedar-Fairmount and Shaker Square. The ridership has improved, but I will tell you frankly it's not where I thought it would be at this point, because I know these dense neighborhoods and I know that so much of the population has employment and other connections, for example with University Circle and I would expect more ridership. You can't beat the price, so we in the city have to be working, redoubling our efforts to get the word out. I do believe that this neighborhood in Cleveland Heights would be a prime example of a place where good public transportation would meet a need and I think we can do better.

We've been working and when I say we I'm mostly talking about the staff of Cleveland Heights and the Planning and Development staff, but also some of us on the Planning and Development Committee of Council. We've been working on a number of issues which are not ready at this point for legislation or the specific next step but I will tell you that we are working hard to move the Boulevard Townhomes at Euclid Heights and Lee to the next phase of construction. We think that should happen as the Mayor alluded briefly earlier. We are working hard to reopen the Diners on Lee Road and looking at the Lee Road project will go forward between Meadowbrook and Tullamore on the east side of

Lee. All of those things are taking a lot of time and effort and the staff is doing an excellent job as we work towards those [projects].

Finally, just one final brief comment. I want to congratulate the Sun Press on an excellent article on a very difficult subject in the last issue relating to both the federal and state gasoline taxes and how the revenues are mal distributed, if there is such a word, in each case, the urban areas in Ohio receiving far less than are contributed and the funds going to a rural construction when all of our infrastructure is so needy. On the federal level, as you just move on up on the food chain, states like Ohio receiving less than their fair share. It was a very difficult and complex subject and it was a good article and frankly many of us have been trying to figure out how to get this out to the public in an understandable manner and what specifically we can target in terms of action, but when you - our weekly newspaper, does this kind of a job, I do want to express my appreciation and that completes this report."

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

Council Member Evans stated, "Thank you, your Honor. I'd like to present Ordinance No. 76-2004(PSH), Second Reading, as Amended, adopting and enacting a new Section 505.09, entitled "Commercial Parties in Residential Districts; and declaring an emergency. Whereas, the Chief of Police has reported an increase in the number of commercial "parties" in residential neighborhoods for which an entrance fee is charged by the person in control of the premises and which are generally advertised by fliers; and such parties frequently result in serious disturbances to the neighbors and are prohibited by the City Zoning Code; and it would facilitate enforcement and be in the best interest of the City to also prohibit such activities under the City's General Offenses Code. Therefore, be it ordained by the Council of the City of Cleveland Heights, Ohio, that: Section 1 entitled 509,09 Commercial Parties in Residential Districts shall be amended to adopt and enact a new Section. This Section shall read as follows:

- I. No owner, occupant or person in control of any residential property in the City of Cleveland Heights shall conduct, host or allow to be conducted on said residential premises any party or other activity for which all or some of the persons attending such party or other activity are required to pay an entrance fee or other monetary compensation.
- I. Subsection (a) shall not apply to fundraisers for the benefit of political parties or candidates or for non-profit organizations provided that the persons attending the fundraiser are advised of the intended donee of the proceeds of the fundraiser prior to attendance.
- I. Whoever violates this section is guilty of a misdemeanor of the first degree.

Section 2 is notice of passage and Section 3 declares this to be passed as an emergency measure. I'd like to present Ordinance No. 76-2004(PSH) for passage.

Mayor Kelley accepted Ordinance No. 76-2004PSH), Second Reading, As Amended.

Council Member Hicks said, "I will be voting for this Ordinance tonight - sort of with - I won't even say mixed feelings, because I am strongly in favor of it. It brings to mind, however, days of my youth when I attended such parties, but that was a different time even though it was not so long ago as my colleagues sometimes try to remind me, but this is a day when residents have to be responsible. To open up ones house to anyone who gets a flier and decides to come by is not what we want to continue in the City of Cleveland Heights. Yes, we want people to enjoy their properties. Yes, we want people to be able to have parties for birthdays and family members but we do not want a business operating out of a home. We do not want people just coming

up to this community attending a party and they are not known by the residents who live in this community and that's the problem that we've had. When that happens and people get together who don't know each other and there are fights and the police are called and its taxpayers' dollars being spent - the police being in places where they could be doing a better job somewhere else. So, it is very important that we pass this legislation in 2004."

Mayor Kelley added, "I, too, will be supporting Ordinance No. 76-2004, and my guess is [that] in the near future a few other cities will be calling us for this piece of legislation to follow up like they do on other legislation. But the main ingredient here that makes this necessary is the fact that people are becoming business men and business women at a young age and doing things at their homes when their parents aren't around - charging to have beer parties and things of that nature and they're getting out of hand and we just don't want that in our community in Cleveland Heights. It's not healthy for the house that it's happening at - it's not healthy for the neighborhood and it really brings down the quality of life of our community and that's why we're doing this. We're going to be on the cutting edge. We're going to take an aggressive stance here and it's just not going to happen anymore in Cleveland Heights. This has happened one or two times, it's one or two times too many. So instead of being behind the curve, we're going to be ahead of the curve and as Council Member Hicks said, we're not against people having parties, birthday parties, anniversary parties, graduation parties, things of that nature, we just want it more tastefully done and not let it get out of hand and have things happening that can't be controlled later on or have situations where there are a couple hundred kids in the house with no supervision and things get out of hand and we don't want to infringe on our young people's chance to be young adults or young teenagers, it's just that we've had a couple circumstances where we've nipped this in the bud before it's happened. We don't want it to happen and my guess is that some of the cities will be calling us in the near future to ask for this legislation so that they can pass it in their community - if it's the Shaker piece of legislation is any indication of what has happened here, so I will be voting for this also.

Mr. Malone will you please call the roll call on Ordinance No. 76-2004(PSH), being offered for vote on Second Reading, As Amended."

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

Nays: None

**Ordinance passed**

Council Member Evans continued, "Ordinance No. 81-2004(PSH), amending Subsection (b)(1)(A) of Section 303.99, "Penalties," of Part Three, "Traffic Code," of Codified Ordinances of the City of Cleveland Heights. Whereas, the penalties for parking violations have not been raised since 1990 with the exception of parking in a handicapped zone. City Council is recommending some increases as stated in Section 1 of this Ordinance. There is quite a long list of increases under the three different titles. Titles: If paid within 72 hours of the time notice was issued; After 72 hours but within 60 days from the time notice was issued; and, After 60 days but prior to the time complaint and summons is issued. These increases, where some might consider them a huge increase, technically they really are not. They haven't been increased in about 14 years, I guess the increase in each category probably would amount to something like 30 cents a year increase. I don't really want to read all of these. Certainly, if anyone is interested they can contact City Hall, the Clerk of Council's office and receive a copy of this. I'd like to just present this on first reading tonight. In Section 2 it states that the effective date of the increased penalties in this Ordinance shall be January 1, 2005. So there is a lot of time for all of us to prepare for this increase.

That completes my ordinances, but I do have a couple of comments. The first comment has to do with the season of the West Nile virus concerns, approaching us very rapidly. As many of you probably know, the county treats our catch basins using a processing process called larviciding and that process was begun a couple of days ago and we expect for it to be completed sometime before the next two weeks. It is something that we've been doing in Cleveland Heights. We've had a lot of success with keeping the number of those serious bites down and the neighboring cities are also involved with this process. So we are keeping our fingers crossed that we won't have any major dilemmas about it, but there are some things that residents can do to help themselves. The first thing to do is to use a spray when you go out in the evening, something that contains Deet so you can minimize the possibility of being bitten by a mosquito. The other thing is to clear your property of any standing water. Those of you that have the birdbaths are very nice, just be mindful that you have to move that water probably every couple of days. The one thing that was brought to our attention that some of us hadn't really thought about was making sure that your gutters are clean and that they're not retaining water because that would harbor an opportunity for these mosquitoes to really multiple. Anything in your yard, around your properties that would hold standing water, we strongly recommend that you get rid of those areas.

The other thing is that based on a lot of press about our noise ordinance and some cities getting information about it, we've received some phone calls about people who are concerned and we want to encourage you to call the police at 321-1234 or Community Relations, 291-2323 if you have a problem house in your area. That includes loud noises, day or night, but particularly probably late night because we don't believe that neighbors should disturb the peace and tranquility in a neighborhood. Because of the concern, there's some confusion, people are thinking that they shouldn't call the police department or city hall, but we want to encourage you that there is not a problem with that. Just be assured you can call whenever you have concerns about any noise or behaviors in your area.

The other thing has to do with school being out - a lot more children are out playing, sometime playing and not paying attention to what's going on - a lot of bicyclists. A lot of people are going to be involved in summer activities and I just want to encourage all of us to drive and be more mindful that there are people on the street because we don't want to have any casualties in the city or anywhere as a matter of fact. That completes my report this evening."

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

Council Member Dietrich stated, "Thank you. There is no Administrative Services legislation tonight, but I do have a couple of things that I do want to mention to you. First of all, if you haven't been to Forest Hill Park lately, I really encourage you to go. The transformation that has happened over the past couple years in the Dugway Brook area, the wooded area between the Community Center and the main parking lot in Forest Hill is just amazing. It started several years ago, but now that all the grass has regrown, what used to be kind of a - looked like a ravine - pretty impassable - now has wood chips - nice wide wood chip paths and you can walk right through the woods. It's like a shady glen with wonderful little places to walk. When we built the Community Center you probably remember there was money earmarked to maintain, preserve, improve the natural surroundings of the park as well and this is a really good example of what's been done to improve that. I'd also like to acknowledge Carl Czaga who is our Special Projects Director who oversaw that transformation and encourage you once again to walk in Forest Hill Park and to go off the asphalt path and walk on the little wood chip paths. You'll be in for a good surprise.

The other thing that I would like to mention is - I was going to mention - to congratulate, but I think thank is probably a better word. The Mayors and Managers Association, where we are represented by Mayor Kelley and City Manager Bob Downey and in this issue I think we were also represented by Vice Mayor Montlack. I'd like to thank them for taking on the issue of school- funding reform. You may have read about this in the Sun Press recently. We all know that even for the mayors and managers convincing our Ohio legislators that the school funding system needs to be changed is going to be a daunting task but they certainly have more clout than the rest of us. I am just very proud of them for taking this on because the harm to public education throughout the state that's been caused by our funding system is really a crisis for communities. So I am proud of them for joining the cause and I'm hopeful that it will make a difference. Thank you."

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

Council Member Caplan stated, "Thank you. I have one piece of legislation and this is Resolution No. 82-2004(CRR), and before I read it I want to tell you there is a family, the Wolpert's, who were very active in our community for a very long time, particularly about schools, about the arts, and when Mr. and Mrs. Wolpert died there was a fund set up and they were very generous in supporting things within our community and so this is a very pleasurable kind of resolution to read. It is a Resolution authorizing the City Manager to accept a grant from the Wolpert Fund of the Cleveland Foundation on behalf of the City of Cleveland Heights; and declaring an emergency. Whereas, the Wolpert Fund of the Cleveland Foundation has awarded a grant of Five Thousand Dollars (\$5,000.00) to the City of Cleveland Heights to be used for technology upgrades at Cain Park; and acceptance of said grant will aid in the City's efforts to continue to present quality programming at Cain Park, and be of benefit to the City and its residents. Therefore, be it resolved by this Council that the City Manager be authorized to accept a grant award from the Wolpert Fund of the Cleveland Foundation in the amount of Five Thousand Dollars (\$5,000.00). The City Manager is hereby authorized to execute any and all documents necessary for acceptance of the grant. Notice of the passage of this Resolution shall be given and I offer Resolution No. 82-2004(CRR) for passage tonight."

Mayor Kelley accepted Resolution No. 82-2004(CRR).

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

Nays: None

**Resolution passed**

Council Member Caplan continued, "Thank you. That's all the legislation I have and although the calendar doesn't say that summer doesn't begin for a little while, summer does begin in Cleveland Heights - actually it's already begun. Denison Pool is open. Cumberland Pool will open on Saturday. Lots of different kinds of programming have already begun, particularly baseball and all of the [programs] for the small children have begun. There are lots of teams from all over the city and on the school lots and Cain Park begins. Cain Park begins within a week and a half. So, we encourage you to take part in all the programming that's going on. There are lots of things that are interesting, many of which are free. Half of the programming is free so we encourage you to come down to Cain Park, utilize the pools, get your pass - it's the bargain of the year. Just enjoy all the things that the community has to offer. That's all I have. Thank you."

## REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are five resolutions tonight from the Finance Committee, each of them authorizes agreements providing for Community Development Block Grant funding for our Year 30 CDBG program. Funding of these contracts was actually approved by Council last fall after reviewing the recommendations of our Citizens Advisory Committee and our staff. All of these programs are important to the city and have been funded in the past by CDBG funds. Just as a reminder, CDBG is a funding program from the federal government which allows cities such as ours to receive some of our federal tax dollars for use in important community projects. Each of the agreements, we will be considering, is for one year commencing July 1, 2004 and ending June 30, 2005. I first have Resolution No. 83-2004(F), authorizing the City Manager to enter into an agreement with the AIDS Task Force of Greater Cleveland, a non-profit corporation, for the use of Community Development Block Grant funds to provide partial funding for The Open House's Health and Wellness Program; providing compensation therefor; and declaring an emergency. Open House is a program in the City of Cleveland Heights whose purpose is to enhance the quality of the physical, mental, psychosocial and spiritual health of persons within the HIV/AIDS spectrum. The Open House has operated the Health and Wellness Program, which provides on-site counseling and support group services to persons with AIDS and their family members and other care givers. The City has previously entered into agreements with The Open House under which the City has provided partial funding for its Health and Wellness Program. Open House is now affiliated with and operated by the AIDS Task Force. Section 1 of this Resolution authorizes the City Manager to enter into an agreement with the AIDS Task Force, for assistance with the Open House's Health and Wellness Program and the total funding amount is Thirteen Thousand Dollars (\$13,000.00). I offer Resolution No. 83-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 83-2004(F).

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

Nays: None

**Resolution passed**

Council Member Wilcox stated, "Resolution No. 84-2004(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 for assistance with its telephone information services and its Rental Rights Clinic for the Coventry/Superior area of Cleveland Heights; providing compensation therefor; and declaring an emergency. The Cleveland Tenants Organization provides advice and assistance to tenants in the greater Cleveland area regarding housing matters. The City has previously entered into agreements with this organization for the Cleveland Heights Rental Rights Clinic which provides information about the Ohio Landlord-Tenant laws and Fair Housing laws to low- and moderate-income residents of the City. This Resolution then authorizes the City Manager to enter into an agreement with the Cleveland Tenants Organization, for assistance with its telephone information services, operation of the weekly Rental Rights Clinic and consultation services in the total amount of Five Thousand Dollars (\$5,000.00). I offer Resolution No. 84-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 84-2004(F).

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

Nays: None

**Resolution passed**

Council Member Wilcox stated, "Resolution No. 85-2004(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 therefor; and declaring an emergency. The city, since 1981 has provided emergency food supplies through the Heights Emergency Food Center ("HEFC"). HEFC is in need of funding for operating expenses. Section 1 provides that the City Manager enter into an agreement with the Heights Emergency Food Center for assistance with the operating expenses of their emergency food programs. This agreement provides for total funding in the amount of Six Thousand Four Hundred Dollars (\$6,400.00). I offer Resolution No. 85-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 85-2004(F).

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

Nays: None

**Resolution passed**

Council Member Wilcox stated, "Resolution No. 86-2004(F), authorizing the City Manager to enter into an agreement with the Heights Parent Center, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with the Center's Caledonia Family Resource Program to provide support to families and youth in the Caledonia neighborhood; and declaring an emergency. The Heights Parent Center has a mission to strengthen families and promote healthy development of children by providing parent education, parent support, and activities for families with children from birth to age ten. They have established a Caledonia Family Resource Program in the Caledonia neighborhood to provide support to parents and youth. This Resolution then authorizes an agreement with Heights Parent Center for assistance with its Caledonia Family Resource Program in the amount of Forty-five Thousand Dollars (\$45,000.00). I offer Resolution No. 86-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 86-2004(F).

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

Nays: None

**Resolution passed**

Council Member Wilcox stated, "Finally, I have Resolution No. 87-2004(F), authorizing the City Manager to enter into an agreement with the Noble-Nela Merchants Association, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with the administrative costs of the Association and its activities; providing compensation therefor; and declaring an emergency. The City has previously entered into agreements with the Noble-Nela Merchants Association for partial funding and through these grants provides for a part-time administrator to increase promotion and advertising of the Business District and for maintenance activities. Section 1 authorizes the City Manager to enter into an agreement with the Association in the amount of Ten Thousand Dollars (\$10,000.00). I offer Resolution No. 87-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 87-2004(F).

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

Nays: None

**Resolution passed**

Council Member Wilcox continued, "Finally, I just wanted to thank our Citizens Advisory Committee and our staff for their hard work all year round on our CDBG programs. That concludes the Finance Report."

### **REPORT OF THE MUNICIPAL SERVICES COMMITTEE**

Council Member Hicks stated, "Thank you, your Honor. I have several pieces of legislation this evening. First I have Resolution No. 88-2004(MS), authorizing the City Manager to enter into an agreement with the Cuyahoga County Solid Waste Management District to participate in the Cuyahoga County Paper Marketing Cooperative for the recycling of collected paper waste products; and declaring an emergency. The City Manager is hereby, authorized to enter into an agreement for the recycling of paper waste products collected by the City. The agreement shall be for a period of five (5) years, commencing August 1, 2004, and may be renewable by the County for an additional five (5) year term. The agreement shall provide for the third party recycling company to pay the City such fees for the recycled paper as agreed upon by the County, and shall be approved as to form by the Director of Law. Section 2 is the notice of passage and Section 3 is declaring this to be an emergency measure. Your Honor, I offer Resolution No. 88-2004(MS) for passage.

However, I want to say that this is an opportunity if you've listened to what I've said for the City to receive fees for our recycle paper products. It came as a shock at our meeting to learn from our staff that some people have been placing paper products in plastic bags and we were asking that you do not put any papers, newspapers, paper products on the lawn with any plastic bags that will create added duties for our collection department and we want to make this as simple as possible."

Mayor Kelley added, "We prefer if you would tie them up or put them in brown bags."

Council Member Hicks continued, "Yes. Thank you. Brown bags. You should already be doing it, if I am correct. It should always have been brown bags, but some people have got a different memo on that."

Mayor Kelley accepted Resolution No. 88-2004(MS).

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

Nays: None

**Resolution passed**

Council Member Hicks stated, "Thank you, your Honor. I have Resolution No. 89-2004(MS), authorizing the City Manager to enter into an agreement with the Eastern Dixie Chopper dba Village Outdoor Supply for the purchase of two chipper/mowers for the Public Works Department; providing compensation therefor; and declaring an emergency. This particular agreement shall provide for a purchase price of Seven Thousand Three Hundred Fifty Dollars (\$7,350.00) per mower, for a total cost of Fourteen Thousand Seven Hundred Dollars (\$14,700.00), and shall be reviewed as to form by the Director of Law. The vehicles shall be purchased with funds temporarily drawn from the General Fund, inasmuch as the City reasonably expects that

the cost of such expenditures will ultimately be reimbursed with proceeds from the City's issuance of tax-exempt notes or bonds in a principal amount that is not anticipated to exceed Fifteen Thousand Dollars (\$15,000.00). Your Honor, I offer Ordinance No. 89-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 89-2004(MS).

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

Nays: None

**Resolution passed**

Council Member Hicks continued, "Thank you, your Honor. I have Resolution No. 90-2004(MS), authorizing the City Manager to enter into an agreement with Mackay Engineering & Surveying Company for professional services for the Staunton Road Storm Culvert replacement project; providing compensation therefor; and declaring an emergency. The scope of the work shall be as set forth in the Engineer's proposal dated May 19, 2004, a copy of which is on file with the Clerk of Council. Compensation for such services shall be at the Engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Eighteen Thousand Four Hundred Twenty-three Dollars (\$18,423.00). The agreement and any related documents shall be approved as to form by the Director of Law. Your Honor, I offer Ordinance No. 90-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 90-2004(MS).

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

Nays: None

**Resolution passed**

Council Member Hicks continued, "Thank you, your Honor. I did all of those quickly so I could take my time with this particular legislation here since it's going to save everyone a few dollars out of their pockets. The renewal for the Aggregation Program for natural gas services is up for an additional two years and based on the recommendation from our Director of Law John Gibbon, WPS has provided good service for the City during the first two years of the program and there are no other providers that offer comparable rates. As the current program stands, there are currently 5,171 residents participating in the program. Commercial customers in the City of Cleveland Heights are saving to date \$61,126.19. The typical customers savings to date is \$558.36. Commercial Year 2 savings is \$44,975.73. So in the second year that was how much commercial customers saved. Residential customers savings to date for the entire City of Cleveland Heights - \$964,550.82. Our Residential Year 2 savings - \$699,056.10. The total program savings from December 2002 to April 2004 was \$1,025,677.01 for residents or business customers in the City of Cleveland Heights. Because of such a tremendous amount of savings and a good program, that was searched and found by our legal department and City Manager, I offer Resolution No. 91-2004(MS) for passage this evening.

This is Resolution No. 91-2004(MS), authorizing the City Manager to enter into an agreement with WPS Energy Services, Inc. for the continued provision of natural gas services to Cleveland Heights residents and businesses under the City's Gas Aggregation Program; and declaring an emergency. Whereas, at the November, 2001 election, Cleveland Heights voters authorized the City to establish a Gas Aggregation Program under which the City would offer, through contract with a supplier, natural gas services to the City's residents and businesses at discounted

rates; and whereas, after soliciting and reviewing proposals from potential provider sources, this Council determined to award a contract to WPS Energy Services, Inc. for the provision of natural gas services; and whereas, the initial contract with WPS Energy Services, Inc. will expire in October of 2004; and whereas, this Council has determined that it would be in the City's best interest to renew the agreement with WPS Energy Services, Inc. for an additional two year term so that service would continue to be provided through October, 2006. Now, therefore, be it resolved by the Council of the City of Cleveland Heights, Ohio, that the City Manager be, and he is hereby, authorized to enter into a Natural Gas Aggregation Supply Agreement with WPS Energy Services, Inc. substantially in conformance with the proposal on file with the Clerk of Council. The Agreement shall be for a period of two years and shall provide for both an annual rate and a variable rate program. The annual rate program shall be based upon a price established by a formula utilizing the NYMEX price at a given point in time agreed to by the City plus an "adder" of \$1.335 per MCF. It is the intent of the program to offer natural gas services to Cleveland Heights residents at discounted rates and, therefore, if the price established by the formula for the second year exceeds the average price for gas services by Dominion during the preceding year, the Agreement will be renegotiated. The program shall be on an "opt out" basis. There shall be no administrative costs. The program shall be offered at no additional charge to persons moving into the City of Cleveland Heights during the program even though they are outside the "opt out" window, and there shall be no additional charge for persons who move to another residence or location within Cleveland Heights during the program. Section 2 is the notice of passage and Section 3 is declaring this to be an emergency measure.

The "opt out" portion of this Resolution is important to know that you are automatically in this program unless you "opt out", so there is nothing that you have to do unless you sign a form to not be in the program. You automatically get the savings unless you choose to not be in the program. If I said that incorrectly I'm sure the Law Director will --

Mayor Kelley asked, "Mr. Gibbon, please illuminate us."

Mr. Gibbon added, "I just wanted to make one change. I see that there was a typo in the "adder", it should be \$1.355 instead of \$1.335."

Mayor Kelley asked, "Where is that?"

Council Member Hicks and Mr. Gibbon both responded, "Section 1."

Mayor Kelley accepted Resolution No. 91-2004(MS).

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

Nays: None

**Resolution passed**

Council Member Hicks continued, "I would assume that there will be a letter when it's time to renew - a letter will go out and tell you to call the gas company not City Hall."

Response from Council and staff that Council Member Hicks is correct in his assumption.

Mayor Kelley added, "Hopefully, it will be an 800 or 866 number."

Council Member Hicks continued, "If there is any confusion when you do get the letter

about this “opt out” program. I know my parents just send it right to me.

I want to thank Julie Jones who did leave though, for bringing up problems with trash as we had a bad winter, as the snow melted there is a lot of trash out in the community. It is time for everyone to clean up their yards, but if you see anything out in the streets that is the City’s responsibility please let us know. We have a beautification program for this summer as we did last summer, so we’re working hard to keep the city beautiful. Please do remember to look in the Focus when it comes out for the information that we need from you about the cell phone dead spaces in the City of Cleveland Heights so that we can get all the information we need to find out where our city residents are not being served by the cellular phone companies.

Please continue to let us know if you have homes near you with high grass that is not being cut because of vacant properties or the residents are just not taking care of their properties. We need to know about those homes so we can get out there and cut that grass.

I want to thank the students from Canterbury and Wiley for inviting me out to a career day. They were all very nice students in every class that I went to. They were very respectful and very attentive to what I had to say about how this Council serves them and their parents.

Finally, I want to thank all those who attended the Memorial Day parade. It was a good time. I want to personally thank the Mayor. This was the first time that I believe that he asked for the veterans of this community to come up and be recognized and for me it was a personal event, because it was the first time that my father had come up and he was recognized as a veteran of the Korean Conflict and it was not something that he often talked about. It was not something that he even mentioned often but you could tell that when he went up there he was proud that he had served his country. So there are probably a lot of people out there who did what they had to do. It is not something that they go out and brag about, but it was an honor and a pleasure and I appreciated the Mayor giving our residents that opportunity to come up and shine for the contribution that they did for this country. That’s all that I have.”

## **REPORT OF THE MAYOR**

Mayor Kelley stated, “I’m going to touch on some things that we’ve touched about, but Cain Park is open and available, not just for the concerts and the great plays. This year it will be Grease, but we do have a great skateboard park, tennis courts, wading pool, a lot of great things are happening at Cain Park. Our pools are open, but we have a little glitch, but we’re using Denison - Cumberland will be open [later] and we’ll have two great pools open. Our Community Center is certainly humming. We have camps going on, summer basketball leagues, other things are going on. Obviously, we’re still using ice and what have you. We always say our parks are for people. Get in our parks and use them, whether it is just to walk the paths or just to sit down and watch the softball or baseball games. I believe Councilwoman Caplan mentioned baseball and softball are going full throttle. Any Saturday morning from really about 8:30 - 9:00 in the morning till - at Forest Hill Park - almost 9:00 - 10:00 at night, there’s a game - any age - from four years old up to 16/17 years. It’s the greatest baseball around. It doesn’t cost you anything and you get to see the stars of tomorrow free of charge and you get to see some dads and moms making fools out of themselves coaching - some of us have been there before. It’s great what’s going on.

The other thing is summer is certainly upon us. If you’re having problems in your neigh-

neighborhood whether they're a police matter or not, please call and let us know. The police number is 321-1234. If it is loud music, disorderly conduct, barking dogs, drug activity or something you just feel isn't right, let the professionals know. If you call 291-1234 the police will be more than happy to handle it, there is no record of the call, this is what we do here and we do it very well. We do it very gracefully, we want your neighborhood to be just as cool, calm, and collective as the neighborhoods we all live in and we accept nothing less than that in Cleveland Heights. As Councilman Hicks said, if you have a grass cutting issue or a housing issue call 291-4444, ask for Rick Wagner, our Housing Commissioner, he'll be more than happy to come out there. If there is something that is just not right or you have a house in your neighborhood that is in disrepair and it has been that way for a number of years, let us know, we'll track it for you. If we can get on it right away, we'll get on it. It's important. We'll work on it for you. We don't want that house to be the one that forces people not to do work in their neighborhood or move away. We want to make your neighborhood [right] just as well as any other neighborhood. The other thing, if there is some community relations' issue, call our Community Relations Department at 291-2323. We're with you. We want Cleveland Heights to have the best quality of life of any community around and that's what we're about. We're here to work for you. We're here to serve you. We have a fantastic staff, run by our City Manager Bob Downey and we want you to have the best summer you can possibly have.

If you don't have a block party or haven't had a block party for years, now is the time to do it or if you've had one last year and you're not sure you're going to have one this year, get one together. Call our Community Relations Department, 291-2323. If you want a council person there, we do that once in a while, if you don't want us there, that's fine too, we'll do it either way in Cleveland Heights. You can ask for the mayor, you can ask for a council person, whatever you want, we're more than happy to come out or if you want a staff person or you want a fire truck or a rescue squad or a police car, we're more than happy to come out and do something to make your block party even better than it was last year. Again, if it's a first one in a while we'll come out to do it. We're here to serve you.

This meeting will be adjourned at 9:10 p.m. Our next meeting will be Monday, June 21, 2004 at 7:30 p.m. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc