



## CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF MONDAY, JUNE 7, 2010

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:15 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

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

Council Member Wilcox moved to adjourn into Executive Session at 7:19 p.m. Second by Council Member Stephens.

Edward Kelley, presiding

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

Council Members absent: None

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

Topic of discussion included litigation.

Executive Session concluded at 7:29 p.m. adjourning into Committee of the Whole and concluding at 7:30 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:41 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, May 17, 2010 were signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

Mayor Kelley stated, "Tonight we have three young men, three boy scouts are here with us tonight and I'm going to make you earn your badge by coming up to the podium and tell us a little bit about yourself, your name, where you go to school, what you're doing here and what boy scout troop you are from. So, Steven, do you want to start?"

"My name is Steven Bell, I go to Roxboro Middle School and I'm from Troop 179. We are here to earn part of our first class ranking, part of it is to go to a City Council meeting and to take notes."

Mayor Kelley thanked Steven.

"My name is John Walker Moosebrugger and I also go to Roxboro Middle School and I'm also here to earn my first class by taking notes at a City Council meeting."

Mayor Kelley asked, "You brought your Mom with you tonight?"

John replied, "Yes, hiding out in the back."

"I'm Daniel Veenstra and I go to Noble Academy of Cleveland. I'm also here to get my first class badge by attending a City Council meeting by taking notes."

"My name is Latefah Shampine, 14000 Terrace Road. I have some documents that I have to share with you. It is too painful for me to talk about. I also have pictures. I have more coming. I've been through hell."

Mayor Kelley thanked her for coming.

Council Member Stephens stated, "Mr. Mayor, Miss Shampine talked with me over the last couple weeks and I'll give a summary. She was foreclosed on in a property that she owned in East Cleveland by a realtor who operates out of Cleveland Heights mostly and there has been a conflict between Miss Shampine and the court and the way some of the officers in Cleveland Heights handled bringing her to the court in Cleveland Heights. Although she did give high marks to Lieutenant Lentz for making sure that she got to - Captain Cannon, I'm sorry, about making sure she got to a doctor's appointment. She has some concerns which should be summarized in the documents that she gave to you and we'll get back to you within a week or two after we've had a chance to review the written documents."

Miss Shampine stated, "Thank you kindly, Mam."

## **REPORT OF THE CITY MANAGER**

Mr. Downey stated, "Thank you very much, your Honor. I have just one item. Pursuant to Ordinance No. 65-2009, which authorizes the City Manager to purchase vacant, abandoned, foreclosed homes for the purposes of demolition or rehab and sale to an owner-occupant, I would like to report and make a matter of record the City has entered into an agreement for the purchase of property plus

closing costs at 954 Dresden Road in the amount of \$25,593.50; 2057 Hanover Road in the amount of \$24,908.50; and 1837 Lee Road in the amount of \$30,288.05. Your Honor, I would request that these be made a matter of record."

Mayor Kelley made them a matter of record.

#### **REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL**

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that one notice has been received from the Ohio Department of Liquor Control advising that an application has been made by the following: Roken LLC, transfer D5 and D6 permits from Daidone Enterprises Inc., premises 2781 2<sup>nd</sup> Floor Theater Only, 2779 1<sup>st</sup> Floor Lounge, 2779-81 Euclid Heights Boulevard, 44106. Your Honor, I need to make this a matter of record."

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

Mr. Malone continued, "I also need to notify Council that one resolution of the Board of Zoning Appeals has been received pertaining to a variance in the Zoning Code and is requested by the following: BZA Calendar No. 3218 William and Cassandra Kaplin, 2320 Westminster Road, accessory use regulations. Your Honor, I also need to make this a matter of record."

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

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

Council Member Stephens stated, "Mr. Mayor, unfortunately, there is no Administrative Services business and that concludes my report."

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

Vice Mayor Evans stated, "Thank you, your Honor. There is one piece of legislation but it will be presented by the next committee, the Finance Committee. Other than that, there are no comments."

#### **REPORT OF THE FINANCE COMMITTEE**

Council Member Tumeo stated, "Thank you. There are several pieces of legislation. First, I would like to thank Vice Mayor Evans for letting me introduce this piece of legislation from her committee. It is Resolution No. 59-2010(CRR), declaring June, 2010 as LGBT Pride Month; and declaring an emergency. We all know that Cleveland Heights has historically been a community which values and seeks diversity in its residents; and thirty-four years ago, in 1976, this Council committed itself to a Resolution establishing the Nine-Point Plan to promote a well-maintained, full service residential community which is racially, religiously and ethnically diverse; and in 1982 this Council reaffirmed this commitment and added sexual orientation to its non-discrimination policies as well as race, religious, sex, disability and ethnic status. In 2001 the Visioning Committee overwhelmingly supported the inclusion of diversity as one of our base values and in 2002 this Council became one of the first in the State of Ohio to extend employment benefits to domestic partners. In 2003 the citizens of Cleveland Heights initiated and passed an Ordinance to provide for the establishment of a domestic partnership registry, one of the first also in the state. Many communities across the country will celebrate June, 2010 as

“LGBT Pride Month” to recognize the significance that LGBT (lesbian, gay, bisexual and transgender) Americans have made throughout our nation’s history. In an effort to further build and strengthen our communities and nation, we must move beyond merely “tolerating” the LGBT community, but instead value them as our colleagues and neighbors, our council members, fathers, sons, sisters and brothers, and friends and partners. Much has been accomplished over the last generation to promote equality and justice. My election to this Council is an example of that. As a society in our law we reflect the recognition of diversity and tolerance as a strength in a progressive culture, yet many challenges still remain and prejudice against members of the LGBT community can still erupt into acts of hatred, violence and discrimination. The City of Cleveland Heights is committed to equal rights for all Americans and is therefore proud to support all those committed to justice and equality in a crusade to outlaw discriminatory practices and to protect the LGBT community from prejudice and persecution. Therefore, this Council by this Resolution does recognize and proclaim June, 2010 as LGBT (lesbian, gay, bisexual and transgender) Pride Month, recognizing that the LGBT community for its many and varied contributions have enriched our civic life, celebrates the progress we have made in creating a society more inclusive and accepting of the LGBT community, and affirms our continued efforts to breakdown the walls of fear and prejudice and work to build a bridge to understanding and tolerance, until the members of the LGBT community are afforded the same rights and responsibilities as all Americans. I would like to introduce Resolution No. 59-2010(CRR) for passage tonight.”

Mayor Kelley accepted Resolution No. 59-2010(CRR).

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

Nays: None \_\_\_\_\_ **Resolution passed**

Council Member Tumeo continued, “Thank you very much and thank you to my council colleagues. It’s a small statement, but it is very, very important to me and my community to know that even at this level we are supported and appreciated in this community. So, thank you very, very much for me and on behalf of the entire LGBT community.

I would like to introduce Resolution No. 60-2010(F), authorizing the reprogramming and reallocation of Community Development Block Grant Funds; amending Resolution No. 61-2009 authorizing an agreement with the Home Repair Resource Center; and declaring an emergency.

The next few pieces of legislation all deal with the allocation of our block grant funding, which is federal money that comes to us. We allocate that out to various organizations and activities through advice with the Citizens Advisory Committee which is an appointed committee of twenty-two individuals who review applications and think through these programs very diligently and thoroughly. In this instance, what we’re doing is we’ve asked them and they have approved the reallocation of some money that is in that fund and was previously allocated and now needs to be moved around. The first was money that was in the Contingency Fund. It is money that was not allocated but put into a Contingency Fund to hold it and that is to be transferred into Public Works to help pay for the projects that are going on in Public Works. That is \$152,700.00 that will come from the Contingency Fund and put into Public Works. Within the Home Repair Resource Center the funding for Deferred Loan that was granted to them, we need to move that into the Neighborhood Project Repair. They have income from the loan program to cover their expenses, people paying back loans and so they need to move that over into the Neighborhood Project Repair and that requires both our approval and the modification of the agreement with the Home Repair Resource Center. So via this Resolution those reallocations of the Community Development Block Grant funds are approved and the modification of the agreement with the Home Repair Resource Center is also approved. I would like to introduce Resolution No. 60-2010(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 60-2010(F).

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

Nays: None

**Resolution passed**

Council Member Tumeo continued, "Thank you. Next, I would like to introduce Resolution No. 61-2010(F), authorizing the City Manager to enter into an agreement with the Home Repair Resource Center ("HRRC"), a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with HRRC's home-repair and home-improvement programs; providing compensation therefor; and declaring an emergency. This resolution has to do with the upcoming block grant year which starts July 1 of 2010 and this is a contract that went through the CAC allocation process and it's a rather large one for HRRC. We are actually very involved in HRRC - supporting them through the City's block grant monies. This allocation to HRRC, there is a total amount of Three Hundred One Thousand Five Hundred Dollars (\$301,500.00) that will come from block grant and it is broken down as follows: Two Hundred Twenty Thousand Four Hundred Dollars (\$220,400.00) for HRRC Operating Expenses; Eight Thousand Dollars (\$8,000.00) for Neighborhood Project Repair Grants; Seven Thousand Dollars (\$7,000.00) for Assist 0%; Twenty Four Thousand Five Hundred Dollars (\$24,500.00) for Assist Incentive Grants; Six Thousand Six Hundred Dollars (\$6,600.00) for Assist Deferred Loan Match program; and Thirty Five Thousand Dollars (\$35,000.00) for Housing Counseling. A lot of the programming that HRRC does we have worked in collaboration so that it is actually a great benefit to the City and this contract for the next year will continue those kinds of collaborative operations. I would like to introduce Resolution No. 61-2010(F) for passage tonight on first reading."

Mayor Kelley accepted Resolution No. 61-2010(F).

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

Nays: None

**Resolution passed**

Council Member Tumeo continued, "I would like to note as a follow-up to this that during the discussions with City Council, I brought up that I would like to ask the City Manager to ensure that he discusses with HRRC, perhaps noticing in the publication that the City does have such a substantial investment in their organization when they note donors and contributors it would be nice to see the City on that list.

Next, I would like to introduce Resolution No. 62-2010(F), authorizing the City Manager to enter into an agreement with Open Doors, Inc., a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with the organization's after-school programming for middle school-aged youth; and declaring an emergency. Open Doors, Inc. is a non-profit organization with the mission to support and enhance academic, social and emotional growth of middle school-aged children. They have been a block grant recipient the past few years. They went through the application process and the CAC did recommend some funding for their program. So, in this legislation, the City Manager is authorized to enter into an agreement with Open Doors, Inc., to provide funding for the next year from the Community Development Block Grant funds for a total of Five Thousand Dollars (\$5,000.00). The services are set forth in Exhibit "A", it's part of their middle school program. The contract will be from July 1, 2010 to June 30, 2011. I would like to introduce Resolution No. 62-2010(F) for passage tonight."

Mayor Kelley accepted Resolution No. 62-2010(F).

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

Nays: None \_\_\_\_\_ **Resolution passed**

Council Member Tumeo continued, "Thank you, your Honor. I'd like to say welcome to the boy scouts, having been an Eagle Scout myself. I actually went to the Columbus City Council meeting and I guarantee you it was no where near this short or efficient. So you are lucky to be at this one."

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

Council Member Caplan stated, "Thank you. Now, in honor of being back I have many pieces of legislation since you haven't heard my voice for a while. I have Ordinance No. 63-2010(MS), authorizing agreements with 32 Ford Mercury, Inc. for the purchase of three 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 City has determined to purchase three (3) 2010 Ford F250 pickup trucks for the Public Works Department; and we have been working under the Ohio Revised Code Section 125.04 since 1988 when we passed legislation to do that. The City Manager has determined that the selected vehicles may be purchased through this Program at a lower price than could be obtained through bidding, and it would be in the City's best interest to purchase these vehicles by these means. The Director of Public Works has recommended that snow plow packages and other necessary accessories for the trucks be purchased from Best Truck Equipment, Inc. So the City Manager is hereby, authorized to enter into agreements with 32 Ford Mercury, Inc. for the purchase of three pickup trucks. The agreements shall provide for the purchase of two (2) 2010 Ford F250 extended cab pickup trucks at a cost of Forty Three Thousand Six Hundred Twenty-three Dollars (\$43,623.00), and the purchase of one (1) 2010 Ford F250 regular cab pickup truck at a cost of Nineteen Thousand Eight Hundred Ninety-four and 50/100 Dollars (\$19,894.50) The City Manager is further authorized to enter into an agreement with Best Truck Equipment, Inc. for the purchase of snow plow packages and other necessary accessories for the three trucks not to exceed a cost of Fifteen Thousand Five Hundred Six and 94/100 Dollars (\$15,506.94). 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 Eighty Thousand Dollars (\$80,000.00). The purchase agreement and all related documents shall be approved as to form by the Director of Law. Notice of passage shall be given by publishing this in at least one newspaper and this Ordinance shall be declared an emergency for passage tonight. I offer Ordinance No. 63-2010(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 63-2010(MS).

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

Nays: None \_\_\_\_\_ **Ordinance passed**

Council Member Caplan continued, "Thank you. Now I have Ordinance No. 64-2010(MS) and this one is rather interesting because it is talking about Taylor Road paving and from Euclid Heights Boulevard going north to our city's limit and this is a street that certainly does need paving. So this is planning for the future. So Ordinance No. 64-2010(MS), authorizing the City Manager to apply to the Ohio Department of Transportation State Infrastructure Bank for funding for the Taylor Road Rehabilitation Project; and declaring an emergency. The City of Cleveland Heights has determined a need for rehabilitation of Taylor Road from Euclid Heights Boulevard to the north corporation line

("Taylor Road Rehabilitation Project") at an estimated cost of Seven Million Two Hundred Fifty-six Thousand Dollars (\$7,256,000.00); and I think anybody who has traveled on that street also thinks that it needs rehabilitation. The City anticipates that it will be reimbursed for the majority of Project costs with Federal funds from the Northeast Ohio Areawide Coordinating Agency ("NOACA") in the sum of Five Million Eight Hundred Four Thousand Eight Hundred Dollars (\$5,804,800.00). The Ohio Department of Transportation State Infrastructure Bank ("ODOT SIB") is available to make loans to facilitate infrastructure construction; and it would be in the best interests of the City and its residents to apply to ODOT SIB for a loan for funding of said Taylor Road Rehabilitation Project to cover the City's share of costs and provide interim funding for the costs anticipated to be paid with Federal funds.

What this really means is that the federal government will not pay for the whole project and the city will be anticipated to pay for the engineering and well over a million dollars worth of this.

Therefore, be it ordained by this Council that the Council authorizes the City Manager to make application to the Ohio Department of Transportation State Infrastructure Bank ("ODOT SIB") for funding in the sum of Seven Million Two Hundred Fifty-six Thousand Dollars (\$7,256,000.00) for this Project, and the City Manager and Director of Finance execute any necessary loan agreements with ODOT SIB, upon forms approved by the Director of Law. Notice of passage shall be given and this Ordinance shall be declared an emergency for passage tonight.

Less you get too excited, this isn't happening this year. We have to work out the money and then it would go out for bidding in April of 2011, so that means construction would be next summer, the summer of 2011 and it would take about two years to do this project, because it is complicated and it is a huge project. But, at least we finally got on the table - we can start talking about it and start working on the money. So, I offer Ordinance No. 64-2010(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 64-2010(MS).

Council Member Stephens stated, "Mr. Mayor and my Council Colleagues, I would like at this time to recognize State Representative Barbara Boyd who has been our ally, a member of council and Mayor and who has been to the governor and to the Department of Transportation to make sure that we could get our application in early, be part of the process sooner rather than later. As most of you know and as some of you don't, especially those of you who are just learning about good government your allies sometime help you be smarter and work harder and achieve things sooner and in this case our ally State Representative Barbara Boyd has made sure that we get to the table soon and we'll be able to use these funds to eliminate one of our biggest problems, which is the condition of Taylor Road. Thank you, Mr. Mayor."

Mayor Kelley commented, "An excellent point. I just one to comment for those of you who live on Taylor Road and around Taylor Road, help is on its way. This road was probably built in the 60's when Severance was coming up on line, so it's certainly been time for a long time and a lot of arm-twisting and political discussions were had on this issue from probably every person on this Council to our state rep to other people. But, we are going to move ahead with this and two years, I'll be honest with you, I'll be surprised if it's done in two years, it is such a big project that it may even take longer, but once you know we get started on it, it will get going and going like the little engine that could. And when it's done, it'll dissect with Monticello and we're still looking to do roads after that. I think it'll be time again probably to look at Cedar. Things happen for a reason. Sometimes not as fast as you'd like. But, you heard, this is a 7.5 million dollar project and there are not a lot of people in government sitting there with 7.5 million whether it be ODOT or NOACA wanting to help us out, so this was truly a team effort and Barbara Boyd certainly was the closer in the end that made this happen and we're very

happy those of us who served with her, but to work with her, to have her as an ally and rest assure she lives on Washington Boulevard, so she probably travels this road just as much as us if not even more in her travels. Help is on its way. Bear with us, it's going to be a long time project, but it's going to be done, it's going to be done right and it's going to have all the bells and whistles that we want to have for Taylor Road when we're done."

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

Nays: None \_\_\_\_\_ **Ordinance passed**

Council Member Caplan continued, "Thank you. Stay tuned as we get more information on how it is going to go. We'll be talking about it for a long time.

I have Resolution No. 65-2010(MS), amending Resolution No. 69-2009 authorizing the City Manager to enter into an agreement with Mackay Engineering & Surveying Company for design, bidding and construction engineering services for the Norfolk Waterline and Sewer Replacement Project to provide compensation for additional work requested by the City; and declaring an emergency. By Resolution No. 69-2009 this Council authorized an agreement with Mackay Engineering & Surveying Company for engineering services for the Norfolk Waterline Replacement and Sewer Improvement Project; and the City requested additional services from the Engineer due to unanticipated field conditions. Therefore be it resolved that Resolution No. 69-2009 be amended to provide for additional compensation to be paid to Mackay Engineering & Surveying Company for additional services requested and the additional sum of money is One Thousand Three Hundred Seventy-nine and 22/100 Dollars (\$1,379.22), with total compensation now being the sum of Twenty Three Thousand Three Hundred Fifty-four and 22/100 Dollars (\$23,354.22).

I'd like to add to that, as it turned out the construction came in under what had been bid, so it was about Eighteen Thousand Dollars (\$18,000.00) under, partially because of the additional engineering that we had requested, so that altogether it saved us money even by spending the extra money on the engineer.

Notice of passage shall be given and this Resolution shall be declared an emergency for passage tonight. So, I offer Resolution No. 65-2010(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 65-2010(MS).

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

Nays: None \_\_\_\_\_ **Resolution passed**

Council Member Caplan continued, "Thank you. I have another one that is rather interesting. This is Resolution No. 66-2010(MS), amending Resolution No.124-2009 which authorized a three (3) year extension of the City's current agreement with First Energy Solutions Corporation to supply electric power to the City's residents and businesses under the City's Electric Aggregation Power Supply Program to authorize an additional three (3) year extension, for a total of six (6) years; and declaring an emergency. By Resolution 72-2009, this Council authorized an agreement with First Energy Solutions Corporation ("First Energy") to supply electric power to the City's residents and businesses under the City's Electric Aggregation Power Supply Program for a term ending in May, 2012. By Resolution 124-2009, this Council authorized the City Manager to extend the agreement with First Energy for an additional three (3) year term ending in May, 2015. First Energy (and this is where you really have to listen because it is interesting) subsequently proposed that the agreement be extended through May,

2018 rather than May, 2015, in consideration of which First Energy would agree to pay the City the sum of Five Hundred Seven Thousand Six Hundred Fifty-four Dollars (\$507,654.00) on or before December 31, 2010 rather than the sum of Three Hundred Thirty-eight Thousand Four Hundred Thirty-six Dollars (\$338,436.00) as had been previously proposed.

Somehow we had decided that it would be better to accept over five hundred thousand than a little over three hundred thousand dollars.

Council has determined that it might really be in the best interest of the City and its residents and businesses to accept the proposal for this bigger amount of money from First Energy Solutions Corporation. Therefore, be it resolved, by this Council that Resolution No. 124-2009 be amended to extend the term of the extension to the City's existing Electric Aggregation Power Supply Program agreement with First Energy Solutions Corporation from three (3) years, terminating in May, 2015, to six (6) years, terminating in May, 2018, and to accept as part of that agreement the sum of Five Hundred Seven Thousand Six Hundred Fifty-four Dollars (\$507,654.00) to be paid by First Energy Solutions Corporation to the City in one lump sum payment on or before December 31, 2010. The amended agreement shall contain such further terms as set forth in the proposal. Notice of the passage shall be given and this Resolution is declared an emergency for passage tonight. I offer Resolution No. 66-2010(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 66-2010(MS).

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

Nays: None \_\_\_\_\_ **Resolution passed**

Council Member Caplan continued, "Thank you and I have one more piece of legislation. Later I'm going to ask the boy scouts if they thought that was as interesting as I thought it was.

I'm offering Resolution No. 67-2010(MS), authorizing the City Manager to enter into an agreement with Behnke Associates, Inc. for conceptual design services for improvements to Denison Park including (and this one I have mixed feelings about, although the inevitable has to happen) the removal of the pool and the development of additional shelters and other picnic areas; providing compensation therefor; and declaring an emergency.

I don't know how many have paid attention, but the pool at Denison has been closed for the past couple of years and we closed it for financial reasons. So, now it is time to decide what to do with the pool area,

The City intends to make improvements to Denison Park including the removal of the pool and the development of additional shelters and other picnic areas; and Behnke Associates, Inc. ("Behnke") has submitted a proposal to provide the necessary design services for this Project, the terms of which are reasonable and competitive. Behnke is well qualified to perform the requested services and has previously performed surveys in Denison Park which will be utilized in this Project. Such services are professional services for which no bidding is necessary. Therefore, be it resolved by this Council that the City Manager be authorized to enter into an agreement with Behnke Associates, Inc. ("Behnke") for design services for the Denison Park Improvements Project. The scope of the work shall be set forth in the Landscape Architect's proposal dated May 17, 2010, a copy of which is on file with the Clerk of Council. Compensation for such services shall be at Behnke's usual hourly rate, which total fees and expenses not to exceed the sum of Three Thousand Five Hundred Dollars (\$3,500.00). Notice of passage

shall be given and this Resolution is declared an emergency for passage tonight. I offer Resolution No. 67-2010(MS)."

Mayor Kelley accepted Resolution No. 67-2010(MS).

Council Member Tumeo commented, "I'd like to point out, there's been a lot of discussion, especially the residents near the Denison Pool concerned about the pool closing. I think it's important that we note that this Council is putting a significant investment not only in this redevelopment of that pool area, but in the soccer field and the other areas there. That park is one of the important assets of the community and the Council is going to invest in that area of our town - needs the recreational facilities. We are going to have some more picnic area there, that have always been in demand. We are going to have a public restroom up at the end of the park. You won't have to walk clear down to the other end and there will be some locker room facilities for the soccer field there that we're also working on improving. The City Council is going to make some investment. The pool will be going away and the reason for that because of financial, but also its use. People were not using that pool even when it was opened. There was very, very low usage - spend lots of money that the community wasn't using and so now we're going to replace those facilities with facilities that people have been using and have been asking more of. It's not that we're giving up on that park, we're re-purposing and reinvesting so that it becomes a better and more important asset for the community."

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

Nays: None \_\_\_\_\_ **Resolution passed**

Council Member Caplan continued, "Thank you. That's all the legislation I have. I have one announcement. There is going to be a second annual Dugway Brook Watershed Festival. It is going to be Saturday, June 26<sup>th</sup> at the Forest Hill Park boat house, which is at Lee Boulevard and Forest Hill Boulevard. There will be a chef demonstration with food samples, composting demonstrations, Radio Disney and door prize raffles, information booths from Huron Road Hospital, Blue Water Ohio, National Park Service, NASA, Cleveland Zoo, Museum of Natural History and many others. It is sponsored by the Cuyahoga County Board of Health, the cities of Cleveland Heights, East Cleveland and University Heights, the Village of Bratenahl, Huron Hospital and Lakeview Cemetery. So, it should be an interesting day. Look for more information about the times. It is Saturday, June 26<sup>th</sup> at Forest Hill Park boat house and that's all I have for tonight."

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

Council Member Wilcox stated, "Thank you. There is no legislation, but there is one Board of Zoning Appeals Resolution Calendar No. 3218 and Councilwoman Stephens was at that meeting on May 18<sup>th</sup> and she is going to read that resolution."

Council Member Stephens stated, "Thank you, Councilman Wilcox. The Board of Zoning Appeals of the City of Cleveland Heights presented BZA Calendar No. 3218 to Council. This Resolution from them indicates that William and Cassandra Kaplin, 2320 Westminster Road, in an 'A' single-family district, referred to as the applicants in the balance of this document made a formal application requesting a variance from the accessory use regulations of the Zoning Code, to permit a one-story addition in a form of a deck and a two-car garage that would cover 30% of their rear yard. The application, that they provided, gave us detail on Subsection 1121.12(d) of the Zoning Code which requires a garage cover no more than 20% of the rear yard. The public hearing was held on May 18, 2010 at 7:30 p.m. where the requirements in the appropriate sections of the Code were outlined. It is

the opinion of the Board of Zoning Appeals, that the applicants clearly demonstrated that there were special conditions and circumstances resulting in practical difficulty in complying with the standards outlined in the Zoning Code. The variance is in harmony with the general purpose and intent of the Zoning Code, and that the public health, safety, and general welfare were safeguarded and substantial justice was done. The Kaplin's who live on a corner lot and that corner lot means that they only have a rear yard that is probably 25% of what everyone else's rear yard would be, if they only had one front yard as opposed to two front yards. Because of this difficulty a variance was recommended from the Board of Zoning Appeals to Council. The applicants propose to replace an undersized garage with a Code-conforming two-car garage. The Board of Zoning Appeals placed a condition that the issuance of a special permit is authorized to them and that the applicants are required to obtain a building permit prior to construction. All construction which is the subject of this application shall be completed within 18 months of the date of approval of this resolution by City Council. Mr. Mayor, I submit the Board of Zoning Appeals Calendar No. 3218 for approval by Council with the aforementioned condition."

Second by Council Member Wilcox.

Council Member Tumeo commented, "Just for the benefit of the people who are listening and not seeing this written, William and Cassandra Kaplin is spelled differently and there is no relation to Councilwoman Caplan."

Council Member Caplan added, "Thank you for that clarification."

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

Nays: None \_\_\_\_\_ **Resolution confirmed**

Council Member Wilcox continued, "Thank you. Just a brief report on a couple of matters from this committee. Normally we prefer to be reading legislation about new development projects, but because of economic conditions we haven't had quite as much of that in the last couple years as we would like. However, we have focused our attention on a couple of projects that I think will pay dividends down the road. One of those is updating our Strategic Development Plan. First done in 1988 and updated in 1993 and touched upon somewhat in the 2000 Visioning Process. This time around the Planning Commission was given the charge by City Council to focus in on projects that would increase the tax base for the city to help us sustain our economic viability in the future. We've been working hard on that project now for sometime and we do have a third draft to the Planning Commission and they will be considering that at their meeting this Wednesday. We are hopeful that - we are very soon getting a product that will be passed along to Council and at that point we will put that on our website and we will be holding at least one public hearing and we will give notice of that so that everyone will have an opportunity to either respond to the draft of the Strategic Development update from reviewing the website or attending the public hearing or both. So, we're looking forward to that in the very near future and hopefully I'll be able to report on that again at a meeting in the near future.

The second item is our green zoning initiative. As I've reported before we went out for Request for Proposals and Qualifications to basically redo our Zoning Code and review it from an environmental, friendly and sustainable practices point of view. This is something that not many communities, certainly in our area or in Ohio have done. We've looked throughout the county at different practices that have been adopted, but we've gotten good proposals in. Our staff is looking at them now and interviewing applicants for this important project. We hope to again have some announcement on that in the near future as well, but it is an important part of what this City is about to look at our Zoning Code, making sure it is environmentally friendly, making sure that we do encourage sustainable practices and again,

I will hopefully be reporting something good on that in the very near future as well. That concludes my report.”

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

Council Member Montlack stated, “Thank you. Resolution No. 68-2010(PSH), is being read as part of the Public Safety and Health Committee agenda and yet it certainly speaks to another redevelopment step and in fact that one that in large part results from the excellence of our city staff. This Resolution No. 68-2010(PSH), authorizing a renewal of an agreement with the Cuyahoga County Board of Health for a grant for lead remediation work in dwelling units in the City of Cleveland Heights; and declaring an emergency. The United States Department of Housing and Urban Development provides grants in this case to the Cuyahoga County Board of Health for further grants - that is to sub-grantees under the Lead Hazard Remediation Grant Program. This is a program that follows on federal legislation recognizing the dangers in construction occurring prior to 1978 when paint contained lead and thereby posed hazards especially to young children. The County has previously entered into an agreement with this City, as a sub-grantee for performance for lead remediation work in dwelling units in Cleveland Heights.

The newest part of the federal legislation, as of April, has kicked into full gear requiring all rehabilitation, rehabbing where any basic area in a dwelling unit is disturbed to be done according to the federal guidelines which includes certification of the person or persons doing that work to be recognized as having lead remediation expertise. This is very important. In fact, very few cities and agencies have certified folks at this point on their staff. The County does and this city is a leader in also having certified employees. So for that reason, the County Board of Health has these funds available and frankly through the leadership of Rick Wagner, heading up our Housing Program, the City is in a position to utilize those funds. Now, lead remediation in terms of the funding that’s provided not only removes this hazard but is a great assist in redevelopment, as you’ll see when I go through the essential section under this Resolution.

Under this Resolution, the City Manager is authorized to enter into an agreement with the Cuyahoga County Board of Health for a grant of One Hundred Twelve Thousand Seven Hundred Fifty Dollars (\$112,750.00) under the Lead Hazard Remediation Grant Program. Those funds will be used for lead remediation work in at least eleven (11) dwelling units and that is to say redevelopment of at least eleven (11) houses where they are occupied by one or more children age six or under whose families are income-eligible. The Program will provide for grants of up to Nine Thousand Five Hundred Dollars (\$9,500.00) per eligible unit for lead remediation work in the units. The agreement shall provide for a total match contribution of ten percent (10%) or Eleven Thousand Two Hundred Seventy-Five Dollars (\$11,275.00) from the homeowner’s funds and/or CDBG sources. The term of the agreement shall be from June 1, 2010 through October 31, 2010.

As Councilman Wilcox alluded to, we don’t have a lot of big, new shiny redevelopment projects going forward, but as my father used to say, even in a straight-jacket there’s room for movement and the City is prepared to do whatever it can, which is great. I’d like to thank also our law department for another well-drawn piece of legislation and these staff comments that I gave to you also were reported to us.

Resolution No. 68-2010(PSH) is presented on first reading for passage tonight.”

Mayor Kelley accepted Resolution No. 68-2010(PSH).

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

Nays: None \_\_\_\_\_ **Resolution passed**

**REPORT OF THE MAYOR**

Mayor Kelley stated, "There will be no Mayor's Report. Tonight, our meeting is adjourned at 8:32 p.m. Our next meeting will be two weeks from tonight, Monday, June 21, 2010. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc