



# CLEVELAND HEIGHTS

## MINUTES OF THE COUNCIL MEETING OF MONDAY, JUNE 23, 2003

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 5:15 p.m.

Edward Kelley, presiding

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

Council Members absent: Hicks

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

Mayor Kelley excused the absence of Council Member Hicks. Vice Mayor Montlack and Council Member Wilcox arrived at 6:00 p.m.

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

Committee of the Whole adjourned at 7:50 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:57 p.m.

Edward Kelley, presiding

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

Council Members absent: Hicks

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

Mayor Kelley excused the absence of Council Member Hicks.

The minutes of the Regular Council Meeting held Monday, June 2, 2003 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

### REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you, your Honor. I have several items this evening. The first of which would be to request authority to advertise for bids for the Lecona Drive Sanitary Sewer Relocation Project."

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

Council Member Caplan moved that the City Manager be granted authority as requested.

Second by Council Member Evans.

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

Nays: None

Motion passed

Mr. Downey continued, "In Council's packets, you received a copy of Bid Document No. 2003-16, Forest Hills Park Upper Dugway Valley Erosion Control Project. The lowest and best bidder is the F. Buddie Contracting Company in the amount of \$226,840.00. Bid Document No. 2003-17, the purchase of asphalt. The bid is split between two companies for two different types of asphalt. The first is to Schloss Material Company in the amount of \$48,200.00 and the second is to Midwest Paving and Materials in the amount of \$35,000.00. I request that the bid tabulation and the award of contract 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 application has been made by the following: Table 12 Inc., d.b.a Pub on Lee transfer D5 and D6 permits from Mariko Inc., d.b.a. Pub, premises 2191 Lee Road, 44118. I request this be made 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.

#### REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. First of all, my committee would like to accept the resignation of Wright Parkes from the Administrative Services Commission, where he served a little bit more than nine years. He wrote a very nice letter to Vice City Manager Kathleen Ruane about his resignation. He says, 'With great regret, I am submitting my resignation from the Cleveland Heights Administrative Services Commission. I have taken a position in Washington, DC, which will prevent me from continuing my service. I would like to express my appreciation to you and to the other members of the Commission with whom I have worked [with] over the past several years. I believe that we have been able to support the efforts of the City administration in making the city government more efficient and more responsive to the needs of its citizens.' He goes on to compliment Kathleen Ruane as, 'energetic, concerned and sensitive to the needs of both City employees and city residents', and I just thought it was particularly reassuring that his letter reenforced what we've been trying to do since the visioning committee told us that one of the things they wanted was more responsive city services. This committee has taken that seriously and I was glad to see him mention that in his letter. We thank Wright Parkes for his service and wish him well and I do not have another appointment to make at this moment because I just received the letter today. I would also like to move the appointment of four members of the Commission on Aging whose terms are up but who are eligible and are willing to serve for another two-year term. They are Marge Bloomquist, Jeanne Diamond, Elizabeth Lau, and Jean Morgan. The new terms would be beginning July 1, 2003 and ending June 30, 2005. I move those appointments."

Second by Council Member Wilcox.

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

Nays: None

Reappointments passed

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

Council Member Caplan stated, "Thank you. I have no legislation this evening. I do want to remind people that the Cain Park season has begun and the play in the Evans Amphitheater is Fiddler on the Roof and it's wonderful. It is just wonderful. It is beautiful, it is interesting and it so professional. So I encourage people to come to Cain Park and also see those wonderful acts that come through for one night only beginning Tuesday night, tomorrow night actually. We have several weeks of wonderful entertainment. Do participate! A lot of it is free and some of it is not, but do come down and remember about the Cain Park Arts Festival which is the weekend of July 11th. That of course is free and there is lots of entertainment that goes along with that. The flowers in the baskets are looking beautiful. The city is looking great and we invite you to participate in all the things that Cleveland Heights has to offer. That's all I have."

#### REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are nine pieces of legislation from the Finance Committee tonight. This is the second group of resolutions dealing with our Community Development Block Grants. Eight of these resolutions will authorize agreements with various non-profit corporations and one of them with our school district, the Cleveland Heights-University Heights School District. Again, this money is available from the Year 29 Community Development Block Grant funds of the City. These funds are from federal tax dollars which come back to the City and are allocated to provide funding for eligible programs under HUD guidelines. As I stated at our last meeting, these funds have become essential to our community in assisting important programs which otherwise would not receive the money they need to provide our residents services, particular those of low- and moderate income. All these agreements, unless I otherwise state, will be for one year commencing July 1, 2003 and ending June 30, 2004. Next year's grant process, actually is underway now, and applications will be received by July 11th of this year and will be reviewed by our Citizens Advisory Committee that reviews all of these applications. First I have Resolution No. 88-2003(F), authorizing the City Manager to enter into an agreement with the Cedar Fairmount Business Association, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of administrative expenses relating to the operation of the corporation; providing compensation therefor; and declaring an emergency. This Resolution authorizes an agreement to provide funding in the amount of Six Thousand Dollars (\$6,000.00) for those purposes and it is for a six month period commencing July 1, 2003 and ending December 31, 2003. I offer Resolution No. 88-2003(F) for passage."

Mayor Kelley accepted Resolution No. 88-2003(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Next I have Resolution No. 89-2003(F), authorizing the City Manager to enter into an agreement with the Cedar Lee Merchants Association, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of administrative expenses relating to the operation of the association; providing compensation therefor; and declaring an emergency. This Resolution authorizes total funding in the amount of Twelve Thousand Two Hun-

dred Dollars (\$12,200.00). The agreement is for a six month period commencing July 1, 2003 and terminating December 31, 2003. I offer Resolution No. 89-2003(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 89-2003(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, “Resolution No. 90-2003(F), authorizing the City Manager to enter into an agreement with the Cleveland Heights-University Heights City School District for the use of Community Development Block Grant funds for assistance with the District’s Multisystemic Therapy Program; providing compensation therefor; and declaring an emergency. This program, which I believe is the first or second year we’ve done this funding, is a program which assists three low and moderate income middle-school youths who distribute disruptive behavior in school. The total funding for this program is Thirteen Thousand Two Hundred Dollars (\$13,200.00) and this contract is for a period commencing July 1, 2003 and terminating June 30, 2004. I offer Resolution No. 90-2003(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 90-2003(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, “Resolution No. 91-2003(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. This resolution authorizes funding in the amount of Forty-two Thousand Twenty-five Dollars (\$42,025.00) for assistance in HCC’s educational and investigative programs to promote integration and fair housing in our city. I offer Resolution No. 91-2003(F) for passage.”

Mayor Kelley accepted Resolution No. 91-2003(F) for passage.

Council Member Dietrich added, “There is just one thing I would like to say about Heights Community Congress that I think would be good for people to know. They took on a new role this year in addition to their multi-cultural and their fair housing work. The new role was not paid for through Community Development Block Grant funds but I think it’s an interesting thing for people to know what they did. Heights Community Congress serves as a facilitator for community discussions for the Small Schools Initiative. In case you don’t know the school district had received a grant from the Bill and Melinda Gates Foundation to study and implement the restructuring of Heights High to make what is a large school feel like smaller learning communities and to encourage closer relations between teachers and students and between students and students. Heights Community Congress facilitated ten forums over the last couple of months where input was collected from the public that now the school district can use as it goes about implementing this Small Schools Initiative. I just thought that was interesting for people to know about. That’s all.”

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Resolution No. 92-2003(F), authorizing the City Manager to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses; providing compensation therefor; and declaring an emergency. This Resolution authorizes assistance with the operating expenses of Heights Emergency Food Center's programs. Total funding in the amount of Six Thousand One Hundred Dollars (\$6,100.00). I should point out as we go through these, we obviously are providing some important services in our community. Heights Emergency Food Center services approximately 5,300 families in our area. Eighty-nine percent of those households were Cleveland Heights' residents. I offer Resolution No. 92-2003(F) for passage tonight."

Mayor Kelley accepted Resolution No. 92-2003(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Resolution No. 93-2003(F), authorizing the City Manager to enter into an agreement with the Heights Parent Center, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with the Center's Caledonia Family Resource Program to provide support to families and youth in the Caledonia neighborhood; and declaring an emergency. This agreement with the Heights Parent Center authorizes assistance to its Caledonia Resource Program which also assists 100 youths in that area in an amount of Thirty-five Thousand Dollars (\$35,000.00). I offer Resolution No. 93-2003(F) for passage."

Mayor Kelley accepted Resolution No. 93-2003(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Resolution No. 94-2003(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 actually authorizes a number of programs from HRRC including Twenty Thousand Dollars (\$20,000.00) for the Assist 0% Program; Three Thousand Dollars (\$3,000.00) for Neighborhood Project Repair Grants; One Hundred Forty-one Thousand Seven Hundred Dollars (\$141,700.00) for LMI Operating expenses; Twenty-six Thousand Twenty Dollars (\$26,000.00) for Neighborhood Project Repair Operating Expenses; Twelve Thousand Dollars (\$12,000.00) for the Assist Incentive Grant Program; and Twenty-four Thousand Dollars (\$24,000.00) for Assist Deferred Match; for a total grant of Two Hundred Twenty-six Thousand Seven Hundred Twenty Dollars (\$226,720.00). Obviously, we are thankful to HRRC for all they do for our community, so I am happy to offer Resolution No. 94-2003(F) for passage tonight."

Mayor Kelley accepted Resolution No. 94-2003(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Resolution No. 95-2003(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 its Nutrition and Afternoon Out Program; providing compensation therefor; and declaring an emergency. This agreement provides for total funding in the amount of Fifty-four Thousand Four Hundred Thirty-nine Dollars (\$54,439.00) for these programs which serve 2,000 senior adults in our area. I offer Resolution No. 95-2003(F) for passage.”

Mayor Kelley accepted Resolution No. 95-2003(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, “Resolution No. 96-2003(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. This resolution authorizes an agreement for funding in the amount of Eleven Thousand Four Hundred Fifty Dollars (\$11,450.00). I offer Resolution No. 96-2003(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 96-2003(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, “That concludes the legislation but I did again want to thank our CAC and our staff, Karen Knittel, for all their hard work in reviewing these applications. In tough economic times it is very important that we remember that we get some of our federal tax dollars back here in the community. It’s about 2 million dollars a year that we otherwise would not have, to fund these important services to our community. That concludes the Finance report.”

#### REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, “Thank you. I have one piece of legislation and it is Ordinance No. 97-2003(MS), authorizing an agreement with Bob Ross Buick GMC Truck, Inc. for the purchase of a GMC Sonoma pickup truck for the Public Works Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring an emergency. The City has determined to purchase a GMC Sonoma pickup truck for the Public Works Department and the Ohio Revised Code Section 125.04 authorizes municipal corporations and other governmental entities to purchase supplies, equipment and services without obtaining competitive bids. The Council has been authorized to participate in this program and the City Manager has determined that the selected vehicle may be purchased through this program at a lower price than could be obtained through bidding, and that it would be in the City’s best interests to purchase this vehicle this way. Therefore, the City Manager is authorized to enter into an agreement with Bob Ross Buick GMC Truck, Inc. for the purchase of a GMC Sonoma pickup truck for the Public Works Department. The agreement shall provide for a purchase price not to exceed Thirteen Thousand Eight Hundred Dollars and seventy-five cents (\$13,800.75). All agreements shall be approved as to form by the Director of Law. Notice of passage shall be given and this Ordinance shall be declared an emergency for passage tonight. I offer Ordinance No. 97-2003(MS) for passage.”

Mayor Kelley accepted Ordinance No. 97-2003(PD) for passage.

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

Nays: None

Ordinance passed

Council Member Caplan stated, "Thank you. That's all the legislation. The only other comment from Municipal Services is to thank the Public Works Department for helping to beautify the City and for watering all those wonderful hanging baskets and islands around the City. Thank you."

#### REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There are three pieces of legislation from the Planning and Development Committee tonight. I will handle the first, Ordinance No. 98-2003(PD), establishing a Community Reinvestment Area pursuant to Section 3735.65 et seq. of the Ohio Revised Code and making certain findings and determinations in connection therewith; and declaring an emergency. The City is going to, by this legislation, establish a Community Reinvestment Area in an area roughly bounded by Taylor Road, Euclid Heights Boulevard, Berkeley Avenue and Beechwood Avenue, and further identified as Permanent Parcels No. 684-24-001 through 684-24-024, 684-26-051 through 684-26-075, 684-28-016 through 684-28-127, 684-29-017 through 684-29-026, 684-29-035 through 684-29-141 and 684-31-010 through 684-31-094 (hereafter "Proposed CRA Area") and attached is a map as Exhibit "A". The reason to establish this Community Reinvestment Area or CRA is to encourage new housing construction and home ownership, to eliminate blight and prevent the recurrence of blight by granting tax exemptions for certain residential projects. Under Section 1, based upon the survey conducted by the City's Planning Department and other information and data presented to this Council, copies of which are on file with the Clerk of Council, it is found and determined that the area that I just described is a blighted and deteriorated area and is in an area in which housing facilities or structures of historical significance is located and new construction and repair of existing facilities or structures is discouraged, and which therefore is designated a Community Reinvestment Area pursuant to Section 3735.65 et seq. of the Ohio Revised Code. Under Section 2, which is very important in defining exactly what kinds of redevelopment activities would be subject to the tax abatement authorized in this, these are the kinds of activities declared to be a public purpose: New single-family construction, conversion of two-family homes to owner-occupied single-family homes, and conversion of up-and-down two-family homes to side-by-side owner-occupied condominiums. The owner-occupant of any such property in the Community Reinvestment Area under this legislation may file an application for exemption from real property tax for a period of ten (10) years for fifty percent (50%) of the assessed taxes for the housing activities described in this Section. The other sections provide for various procedures in line with this Ordinance. I am happy to present Ordinance No. 98-2003(PD) on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 98-2003(PD).

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

Nays: None

Ordinance passed

Vice Mayor Montlack continued, "Because I am going to ask for permission to abstain from voting on the next two pieces of legislation, I'd like to ask Council Member Phyllis Evans, who is the Vice Chair of the Planning and Development Committee to handle those readings, please."

Council Member Evans stated, "Thank you, Vice Mayor. Resolution No. 99-2003(PD), authorizing the City Manager to enter into an agreement with the Coventry Village Special Improvement District, pursuant to the Department of Housing and Urban Development Section 108 Loan Guarantee Program, for a loan for streetscape improvements for the Coventry Business District; and declaring an emergency. Fortunately, the City of Cleveland Heights and Cuyahoga County are performing major improvements to Coventry Road between Mayfield Road and Euclid Heights Boulevard. The Coventry Village Special Improvement District ("Coventry SID") is seeking funding to perform streetscape improvements while the construction work is occurring. Funding is available for such purpose pursuant to the Department of Housing and Urban Development ("HUD") Section 108 Loan Guarantee Program, by which HUD makes loans for economic development activities financed through underwritten public offerings and secured by Community Development Block Grant allocations. Section 1 states, the City Manager is authorized to enter into an agreement with the Coventry Village Special Improvement District ("Coventry SID") for a loan pursuant to the HUD Section 108 Loan Guarantee Program for streetscape improvements. The loan amount shall be Four Hundred Thousand Dollars (\$400,000.00), with a variable interest rate, currently estimated to be five and four tenths percent (5.4%), pegged to the London Interbank Offered Rate ("LIBOR"). The term shall be ten (10) years, with repayment by the SID at an amount equal to fifty-eight percent (58%) of the total debt service and the City paying the remainder with CDBG funds. Section 2 states the notice of passage and Section 3 declares this to be passed as an emergency measure. I'd like to present Resolution No. 99-2003(PD) for passage this evening."

Mayor Kelley accepted Resolution No. 99-2003(PD) for passage. The Mayor entertained a motion for the Vice Mayor to abstain from voting. It was so moved by Council Member Dietrich. Second by Council Member Wilcox.

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

Nays: None

Motion to abstain passed

Mayor Kelley called for the vote on Resolution No. 99-2003(PD).

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

Nays: None

Resolution passed

Council Member Evans continued, "I'd like to present Resolution No. 100-2003(PD), authorizing membership in the First Suburbs Development Council; providing compensation therefor; and declaring an emergency. By Resolution No. 21-2000, this Council authorized the City Manager to enter into an agreement with several other Cuyahoga County communities for the establishment of the First Suburbs Consortium Council of Governments. The First Suburbs Consortium established an affiliated unit entitled the First Suburbs Development Council, whose purpose is to promote development opportunities in the member communities. It is in the best interests of the City and its residents to be a member of the First Suburbs Development Council. Section 1 gives the City Manager authorization to execute all documents necessary to obtain membership of the City of Cleveland Heights in the First Suburbs Development Council; and to pay dues for such membership in a sum not to exceed Five Thousand Dollars (\$5,000.00) per year, retroactive to July, 2002. Section 2 is notice of passage and Section 3 allows this to be passed as an emergency measure. I'd like to submit Resolution No. 100-2003(PD) for passage this evening."

Mayor Kelley accepted Resolution No. 100-2003(PD) for passage. The Mayor entertained a mo-

tion for the Vice Mayor to abstain from voting. It was so moved by Council Member Caplan. Second by Council Member Dietrich.

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

Nays: None

Motion to abstain passed

Mayor Kelley called for the vote on Resolution No. 100-2003(PD).

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

Nays: None

Resolution passed

Vice Mayor Montlack concluded, "Thank you, Council Member Evans, and that concludes the report of this committee."

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

Council Member Evans stated, "Thank you, your Honor. There is no legislation this evening. I would like to mention that Cleveland Magazine, June, 2003 edition had a ranking of 65 suburbs based on safety. Number 1 ranking was the lowest crime per capita and out of the 65 suburbs we were ranked 18. I think that makes a great statement that we need to convey to all our residents and anyone else who might be interested and to thank our police department under the direction of Chief Lentz for doing such a fine job. That concludes my report."

#### REPORT OF THE MAYOR

Mayor Kelley stated, "We had a little talk over the last few months about our community circulator and I'm pleased to announce that there will be a ribbon cutting ceremony on Monday, June 30 at 10:30 in the morning at Tommy's Restaurant in the heart of Coventry. The circulator is indeed a reality. It'll begin service on Monday, June 30. The hours of service will be Monday through Thursday from 7:00 in the morning until 7:00 at night, which will run every half hour. On Friday from 7:00 in the morning until 11:00 at night and on Saturday from 9:00 in the morning until 11:00 at night. It will service Shaker Square, Coventry, Little Italy, University Circle, and Cedar-Fairmount. So it is becoming a reality. It is 75 cents a ride and it is certainly a god-send for the community and it'll help the districts. It is certainly something that we can all use and it'll also help the residents in Musicians Towers and our students and the commercial areas. So get involved again. The ribbon cutting itself, you are all invited to come. It is Monday, June 30 at 10:30 in the morning and it is great for the community.

Our next Council meeting will be Monday, July 7 at 7:30. Thank you for coming tonight. I will adjourn the meeting tonight at 8:33 p.m."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc