



CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF MONDAY, JUNE 21, 2010

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:20 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

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

Mayor Kelley moved to adjourn into Executive Session at 7:24 p.m. Second by Council Member Tumeo.

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Downey, Gibbon, Niermann O'Neil

Topic of discussion included personnel.

Executive Session concluded at 7:32 p.m. moving into Committee of the Whole and adjourning at 7:34 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, Evans, Kelley, Montlack, Stephens, Tumeo, Wilcox

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, June 7, 2010 were signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

"My name is Alex Quintana. I live at 2969 Euclid Heights Boulevard. My wife and I are the owners of Quintana's Barber & Dream Spot located on Taylor Road, 2200 South Taylor Road. We live at 2969 Euclid Heights Boulevard, also. We would like to present Council and its officers with some tee-shirts from a local business and thank you guys for the acknowledgment for being here this evening and also for Cheryl Stephens for her involvement in the Heights Independent Business Alliance. Our mission for the Heights Independent Business Alliance is to work to build a vital Heights' economy based on locally-owned businesses. The Heights Independent Business Alliance unites locally-owned independent businesses, citizens and community organizations to support the unique culture of the Heights through public education, cooperative promotion, advertising and purchasing, creating a strong and uncompromised voice for one-of-a-kind independent businesses and engaging citizens in guiding the future of the community. At this point Trevor would like to say a few words."

"Trevor Gile, Motor Cars Honda & Toyota. With these shirts also we would to - we have a new logo for the Heights Independent Business Alliance - they were making some tee-shirts for this next week or in two weeks - July 1st to July 7th where we are going to pass them out to local businesses to support the new tee-shirt - our family wanted donated to help make people aware of how important it is to have all the businesses stick together right now in these times to help everybody be as successful as possible and keep the charm that the Heights has. Part of the charm are these two guys, so why don't you two guys come up?"

"If you're calling me charming, I'll accept it. It's just another way for us to show our thanks and support for what makes Cleveland Heights a wonderful community and of course, University Heights, too, is where a melting pot of individuals, small mom and pop, and independently locally -owned businesses and we feel there is a strong need right now out there to have the community come and government behind us and support us for the future, which it has been tough lately for most of us. The Heights Independent Business Alliance is a way for all of us to come together to share and to hopefully make us stronger by numbers.

My name is Steve Presser. My business is Big Fun and I live at 2604 East Overlook Road for the past twenty some years."

"Tom Fello, Tommy's Restaurant and I think it was Alex and his wife brought up this great suggestion for Independence Day [to] change the word just a little bit to have 'Independent Day' and that's where we came up with the shirt. If we all could give you our shirts to show that you support local - and all of you I see in the restaurant all the time. I really appreciate your business and I appreciate the community's business and supporting us and this is just a way to remind people how important it is to invest in their local community and their local businesses, because it makes everybody a lot richer not only in dollars but also in the environment and the whole health of the city. I think it is so important that, we, as business people and, you, as council people are willing to set that example for everybody and to remind everybody - even starting from the grade schools all the way through the high schools and to the people that are in the homes living throughout Cleveland Heights how important it is and how it is that when you spend your dollars in the city with these local independent businesses it's like two-fold, it is great for everybody and it makes Cleveland Heights the great city that we always know it will be and we appreciate you and we are happy to be here."

"I'm Deanna Bremer Fisher. I'm Executive Director of Future Heights, a non-profit, that is based here in Cleveland Heights and one of the things that we do is we support our independently-owned

businesses. The end of March, we brought Jeff Milchen from the American Independent Business Alliance here to Cleveland Heights and very shortly after that many of our business owners got together and decided to start their own Heights Independent Business Alliance. So we are affiliated with the national group. They are just starting. Alex read the new mission statement. Trevor talked about the very new logo that they're creating. There is going to be a lot of good stuff coming from this group. July 1st through July 7th is Independents Week. It is a national event that's happening in many towns throughout the country. Here, because we are so new, we're recognizing it by asking you to wear these tee-shirts, encouraging residents to shop at our locally-owned businesses and then as Trevor also mentioned they are going to have a number of tee-shirts available that business owners can stop by and pick up for their employees to wear during that week. So our goal with this very first Independents Week is to create awareness about all of the wonderful independent businesses that we have here in the Heights and hope that people will support them. I've got some cards about why it's important to buy local and I will pass those out before I leave so that residents can have that as well."

Mayor Kelley added, "Thank you. Do you want to bring the tee-shirts up?"

Tee-shirts were distributed.

Council Member Stephens stated, "Mr. Mayor. As most of you on Council know, but many of the members of the community don't know, I am completely biased toward small and independent businesses. Many years ago when I first started my career I read a study that was done at a little college back east called 'Yale' and a follow-up study by an even shabbier college on the campus of 'MIT' in the shadows of Harvard which convinced me that the essence of how America has become the strong country it has been historically and that it will survive into the future was with people who owned businesses that were smaller than two hundred employees and were locally owned. And I believed that ever since I read it and I saw it everyday during my different stages in my career and so when Future Heights brought in the IBA concept I was thrilled and I was happy to sit in the back of the room and just listen to what it could mean for a community. When I was asked to continue to participate I couldn't have been happier and I very pleased that my colleagues joined with me in supporting the efforts that people who - it so phenomenal to me that an individual can have a concept that they turn into a business and then make it pay not only them but their employees and they support many, many families and go onto inspire other people to have their businesses. Tommy, for example, worked for somebody else and got the idea to work for himself and now he's been in business longer than he wants to tell anybody and Steve Presser walked in my office when I was Planning Director with his idea about a toy store and his dad, and the two of them convinced me that we should have this thing called 'Big Fun' on Coventry and it goes on and on like that. These people have ideas inside their head that become real and tangible and commercial and benefit us all. So on behalf of myself and my colleagues, thank you so much for having these big ideas."

Mayor Kelley commented, "Thank you, Councilwoman Stephens. Now, I just want to say, you are the heart of Cleveland Heights. You guys do this day in and day out. Tom, I know you're in the office first thing this morning. We talked - you probably may have gone back home, but you're on a fifteen hour day already, by my count. Alex, you're new in the community, but you're not new in the community. You have a good reputation. People come to see you everyday for your services. Trevor, you're second generation - your father - a number of years, you and your brother are now working for the company. This is what Cleveland Heights is about. This is what makes Cleveland Heights so special, so strong. Most other cities don't have this in their retail. Look around, take a look around. Many cities - I would challenge every city in Cuyahoga County, minimally, they can't touch our restaurants and they can't touch our car dealerships either. You guys do the job, people come back. We never get complaints about you, never get complaints as a council and that goes for many other

businesses, whether we're talking about McCarthy's Auto Body, Nighttown Restaurant, Zagara's, we could go on and on and on. This council, in my seventeen years, has very rarely had a complaint about any of our small businesses doing anything that's not appropriate. So I do appreciate what you do for us. Keep on doing it. You have our support, maybe this week next year can stretch out to two weeks or a month. I think it's a great idea, but we're here to support you, we're here to work with you. What did we decide, Trevor, every forty-five cents on every dollar comes back in the community - there is some number like that compared to outside the community, it's about twelve cents, so it's about a quarter to one ratio and my numbers may be off, but the bottom line is it is so important to stay here in our community and everything is in our community. You can do everything from dry cleaners to movie theaters to grocery stores to the excellent restaurants to the Big Fun to get an excellent haircut or a spa treatment. Everything is right here, so there is no reason to venture out of Cleveland Heights. I know this doesn't go on other channels, but if you're outside of Cleveland Heights, come and visit us. See what we have to offer - you'll come back - I guarantee it."

"You can also worship in Cleveland Heights. My name is Charles Domingue. I'm the Executive Director of New Community Bible Fellowship. It is good to be here. This is our second time around with the project that we've been working on and I really just wanted to bring Council up-to-date on what's been going on since the first time and perhaps let you know what we have done to address some of the things that have come up as a result of our expansion.

We went through a number of due-diligence delays after the first approval was done. The first one was simply that when the Catholic churches were closing or merging we decided it would be a good opportunity for us to take a look at some of those buildings and properties to see whether or not they would make more sense for us. So that took a number of months. In addition to that, when you are talking about outside work and you have eighteen months to perform it, in that eighteen month span you really have about nine [months] because of the fact that the rest of them are winter here and you can't do this kind of work in winter. The third thing, was that one of the homes that we were in the process of purchasing was actually owed more on their home, than the home was worth and it was significant. So once we agreed upon a price to purchase the home, they began the process of trying to negotiate a short sale with their lenders and that took a number of months, as you can imagine. We finally got through that process and at this point we have purchased both of those homes. The church actually owns them. We have been through the Planning Commission, as well as the Board of Zoning Appeals, and got an approval on the project that we are planning to do. We have also done the work to consolidate all of the parcels into one plat for the church and I'll take a few moments now to let you know what we've done to improve the issues that we have done with erosion and the Dugway Brook along with some water purification.

This is one of the drawings that we have been working from [display being shown throughout presentation]. Our objective overall was to expand our parking, but at the same time improve existing conditions and also maintain the character of the neighborhood. So we have worked very closely with the Planning Commission in order to do that. This is our existing building, this is our existing parking lot. This parking lot, as it stands today, has no catch basins or other ways to direct or control the water flow from rain flow and other things. In fact, this parking lot is actually pitched toward the Dugway Brook. So any rain water that comes down, lands on the parking lot and then flows directly into the brook. Because of that, we've had significant erosion along this bank. What we've done to address that is we've moved the parking lot forward between three and four feet. We are putting curbs in along with two catch basins that will pitch the water toward this end. There will be underground piping that will actually take it down to the bottom of the brook and it'll be disbursed in that way. The new section of the parking lot - we have gone through the process of building a bio-retention basin, which is really 21st century. The water front-run-off from this parking lot will go into that bio-retention area

which is a sunken area of the green space there. Underneath the soil there's a filtration system that actually purifies the water before it goes back into the environment. The existing condition on this side of the parking lot is all of the run-off from the two homes, the rooftops, the gutter system, everything - all that goes into the existing storm sewer system which is also piped into the Dugway Brook. We have eliminated that with this plan. The water goes into this bio-retention area, it is purified and then it goes back into the environment in that way. And then, of course, we've done all of the appropriate screening from our closest neighbor. We've got good distance from there, much better than we have today. Today we have about five feet, this will give us about thirty-four feet from the nearest neighbor. We will have six foot board-on-board fencing here. We will have erosion control plantings around the back here along with an ornamental fencing here for beautification. Today, we have no screening for our dumpster. We now have screening for our dumpster and a concrete pad to be able to deal with the weight of the truck. In addition to that, we are enclosing all of our mechanicals, air conditioning, etc., with this board-on-board fencing and we're installing a small playground for small children on the property which will be enclosed in a fence and only open when there is supervision there for it to be used. That's our story."

Mayor Kelley asked for any questions for Mr. Domingue from Council.

Council Member Caplan asked, "I just have one question about salt. You are doing all of this and it's fabulous and really it is better than what is there at the moment, especially the trenching and bringing the water down to the bottom to deal with erosion. Do you have a plan for usage of salt in the parking lot in the winters? Because that really is another detrimental thing to the environment and have you thought about it?"

Mr. Domingue replied, "To be honest with you, no. We don't actually use salt. We do use a chemical - I forget exactly what it's called."

Council Member Caplan stated, "Chloride."

Mr. Domingue answered, "I think that's a part of it. It's a melting agent."

Council Member Caplan said, "It's calcium and carbonate. So perhaps it's something you can also look at what other alternatives there are, using cinders or sand or I don't know."

Mr. Domingue continued, "One of the things that - - we actually don't salt the majority of the lot. We plow it and we salt the walkways around the church, but most of this is just plowed, we really don't spread salt over the entire parking lot."

Council Member Caplan replied, "Good. Thank you."

Mayor Kelley added, "Thank you. If you want to stick around, we'll have your vote in a few minutes."

Mr. Domingue thanked Council.

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have just a couple of items this evening. The first of which would be to request authority to advertise for bids for the purchase of fire hydrants."

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

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

Second by Council Member Wilcox.

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

Nays: None

Motion passed

Mr. Downey continued, "One last thing, your Honor, as you know last year we received a grant from the Ohio Department of Transportation in the amount of Fifty-Six Thousand Dollars (\$56,000.00) toward the purchase of a new hybrid aerial truck. We received it, we received both pieces to the truck and it is now in service. A condition of the grant agreement was to pull the old truck out of service, disable the engine and dispose of the vehicle. So tonight, your Honor, I would request authority to dispose of the old aerial truck."

Mayor Kelley made it a matter of record to dispose of the old aerial truck.

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I 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. 3221 New Community Bible Fellowship, 3557 Washington Boulevard, minimum yard requirements for specific area, width and yard regulations. Your Honor, I need to make this a matter of record."

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

Mr. Malone continued, "I also need to notify Council that three (3) Fiscal Officer's Certificates pertaining to proposed legislation to be introduced later in the meeting to provide for the issuance of bonds and notes: For the purpose of purchasing vehicles for the police department; for the purpose of reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto; and for the purpose of rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto (the "Improvements"). Your Honor, I also need to make this a matter of record."

Mayor Kelley made them a matter of record.

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Vice Mayor Evans stated, "Thank you, your Honor. It's my pleasure to present Resolution No. 69-2010(CRR), declaring July 1-7, 2010 as *Independents Week* in the City of Cleveland Heights; and declaring an emergency. Whereas, *Independents Week* provides a time to celebrate the independence of the residents of Cleveland Heights and the entrepreneurial spirit represented by our core of local independent businesses. The individual decisions each community member makes today affect the future of Cleveland Heights. The City's local independent businesses help preserve the uniqueness of the community and its distinct sense of place. This core of independently-owned businesses generously

give back to this community in goods, services, time and talent. The health of our economy depends on our support of locally owned businesses; and the independent business owners and employees enrich residents' shopping and service experiences with their knowledge and passion; and whereas, as we celebrate *Independents Week* 2010, we acknowledge that the ability to choose the direction of Cleveland Heights lies within each of us. Therefore, be it resolved by this Council, that Section 1 reads, the Council hereby proclaims the week of July 1-7, 2010 as *Independents Week* in the City of Cleveland Heights, salutes our members and locally owned independent businesses who are integral to the unique flavor of our City and honors their efforts to make Cleveland Heights the place in which we choose to live. I would like to present Resolution No. 69-2010(CRR) for passage this evening."

Mayor Kelley accepted Resolution No. 69-2010(CRR).

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

Nays: None

Resolution passed

Vice Mayor Evans continued, "The next edition, which is our Summer 2010 Focus Magazine, should be received very shortly. I do want to encourage you to really open this magazine up and there is so much information in this book that it's helpful. The one thing is a reminder that we do have a number of events at Cain Park, that if you've not considered getting your tickets yet, please look at the schedule and the events. I'm sure you'll find someone or something that you'd like to see - some show you'd like to be in attendance at.

I'd like to take a minute to remind us that our annual Community Improvement Awards will start accepting nominations. You can call the Community Relations office at 291-2323 for a nomination form. And if you will recall, this is when we award deserving home owners for beautifying their properties and there are a good number of them in Cleveland Heights. So if you have a neighboring house that you think the owners need to have a pat on the back, please nominate them.

The other thing that I wanted to mention is about summer block parties. They are easy to do. There are a lot of streets that are hosting them and there again you can receive assistance for organizing if you call Community Relations at 291-2323.

Being that it is summer, I want to remind all of us to be good neighbors and if you have young people in your home, be aware of the curfew, which there are curfews in place and hopefully all of you are aware of them and let's continue to have a safe summer. That concludes my report."

REPORT OF THE FINANCE COMMITTEE

Council Member Tumeo stated, "Thank you, your Honor. I have the distinct privilege tonight of introducing probably more legislation than I've ever had to do at any one time and it's really exciting stuff. So, I'm going to try and move through it expeditiously and explain it all in a way that's understandable. The first three pieces of legislation which I will do individually all have to do with the bonds that you heard about, the Finance Director reported into the record. In a nutshell, bonds are a way that the City borrows money for capital projects and purchases. Now, last year we choose not to do this. We got rid of all of our short-term debt. We paid it off, which meant we didn't have interest to pay, which meant we had more available money to bridge through the hard economic times that we have been dealing with. It's the same kind of thing that everybody does at home when they have to balance the budget. You give up some things to make sure your budget balances in the long run. We're now in a position where we can actually go back out and borrow some money for things that we think,

the Council, are very, very important to the City. These three are the first of a few that we're going to be doing this year that will then be borrowed for next year for purchases and activities.

So, first I would like to introduce Ordinance No. 70-2010(F), to provide for the issuance of not to exceed \$215,000 of notes in anticipation of the issuance of bonds for the purpose of purchasing vehicles for the police department; and declaring an emergency.

This one, as you know, we'll be buying police cars with. We get them at a very reduced price, because of the GSA and we're going to renew the cars that our police use to maintain the safety and security of our residents and have such good response time.

I would like to introduce Ordinance No. 70-2010(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 70-2010(F).

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

Nays: None

Ordinance passed

Council Member Tumeo continued, "Thank you. Next, is Ordinance No. 71-2010(F), to provide for the issuance of not to exceed \$380,000 of notes in anticipation of the issuance of bonds for the purpose of reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto; and declaring an emergency.

As you know, every year we do a street program. We receive money from the transportation tax, the fuel tax that's sold that comes to our county, then it comes to the cities. This year we had budgeted from that pool of money, about 1.8 million dollars to repair streets. These are the ones that are up on the red, but you could look at the list. We do different streets every year to try and keep them into good shape. The bids came in for this project at about 500,000 dollars more than our 1.8 million dollars. So, we as a Council had a decision. We could not pave the roads or we could borrow some money and so we kind of split the difference. We did take half of a road off of that list for this year. We'll do it next year, but we felt that the continued degradation of those roads does a lot to our community and it's time to fix them. So this Ordinance is for \$380,000 to supplement the budget we already had so we can repave those roads.

I would like to introduce Ordinance No. 71-2010(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 71-2010(F).

Council Member Wilcox stated, "I just wanted to reiterate what Councilman Tumeo said and to emphasize that we do hear from our residents very often about the condition of our streets and this is an attempt to do a few more streets than we normally do. This ordinance along with the next one is commitment by this Council to put additional funds into fixing up our streets as quickly as we can."

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

Nays: None

Ordinance passed

Council Member Tumeo continued, "Thank you. Finally, I have Ordinance No. 72-2010(F), to provide for the issuance of not to exceed \$590,000 of notes in anticipation of the issuance of bonds for

the purpose of rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto; and declaring an emergency.

You already know that Monticello is underway. It's funded mostly by the county and we have to pay our 20% and Taylor Road, as you know, we were fortunate enough working with Representative Barbara Boyd to get that bumped up. It will start next summer. That's a very large project. It's a 7 million dollar project and to get it going as fast as possible we've got to make sure the engineering is done and that we have to pay for and that's what this will also cover, the engineering, so that the road can be built and fixed next year. We all know that Taylor Road really needs it. So this is the part of the Mayor's comment that help is on the way.

I would like to introduce Ordinance No. 72-2010(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 72-2010(F).

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

Nays: None

Ordinance passed

Council Member Tumeo continued, "Thank you. You will be seeing a couple more of these. We have some other purchases that we are going to make, but we have to make sure that we do the credit correctly and line everything up.

The next is a series of legislation that deals with our block grant monies. You know we are a block grant community. We have an extensive process that which our Citizens Advisory Committee goes through and makes recommendations on funding. Last year we determined that and agree that we're going to spend the money in the ways suggested for those activities that are done by non-profits. We have to enter into contracts with them. That money starts on July 1 and so these are the specifics - the end of the contracts that we need to issue for this CDBG money for the coming year.

Resolution No. 73-2010(F), authorizing the City Manager to enter into an agreement with the Center for Families and Children, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with its Pinpoint Program at the RapArt Center; providing compensation therefor; and declaring an emergency. This Resolution will provide to them Twenty-seven Thousand Dollars (\$27,000.00) for the coming year. In all of these instances, there is a detailed Statement of Work that the contracted money will be going for to serve the residents of Cleveland Heights. If anyone is particularly interested in those details the Clerk has all of those attachments and job descriptions and activities that you might be interested in. I would like to introduce Resolution No. 73-2010(F) for passage tonight."

Mayor Kelley accepted Resolution No. 73-2010(F).

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

Nays: None

Resolution passed

Council Member Tumeo continued, "Thank you. Now is Resolution No. 74-2010(F), authorizing the City Manager to enter into an agreement with the Heights Community Congress, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with its programs to promote integration and fair housing; providing compensation therefor; and declaring an emergency.

Under this Resolution, the City Manager will be authorized to enter into an agreement with the Heights Community Congress, for a grant of Eighteen Thousand Dollars (\$18,000.00) for the coming year. I would like to introduce Resolution No. 74-2010(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 74-2010(F).

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

Nays: None

Resolution passed

Council Member Tumeo continued, “Thank you. Now is Resolution No. 75-2010(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 its Family School Connection Program to provide support to families and youth; and declaring an emergency. Under this, the City Manager is authorized to enter into an agreement with the Heights Parent Center for the amount of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) for the coming year. I want to introduce Resolution No. 75-2010(F) for passage.”

Mayor Kelley accepted Resolution No. 75-2010(F).

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

Nays: None

Resolution passed

Council Member Tumeo continued, “Resolution No. 76-2010(F), authorizing the City Manager to enter into an agreement with the Heights Youth Club, Inc., a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Project Learn: The Educational Enhancement Program; providing compensation therefor; and declaring an emergency. Under this, the City Manager is authorized to enter into an agreement with the Heights Youth Club, Inc., for an amount of Thirty Five Thousand Dollars (\$35,000.00) for the coming year. I’d like to introduce Resolution No. 76-2010(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 76-2010(F).

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

Nays: None

Resolution passed

Council Member Tumeo continued, “Resolution No. 77-2010(F), authorizing the City Manager to enter into an agreement with the Jewish Community Center of Cleveland, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for the Center’s Nutrition and Afternoon Out Program; providing compensation therefor; and declaring an emergency. Under this Resolution, the City Manager is authorized to enter into an agreement with the Jewish Community Center for an amount of Twenty Thousand Dollars (\$20,000.00) over the coming year. I’d like to introduce Resolution No. 77-2010(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 77-2010(F).

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

Nays: None

Resolution passed

Council Member Tumeo continued, "And finally, your Honor, I'd like to introduce Resolution No. 78-2010(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. In this, the City Manager is authorized to enter into an agreement with the Noble-Nela Merchants Association, for a grant in the sum of Six Thousand Dollars (\$6,000.00) for this coming year. I'd like to introduce Resolution No. 78-2010(F) for passage tonight."

Mayor Kelley accepted Resolution No. 78-2010(F).

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

Nays: None

Resolution passed

Council Member Tumeo concluded, "Thank you. And less you think that the expeditious passage of all those contracts is because we don't discuss this or we don't pay attention, this has been a year-long process. The CAC interviews all of these individuals - all of these organizations so they can justify, then they have to fit within the budget cap. CAC makes a very complex set of recommendations to us and we then debate, discuss, distribute, cancel, change, whatever the case may be and then there is an ongoing contract monitoring program that the block grant staff ensure that we are in compliance and then we have to report back to HUD on a regular basis. These contracts, these pieces of legislation, while done quickly and smoothly, are the result of a great deal of work of the CAC, citizens who volunteer and of this Council. I want to thank the CAC for their ongoing work. The announcement for the next year grant process is already out. The applications are starting to come in and will be in by August and we start the process all over again. So, I want to thank the CAC and the Council for their patience tonight with all the legislation. Thank you."

Council Member Montlack stated, "Just to add a comment. If all of these, the legislation on block grant funding sounds familiar, it's because each year and including this past year, around the end of October or in November, this City Council passes a block grant budget as to which - when the appropriate date comes around, these are exactly - these resolutions we are passing now are exactly in line with the amounts set forth in the budget that we've already debated and speechified on and passed."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have several pieces of legislation, but I don't think I'm going to be quite as efficient as my colleague has been. Mine don't have a relationship to each other. First I have Resolution No. 79-2010(MS), authorizing the City Manager to enter into an agreement with Behnke Associates, Inc. for design, bidding and construction services for the Denison Park Soccer Field Improvement Project; providing compensation therefor; and declaring an emergency. The City intends to replace the existing natural turf soccer field at Denison Park with a synthetic turf surface; and Behnke Associates, Inc. ("Behnke") has submitted a proposal to provide the necessary design, bidding and construction services for this Project, (construction services in this case does not mean that they are going to do it, what it means is that they are going to oversee the doing of it) the terms of which are reasonable and competitive. Behnke is well qualified to perform these services and has been involved in several projects at Denison Park. The services are professional services for

which no bidding is necessary. Therefore, the City Manager is authorized to enter into an agreement with Behnke Associates, Inc. ("Behnke") for this Project. The scope of the work shall be set forth in the Engineer's proposal. Compensation for the services shall be at Behnke's usual hourly rate, with total fees and expenses not to exceed the sum of Twenty Seven Thousand Fifty Dollars (\$27,050.00). Notice of passage shall be given and this shall be passed as an emergency tonight. I offer Resolution No. 79-2010(MS)."

Mayor Kelley accepted Resolution No. 79-2010(MS).

Council Member Wilcox commented, "I just wanted to say that this is part of annual monies we put into our recreational facilities and this is obviously a very exciting improvement, the Denison Field, it's a much used field right now. The high school soccer and lacrosse teams - men and women use that and this will allow us to have many more children in our community use that field. I should say that we should thank the voters, for seven or eight years ago for approving Issue 27, which provides us the capital funding for our recreational improvements each year. So, again, thanks to the voters that we're able to continue to keep our recreational facilities first class."

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

Nays: None

Resolution passed

Council Member Caplan continued, "Resolution No. 80-2010(MS), amending Resolution No. 107-2009 authorizing an agreement with Karpinski Engineering for electrical engineering services for the Community Center/Ice Rinks Energy Efficiency Improvement Project to provide for additional services for the second phase of the Project; and declaring an emergency. By Resolution No. 107-2009 this Council authorized an agreement with Karpinski Engineering ("Karpinski") for engineering services for the Community Center/Ice Rinks Energy Efficiency Improvement Project; and it was funded by a grant of One Hundred Eighty Two Thousand Three Hundred Dollars (\$182,300.00) from the United States Department of Energy for energy efficiency improvements to the Community Center/Ice Rinks.

If you've been to the Community Center lately, you will see that both of the ice rinks, the gym, the track, all the lighting has been replaced so that it all is energy efficient and instead of having one switch that turns on all of the lights, now there are a lot of switches so we can turn on some of the lights some of the time, which is really a more efficient way of using lighting, in addition to having different colors of lighting that should create an enormous savings to us. We are looking forward to tracking that savings for us and for you, but along with that and that's what this is about is that we didn't spend all the money and we still have Forty Nine Thousand Dollars (\$49,000.00) left and we're going to continue moving forward.

Because the bids for the Project came in lower we're going to do additional improvements; and it will be in the best interest, obviously for the City and its residents to continue to employ Karpinski to perform the additional services. Therefore, this Resolution No. 107-2009(MS), authorizing an agreement with Karpinski is amended to provide for these additional services for the second phase. The services to be provided are set forth in the engineering proposal and the compensation for the services shall not exceed the sum of Five Thousand Dollars (\$5,000.00), with total compensation under the agreement not to exceed Seventeen Thousand Dollars (\$17,000.00). The City shall be reimbursed for all of the engineering costs from the Department of Energy Grant.

We are looking forward to continuing in the student wing and some of the hallways so that we can use all the money that we have left in a way that's both efficient and effective.

I offer Resolution No. 80-2010(MS) for passage tonight.”

Mayor Kelley accepted Resolution No. 80-2010(MS).

Council Member Tumeo commented, “It’s hard to see all these different things coming and you’re going to hear another piece of legislation a little bit later on. To recognize that we actually have worked very hard to green up Cleveland Heights and we have several other projects going on. We’re looking at our Planning and Zoning Code under Planning and Development to make that a more green code. We did this light-saving energy saving project at the Community Center with stimulus money from the federal government. You’ll be hearing in a little bit about a grant that we got to do rain water - rain garden at the Cumberland Parking lot. You already heard that we got a grant to do an electric truck to cut down on gas emission, getting rid of the gas truck. There is an ongoing effort and it’s building in momentum. Cleveland Heights is a green city and we’re reducing our carbon footprint. I think it’s something that all the residents should be proud of and it’s something that will attract new residents who want to live in a community that has those kinds of values. So, I just want to point out that you hear it bit by bit, little things, a contract here, a contract there, a grant here, a grant there, but it’s an overall concerted effort and this Council has been working very, very hard on it. Thank you.”

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

Nays: None

Resolution passed

Council Member Caplan continued, “Thank you. Actually, and I can’t resist commenting about the hybrid truck that we have. It’s a lift truck. It’s got a cherry picker on it and you’ll see it, the Forestry Department uses it and it has a big sign on it that says, it is a hybrid truck and we’re really proud of having it out there.

Resolution No. 81-2010(MS), authorizing the City Manager to enter into an agreement with Miami Valley International Trucks for the acquisition of a truck cab and chassis for the streets division of the Public Works Department; providing compensation therefor; and declaring an emergency. In order to meet operational needs, it is necessary to purchase a truck cab and chassis for the streets division. The Ohio Revised Code allows municipal corporations to purchase machinery, materials, supplies, and other articles without obtaining competitive bids; and in 1991, this Council voted to participate in the Cooperative Purchasing Program. The City Manager has determined that this vehicle may be purchased at a lower price with the State Cooperative Purchasing Program than it could through bidding. Therefore, be it resolved that the City Manager is authorized to execute any and all agreements necessary for the purchase of a 2010 International 7400 4x2 cab and chassis from Miami Valley International Trucks, through the Department of Transportation Cooperative Purchasing Program. The purchase price for the cab and chassis shall not exceed the sum of Sixty Seven Thousand Nine Hundred Forty-eight Dollars (\$67,948.00). The City reasonable expects that the cost of such expenditures will be paid with proceeds from the City’s issuance of tax-exempt notes or bonds (which you heard about at the beginning of this meeting and we did not buy any trucks last year because we were trying to pay off of our debt). We anticipate that the notes or bonds will not exceed Sixty-eight Thousand Dollars (\$68,000.00). Notice of passage shall be given and I offer Resolution No. 81-2010(MS) for passage tonight.”

Mayor Kelley accepted Resolution No. 81-2010(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. Now, I have Resolution No. 82-2010(MS), and if you've been paying attention you'll see that we talked about this before also in terms of funding.

Resolution No. 82-2010(MS), authorizing the City Manager to enter into an agreement with Wade Trim Ohio, Inc. for engineering services for Phase II of the Taylor Road Rehabilitation Project; providing compensation therefor; and declaring an emergency. The City intends to perform rehabilitation on Taylor Road from Euclid Heights Boulevard to the north corporation line. By Resolution No. 17-2009, this Council authorized an agreement with Wade Trim Ohio, Inc. for engineering services for the preliminary study and design phases of the Taylor Road Rehabilitation Project. Wade Trim Ohio, Inc. has performed these services in an efficient and cost-effective way. The City Manager has recommended that Wade Trim Ohio, Inc. be retained to provide engineering services for Phase II of this Project; and because it is professional services, no bidding is necessary.

Therefore, be it resolved that the City Manager is authorized to enter into an agreement with Wade Trim Ohio, Inc. for Phase II of the Taylor Road Rehabilitation Project. The scope of the work shall be as set forth in the Engineer's proposal. Compensation for the services will be at the Engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Two Hundred Twenty Thousand Dollars (\$220,000.00). The City reasonably expects that the cost of the services 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 Two Hundred Twenty Thousand Dollars (\$220,000.00). I offer Resolution No. 82-2010(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 82-2010(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. Last but certainly not least, is Resolution No. 83-2010(MS), authorizing the City Manager to enter into an agreement with the Ohio Environmental Protection Agency to accept grant funding under the Surface Water Improvement Fund ("SWIF") Grants Program for surface water discharge restoration of Cumberland Park Parking Lot; and declaring an emergency.

We've talked about this before that we've had a design for this to redesign the Cumberland Park Parking Lot outside of where the swimming pool is so that the surface becomes more environmentally-friendly.

The City has been awarded a grant of Two Hundred Thirty-Two Thousand Seventy-Four Dollars (\$232,074.00) for surface water discharge restoration of the Cumberland Park Parking Lot. Acceptance of the grant would certainly be in the best interests of the City and its residents. The City Manager, therefore, shall be authorized to enter into an agreement with the Ohio Environmental Protection Agency to accept this grant in the sum of Two Hundred Thirty-Two Thousand Seventy-Four Dollars (\$232,074.00) for surface water discharge restoration of Cumberland Park Parking Lot. I offer Resolution No. 83-2010(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 83-2010(MS).

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

Nays: None

Resolution passed

Council Member Caplan commented, "Thank you. That's the end of my resolutions and the only comment I'd like to make is to remind you about Cain Park. This weekend I saw Sweeney Todd, a little gory, but it certainly is an interesting comment on life at about how people don't take care of each other and the little guy sometimes needs to get even. It's fun to see. It's still there for another weekend. I encourage you to go and also there are all kinds of programs and if some of them seem a little too steep for your budget, there are always those *Two Dollar Tuesdays* and *Five Dollar Fridays*. So look on line, look in the book, look in the new Focus that's coming. Don't miss out. Cain Park is a special thing that very few municipalities across the country have and it is really a gem in the middle of our city. That's all I have."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is one Board of Zoning Appeals Resolution and Vice Mayor Evans was at the June 16, 2010 meeting and is going to read that Resolution."

Vice Mayor Evans stated, "I can certainly do that. Board of Zoning Appeals Calendar No. 3221 upon the motion being made and seconded the following Resolution was adopted: New Community Bible Fellowship, 3557 Washington Boulevard, in an 'A' single-family district, has made formal application requesting a variance from the minimum yard requirements for specific area, width and yard regulations of the Zoning Code to permit a parking lot 10' to 34.08' from the west side yard adjacent to 3535 Washington Boulevard. The applicable provision of the Zoning Code is contained in Section 1153.03, which requires the side yard to be a minimum of 50'. The BZA public hearing to consider this application was held on Wednesday, June 16th at 7:30 p.m., pursuant to the requirements outlined in Sections 1109.06 and 1115.07 of the Zoning Code. Be it resolved by the Board of Zoning Appeals of the City of Cleveland Heights that the applicant will suffer practical difficulty if the variance is not granted for the following reasons: adhering to the 50' side yard setback would result in substantially fewer parking spaces than what are proposed with the variance; the variance would increase the viability of the existing structure by providing more of the required parking on-site; additional parking cannot be added to the rear of the parcel due to the deep ravine and Dugway Brook; the Planning Commission approved the applicant's plan with conditions; the proposed plan includes a larger setback between the current building and the nearest residential use, which will allow increased emergency access; the proposed increase in parking brings the site more into compliance with the Code's required parking spaces which is important during church services and events; the proposed plan remedies some environmental problems improving the site from its existing condition; and the applicant's predicament cannot be resolved without a variance. The issuance of a special permit is hereby authorized to New Community Bible Fellowship for a 10' to 34.08' side yard as shown in plans submitted to the Board. The applicant is 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. I'd like to move that we accept BZA Calendar No. 3221 this evening."

Second by Council Member Tumeo.

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

Nays: None

Resolution confirmed

Council Member Wilcox concluded, "There is nothing further to report from this committee tonight other than I would like to note that tonight we passed a lot of legislation involving the

expenditure of a significant amount of money. As I look back on the legislation not any of that money is coming out of our general fund. It is all either bond retirement fund or Issue 27 money or primarily federal and state money that comes through grants and other funds we've received. That doesn't come about just by accident. So, I want to thank our city staff for the very hard work that they've done in making sure that these funds are available for us to put to good use. That completes my report."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Montlack stated, "Thank you, your Honor. There is no legislation from this committee tonight. I would like to make a few comments in relation to the very fine Coventry Street Fair, a family-oriented event that was planned and enjoyed by many, many families on June 17th, last Thursday, and in fact that is how it happened until close to the end of the fair when there were some youths with no interest in that event who unfortunately caused disturbances. Now normally no council person would step forward to highlight such offensive conduct. After all Cleveland Heights is consistently rated among the safest cities in relation to cities of its size. But, when a community or a neighborhood is insulted by malicious or ignorant people and some harm is done I think that comments are appropriate. I know that Mayor Kelley, as part of his Mayor's Report, will have some comments also. I thought in terms of my chairmanship that some comments are also appropriate. I think that obviously the first priority, the first challenge of any government is to provide for the safety and security of its residents. On that night, last Thursday, through the work of our Cleveland Heights' police department, excellent work, in fact the excellence of their work cannot be overstated here. Their first priority was to make sure that the folks, the law-abiding folks, the families at the street fair were safe and secure. And they did that well. Their second and at the same time or their similar priority was to direct the trouble makers to their homes out of the area or whatever habitat they go to at that point and they did that very well. There were nine arrests, frankly, I think there could have been more, but as I said, the police department, as usual, had their priorities straight. Some of those persons arrested were Cleveland Heights' residents, most were not. There were two adults, seven juveniles. I certainly want to assure everyone that all of those who were apprehended are going to be prosecuted to the full extent of the law. And that we will most assuredly monitor the adult court, the Common Pleas Court and the Juvenile Court in their respective jurisdictions to make sure to the extent that we can that appropriate consequences follow this insult.

Of course, it raises a question which cannot be answered here, which is among other things, where have some of those parents been? Surely, you have to know this. Cleveland Heights is and will remain safe and secure. We learned some lessons in the process about the way in which community events should be marketed and advertised. We'll be putting some of that into practice and most important of all, know for you, your neighbors, your families that Cleveland Heights will remain safe and secure. And you can take this pledge from all of us. That completes this report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Stephens stated, "Thank you, Mr. Mayor. This evening I have the honor of recommending the appointment of Dr. Denise McCray to the Board of Zoning Appeals. Dr. McCray, who has a Ph.D. in Public Policy and Urban Studies from the Cleveland State University has been a resident of Cleveland Heights for three years and will serve as the alternate to the Board of Zoning Appeals. Mr. Mayor, I submit this board approval to the balance of Council."

Second by Council Member Tumeo.

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

Nays: None

Appointment passed

REPORT OF THE MAYOR

Mayor Kelley stated, "I, too, want to comment on last Thursday night. An unfortunate incident occurred Thursday night at the very end of the Coventry Street Fair. A large group of unruly youths disrupted the event by running through the crowd, some small fights also broke out among these youths. Thanks to the excellent work of our Cleveland Heights police there were no injuries and the situation was quickly brought under control. There were nine arrests. The Coventry area, as always and will always be, an important part of Cleveland Heights. It is safe, it is fun and we are very proud of its history and its current vitality. This one incident should in no way change the way that Coventry is thought of or change its status as a go-to destination for out-of-towners and for Greater Cleveland residents. My daughter works at one of the fine restaurants on Coventry. My family goes to the area frequently. In fact, every member of this Council visits the Coventry Commercial Area to eat and shop regularly. This kind of behavior that occurred there last week will not be tolerated on Coventry or anywhere in this community. Disruptive behavior, unlawful behavior, anything that disrupts the peace that occurs, we will arrest, we will prosecute, we will seek justice to its fullest. Enough is enough! The police have our full support.

The Thursday Family Movie Night that Coventry has will occur throughout the summer. I intend to be there with my family and know that hundreds of other families will attend and have an enjoyable and peaceful night. Cleveland Heights is known for our wonderful summer events at Cain Park, at Cedar and Lee, Cedar-Fairmount, at Fairmount and Taylor, and Coventry. These events and our community spirit will continue all summer long and well, well, well into the future. Thank you very much.

That concludes the Mayor's Report. We are adjourned at 8:53 p.m. Thank you for coming. Our next meeting due to the holiday will be on Tuesday, July 6, 2010. We do not have a meeting on July 5th, we have it on July 6th due to the holiday. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc