



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF WEDNESDAY, JULY 5, 2006

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:30 p.m.

Edward Kelley, presiding

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

Council Members absent: Dietrich

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

Mayor Kelley excused the absence of Council Member Dietrich.

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

Committee of the Whole adjourned at 7:30 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:36 p.m.

Edward Kelley, presiding

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

Council Members absent: Dietrich

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

Mayor Kelley excused the absence of Council Member Dietrich.

The minutes of the Regular Council Meeting held Monday, June 19, 2006 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

Lisa De Filippis, 2965 Hampshire Road, stated, "I have written a bunch of stuff out, which mostly I'm not going to say. I'm here as a twenty-year citizen of Cleveland Heights - a resident of Cleveland Heights. I moved here from another part of the country. This is the only place I've ever lived in Ohio. I have two children at Heights High, who went to Coventry and Roxboro Middle School and I've served

on the PTA. My husband served on the Coventry Peace Committee and I, as well as a number of other citizens of Cleveland Heights, both in the Coventry Elementary area and elsewhere are very concerned and distressed by the decision of the school board, as I know that you are to close one of the elementary schools in Cleveland Heights. I am especially unhappy that they chose Coventry, but there are again, a number of citizens who are trying to question this decision, believing that it is not in the best interest of the schools to close any of the elementary schools because once you start closing schools, the lack of enrollment just accelerates. The money that is being saved is not nearly enough for the disruption that's being caused. I bring this to you for a couple of reasons. I know that it wasn't the decision of this body and I know that you tried to intervene and do what you could, but your Cleveland Heights' citizens, a number of them, are very unhappy and need your help. [They] need your help to try to pressure the school board to reconsider this and mostly - also need your help in helping shape what is done with that extremely important valuable corner of Cleveland Heights, which is not like anything - -. I've lived in several other areas of the country, I've never lived in any place like this - and that is very much the *heart of this community*. Again, I know it wasn't this body's decision, but it wasn't my decision either and we're all residents of Cleveland Heights together and we're asking for your help."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have no formal report this evening."

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: Karma Restaurant LLC, d.b.a. Karma, new D5 permit, premises 1791 Coventry Road, 44118. Your Honor, 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.

Mr. Malone stated, "I also need to notify Council that five resolutions of the Board of Zoning Appeals have been received pertaining to variance in the Zoning Code and are requested by the following: BZA Calendar No. 3106(a) Todd Mason, 888 Yellowstone Road, accessory-use regulations; BZA Calendar No. 3106(b) Todd Mason, 888 Yellowstone Road, accessory-use regulations; BZA Calendar No. 3107(a) Anna Kiss, 12986 Cedar Road, accessory-use regulations; BZA Calendar No. 3107(b) Anna Kiss, 12986 Cedar Road, accessory-use regulations; and BZA Calendar No. 3107(c) Anna Kiss, 12986 Cedar Road, accessory-use regulations. Your Honor, I need to make this a matter of record."

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

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Tumeo stated, "Thank you. We have one piece of legislation tonight. It is Resolution No. 79-2006(CRR), authorizing the City Manager to accept a grant from the Kulas Foundation on behalf of the City of Cleveland Heights; and declaring an emergency. We have received a Kulas Foundation award of Five Thousand Dollars (\$5,000.00) to support the 2006 summer program at Cain Park. It will help us to continue to present a diverse schedule of programming at Cain Park. It is very gracious of the Kulas Foundation, and some kudos go to the staff for putting this together. This resolution is to accept that and it is introduced on first reading for passage this evening."

Mayor Kelley accepted Resolution No. 79-2006(CRR).

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

Nays: None

Resolution passed

Council Member Tumeo continued, "I have several announcements that Nancy would be more than happy that I remembered to bring to everyone's attention. First of all, on Saturday, July 8, there will be the All-Star games and Softball Hall of Fame induction at the Forest Hill Park. There is going to be a ceremony to acknowledge the thirty-years of softball at Forest Hill and I encourage everyone to go to that. On the 9th, we have a tour of the town homes and condos that have been going on in development. It is a self-guided tour. Call 291-5959 for a map, for more information and there also will be trolleys going around. It will be from 1:00 p.m. to 5:00 p.m.

Next weekend, the 14th through the 16th, is the Cain Park Arts Festival, one of the great events here in Cleveland Heights in the summer. I hope everyone comes out for that. There are still some shows at Cain Park and tickets are available and we encourage you to attend those. It is a great thing in the summer and a lot of fun. Thank you, Mayor."

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is a piece of legislation from this committee, on for first reading only. It is Resolution No. 80-2006(F), approving the adoption of the 2007 Tax Budget; and declaring an emergency. The proposed budget, which contains summary pages as well as all sorts of explanations going department by department and division by division is now being discussed. It has gone through one of our committee hearings in the Finance Committee and I anticipate will be wrapped up on Monday, July 10, in a continuation of that meeting and will no doubt be on for second reading - or I anticipate for second reading at the very next council meeting. At this point I will not attempt to summarize because it wouldn't do justice. However, I will tell you that in general, this budget continues the trend of the past several years, in that the revenues are anticipated to rise modestly and the general fund budget is very much held in check with only the most modest of increases, far below the anticipated increase in the consumer price index, far below the increases experienced across the nation, across the state, across the region by municipalities, most of the expenses of which are related to personnel wages and salaries. With that said, this Resolution No. 80-2006(F) is presented on first reading only tonight."

Mayor Kelley accepted Resolution No. 80-2006(F), First Reading only.

Vice Mayor Montlack continued, "I have just a few comments on some other topics, not all of which are directly within the finance area. First, I think, once again, Cleveland Heights should be proud of its regional leadership. Recently, our head of our housing effort, Rich Wagner and our Chief of Police Martin Lentz, teamed up as they have for many years, this time to present to fourteen other communities - mostly first suburbs communities, to present to them a kind of verbal training manual on ways to work with CMHA in regard to what used to be called Section 8 housing and how to maintain good stability in the neighborhoods. This meeting was attended by both the housing staff as well as the police staff from these various communities and was certainly well-received. I can also mention that because of Rick Wagner's leadership we are very close now to receiving a funding through the Cuyahoga County Department of Development, as well as with the blessing of the Cuyahoga County Prosecutor's office for a property investigator. This is something that the housing committee of the First Suburbs with Rick Wagner's input put together as an application. When that it is funded, and we anticipate that

shortly, this property investigator will work with all of the communities to root out predatory lending and to investigate cases of lending abuse and downright fraud as they occur with regard to housing finance.

I have a second comment which perhaps is as much personal as anything, but from time to time we talk about the need to support local businesses, businesses that are operated by independents, businesses that are operated essentially by the residents of our community and we welcome many of these to our community and I certainly hope that you remember them when you're shopping. I know that one that comes to mind that has made a tremendous investment in our community and is run by a young couple that have worked hard to make their own personal investment both financially and through sweat equity, and that business is of course Pet Land on Lee Road which is a very fine effort and hope that that's remembered.

Finally, I hope on a bright note, also, having had the opportunity recently to observe the camps being run at the community center, and I'm now talking about the basketball camp and the day camp and being one of those obsessive types that goes to the field house and works out on the equipment, although you are shielded by all sorts of acoustical walls, etc., from these other activities, the screams of joy and learning and just plain healthy exercise and activities can't possibly be missed when you're there. It is such a pleasure and, of course, I'm also proud just as another resident of Cleveland Heights, that our community does such a wonderful job with the youth and serves so many of them. If you haven't had a chance to stop by the community center, because these activities of one kind or another are ongoing, please take that opportunity. I also stopped by Cumberland Pool for a refreshing swim, and once again this year, that facility is so well run, so clean, and so inviting that I hope Nancy Dietrich won't mind my infringing on her Community Relations focus, but take advantage of these things during the summer because your city is really working hard to present the best. With that said, this report is complete."

Mayor Kelley added, "Thank you, Vice Mayor. Just a word about our summer camps. They are ably run by Mike Discenzo and I believe our summer camp kids today went out to the Captain's game in Lake County and saw an 11:05 baseball game, one more thing to get the kids out of the regular routine. It was well-attended by our kids today and it was a nice treat for kids in our program."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have three pieces of legislation. Part of this is a trick to see if you really listen, because last time we had a public meeting I did an ordinance about buying a piece of equipment. Well today we are going to repeal it and we're going to buy the equipment in two separate parts and we're going to assemble it ourselves, but the ordinances don't come one after the other, so that's why you really have to listen to this.

This is Ordinance No. 81-2006(MS), authorizing an agreement with Concord Road Equipment Mfg., Inc. for the purchase of a dump body / snow and ice control equipment package (notice there is no truck there) for the Public Works Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; Repealing Ordinance No. 63-2006; and declaring an emergency. The repealing part is that we're not going to buy it as a whole. We can save a whole lot of money by buying it in parts. The City has determined to purchase a dump body / snow and ice control equipment package for a new truck for the Public Works Department. The Ohio Revised Code, and I've told you this a lot of times, that this authorizes municipal corporations that we can purchase supplies, equipment and services through the Ohio Department of Administrative Services Cooperative Purchasing Program without obtaining competitive bids. This Council is authorized

to participate in this program and the City Manager has determined that the selected equipment 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 the equipment. The truck cab and chassis is being purchased through the same program but in a different ordinance. The City Manager is authorized to enter into an agreement not to exceed Sixty-one Thousand Dollars (\$61,000.00). I offer Ordinance No. 81-2006(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 81-2006(MS).

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

Nays: None

Ordinance passed

Council Member Caplan continued, "And you'll have to wait with anticipation while I read a different one in the middle. This is Resolution No. 82-2006(MS), authorizing the City Manager to enter into an agreement with Consulting Engineering, Inc. for a waterline survey; providing compensation therefor; and declaring an emergency. This is really kind of interesting. In previous years, the Council has authorized the City Manager to enter into agreements with Consulting Engineering, Inc., formerly known as Central Engineering, Inc., for the performance of waterline leakage surveys of the City's water distribution system. As a result of repairs of leaks detected by said surveys, water losses due to leakage were substantially reduced, resulting in a higher percentage of the water that we purchased from the City of Cleveland and is being billed to our consumers.

What this is, the company drives through the city at night with a special listening device to listen for leaks and identifies where the leaks are so that we can then go back and fix them.

It has been determined that the rates set forth in the proposal of Consulting Engineering, Inc. are reasonable and competitive. Therefore, be it resolved that this Council authorizes the City Manager to enter into an agreement with Consulting Engineering, Inc., for the purpose of this waterline survey with total fees and costs not to exceed the sum of Thirty-four Thousand Six Hundred Ninety-one Dollars and Ninety-three Cents (\$34,691.93). Notice of passage shall be given and this Resolution shall be passed as an emergency measure tonight. I offer Resolution No. 82-2006(MS)."

Mayor Kelley accepted Resolution No. 82-2006(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. Now I have what we've been waiting for is Resolution No. 83-2006(MS), authorizing the City Manager to enter into an agreement with International Truck and Engine Corporation for the acquisition of a truck cab and chassis for 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 Public Works Department. The Ohio Revised Code Section 5513.01 has allowed municipalities to enter into the Ohio Department of Transportation Cooperative Purchasing Program without obtaining competitive bids. The City Manager has determined that the selected cab and chassis may be purchased through this program and it would be cheaper do so without bidding. The dump body, snow plow and other accessories will be purchased from another source through the Ohio Department of Administrative Services Purchasing Program with a cost not to exceed Fifty-four Thousand Dollars (\$54,000.00). I offer Resolution No. 83-

2006(MS) for passage tonight.”

Mayor Kelley accepted Resolution No. 83-2006(MS).

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

Nays: None

Resolution passed

Council Member Caplan concluded, “Thank you. I have a couple of announcements. One, Mayor Kelley and I had a wonderful experience last Friday, as did several members of our community. The Grand Master of the Korean Traditional Marshall Arts Program which we have here in this community and there are fifty-five participants (students) in this program in the city now. They range in age from five to sixty-nine. Most of them were there with their family members and it was a ceremony to meet the Grand Master and the Grand Master gave the Mayor an honorary black belt and we got a wonderful certificate that’s framed and it is gorgeous. The thing about it is that we’ve been talking about civility and to watch the self-discipline - the wonderful interaction of the children which then made everybody behave in a very gracious civil manner. It really was quite spectacular. We learned about this martial arts program. It was very nice and they are even thinking about having their regional tournament here in two years. They were so impressed with how we were and what our facility was like and how graciously we were to them but we thought they were pretty gracious to us. It was really quite a nice experience.

I also wanted to tell you about our public works department. We were lucky in those past rains where there was flooding all around Ohio, and in Brecksville and Solon and other communities where they had big flooding problems and lots of difficulties with managing the trash that people had to take out of their homes and I want you to know that we sent trucks to Brecksville and to Solon to help those communities deal with the terrible problems that they were having and we did that as one neighbor to another.

The other thing I wanted to tell you is that if you have techno trash, you can bring it either to City Hall or to the community center. There are boxes and it’s recycled and we encourage you to bring your techno and if you do technical things you’ll know what that is; your computers, your disks, all the things that you used that you no longer want to use, we will be happy to take them from you. As long as I am talking about trash, someone did say that they didn’t know we recycle. Now, I don’t know how that could be possible in this community, but nonetheless, please, if you don’t want to go through any trouble, take a paper bag. When you go to the grocery store ask them for just paper bags. Take a paper bag and you could put all your paper, even your newspapers, your magazines, your junk mail - put them all in the bag and put it out on your trash day. Not only will you be recycling, but it is a good thing for the community. We also save money, because frequently we get paid for the recycling material and therefore, we don’t have to pay the \$41.00 a ton to have it land filled. I encourage you to do that. That will be all for the moment. Thank you.”

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, “Thank you, your Honor. There are first to be considered five resolutions from the Board of Zoning Appeals from their June 21, 2006 meeting. Councilwoman Evans attended that meeting and I am going to ask her to read those resolutions.”

Council Member Evans stated, “I’d like to present BZA Calendar No. 3106(a). As Dennis mentioned, this BZA public hearing was held on June 21st and at this hearing it was the opinion of the Board

of Zoning Appeals that each applicant clearly demonstrated that there were special conditions and circumstances resulting in practical difficulty in complying with the requirements of the Zoning Code, and, further, that the variance was 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 first two are pertained to a property at 888 Yellowstone Road, owned by Todd Mason, in a 'A' single-family district, has made formal application requesting a variance from the accessory-use regulations of the Zoning Code, to permit pavement within 18" of a property line. In the Zoning Code the pavement is to be set back at least 3' from all lot lines. The applicant would suffer practical difficulty if the variance is not granted because the neighboring drive encroaches 18" and sheds water onto the applicant's property, and the applicant's new paving channels water away from his foundation, eliminating a damp basement as well as previous conditions in an area where no vegetation would grow. The issuance of a special permit is hereby authorized to permit paving within 18" of the side lot line and abutting the neighboring drive, as shown in plans submitted to the Board. I'd like to move that BZA Calendar No. 3106(a) is adopted tonight."

Second by Council Member Caplan.

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

Nays: None

Resolution confirmed

Council Member Evans continued, "The second one is BZA Calendar No. 3106(b), same owner, Todd Mason, at 888 Yellowstone Road, has made formal application requesting a variance from the accessory-use regulations of the Zoning Code, to permit 100% pavement coverage of the combined side yards. The Code limits pavement coverage of the combined side yards to 60%. The applicant will suffer practical difficulty if the variance is not granted because the neighbor's encroaching drive already covered a large percentage of the applicant's side yard and the applicant's own drive covered his other side yard, and the remaining uncovered side yard was too small for significant landscaping and suffered from problems relating to the water runoff. The issuance of a special permit is hereby authorized to permit 100% paving coverage of the combined side yards, as shown in plans submitted to the Board. I'd like to present BZA Calendar No. 3106(b) for a motion to be accepted."

Second by Council Member Tumeo.

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

Nays: None

Resolution confirmed

Council Member Evans continued, "The second applicant is 3107 and it is in three parts, (a), (b), and (c). This is Anna Kiss, 12986 Cedar Road, in an 'A' single-family district, has made formal application requesting a variance from the accessory-use regulations of the Zoning Code, to permit a 17.5-foot driveway width in the front yard. The Zoning Code just permits a maximum driveway width of 12-feet in a front yard. This applicant will suffer practical difficulty if the variance is not granted because the 50-foot width of the parcel and the location of the house and the attached garage on that parcel will not allow construction of a 2-car garage; having a 1-car garage with a 9.5-foot-wide drive on a very busy street has resulted in the need to simplify the process of moving one car out onto a busy street when the other car is entering or exiting; there is a finding that no precedent is being set and the character of the neighborhood will not change based upon pictures submitted by the applicant of several existing extended driveways on the street. The applicant's predicament cannot be resolved without a variance. The issuance of a special permit is hereby authorized to permit a 17.5-foot driveway width in the front

yard, as shown in the plans submitted to the Board. The applicant is required to obtain a building permit and to work with staff to implement a tree preservation plan prior to installation. All construction which is the subject of this application shall be completed within 90-days of the date of approval of this resolution by City Council. I'd like to move that Council accept BZA Calendar No. 3107(a)."

Second by Council Member Wilcox.

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

Nays: None

Resolution confirmed

Council Member Evans continued, "BZA Calendar No. 3107(b), same applicant, Anna Kiss, 12986 Cedar Road, has made formal application requesting a variance from the accessory-use-regulations of the Zoning Code, to permit pavement with no setback from a property line. The Zoning Code requires a setback of 3-feet from the property line. This applicant will suffer practical difficulty if the variance is not granted because the 50-foot width of the parcel and the location of the house and the attached garage on that parcel will not allow construction of a 2-car garage; having a 1-car garage with a 9.5-foot-wide drive on a very busy street has resulted in the need to simplify the process of moving one car out onto a busy street when the other car is entering or exiting; there is a finding that no precedent is being set and the character of the neighborhood will not change based upon pictures submitted by the applicant of several existing extended driveways on this street; and the applicant's predicament cannot be resolved without a variance. The issuance of a special permit is hereby authorized to permit pavement with no setback from a property, as shown in the plans submitted to the Board. The applicant is required to obtain a paving permit and to work with staff to implement a tree preservation plan prior to installation. All construction which is the subject of this application shall be completed within 90-days of the date of approval of this resolution by City Council. I'd like to present BZA Calendar No. 3107(b) in the form of a motion."

Second by Council Member Tumeo.

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

Nays: None

Resolution confirmed

Council Member Evans concluded, "BZA Calendar No. 3107(c), Anna Kiss, 12986 Cedar Road, has made formal application requesting a variance from the accessory-use regulations of the Zoning Code, to permit unenclosed parking of a vehicle in a front yard. Subsection 1121.12 restricts such parking in a rear yard only. Again, the applicant will suffer practical difficulty for all the reasons that I've already read twice. There is a finding that no precedent is being set and the character of the neighborhood will not change. The applicant's predicament cannot be resolved without a variance. The issuance of a special permit is hereby authorized to permit unenclosed parking of a vehicle in a front yard, as shown in plans submitted to the Board. The applicant, there again, is required to obtain a paving permit and to work with staff to implement a tree preservation plan prior to installation. All construction which is the subject of this application shall be completed within 90-days of the date of approval of this resolution. I present BZA Calendar No. 3107(c) in the form of a motion."

Second by Council Member Caplan.

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

Nays: None

Resolution confirmed

Council Member Wilcox continued, "There is one other piece of legislation from this committee and that's Resolution No. 84-2006(PD), authorizing an agreement with Jane Sheahan-McMahon d.b.a. The Tavern Company for the use of a portion of the public property adjoining the building at 2260 Lee Road for outdoor dining purposes; and declaring an emergency. Jane Sheahan-McMahon operates a business known as The Tavern Company at 2260 Lee Road; and has requested permission to use a portion of the City-owned property adjoining her property for outdoor dining purposes. The requested use will not interfere with the use of the property for right-of-way purposes; and, in fact, will enhance the Cedar-Lee Business District and be of benefit to the City and its residents. This resolution in Section 1 authorizes City Manager to enter into an agreement with Jane Sheahan-McMahon for the use of a portion of the City-owned property adjoining 2260 Lee Road for the placement of tables and chairs for outdoor dining for patrons of The Tavern Company and to provide for the placement of six tables and twenty-four chairs as shown on the exhibit which is attached to this resolution. The agreement shall be from May 1, 2006 through November 1, 2006, with optional seasonal renewals. The hours of operation are between 5:30 p.m. through 10:00 p.m., Monday through Thursday; 5:30 p.m. through 11:00 p.m., Friday and Saturday, and 2:00 p.m. through 9:00 p.m. on Sunday, and shall allow The Tavern Company to serve alcohol, subject to approval of the Ohio Department of Liquor Control. The agreement also holds the City harmless from any claims which may arise, and to carry insurance to cover the City's exposure, and also has a provision where it may be terminated at the City's sole discretion, if the City determines it needs the property for public purposes or that the outdoor dining is creating a nuisance or is not in the best interests of the Business District. I offer Resolution No. 84-2006(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 84-2006(PD).

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

Nays: None

Resolution passed

Council Member Wilcox concluded, "That concludes the legislation. I just wanted to remind our residents, and I mentioned this at our last meeting, but since we talked about Lee Road here again tonight, that the Cedar-Lee Business District will be having their Lee Road Stroll on Lee on July 13th and the Noble-Nela District will have their summer festival on July 14th. Hopefully, everybody will have a chance to visit those activities. There are plenty of things going on in our community, especially in July. So there is no excuse not to get out and enjoy Cleveland Heights and with that, it concludes my report."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Resolution No. 85-2006(PSH), authorizing the City Manager to enter into an agreement with McDonald Equipment Company for the purchase and installation of a new back-up generator for Fire Station No. 1; providing compensation therefor; and declaring an emergency. In order to provide essential government services, it is necessary for the City to purchase a new back-up generator for Fire Station No. 1 at the earliest possible time. The City has been awarded grant funds of approximately Nineteen Thousand Five Hundred Thirteen Dollars (\$19,513.00) to pay a portion of the cost of such a generator. The cost of the generator will be about Forty-one Thousand Eight Hundred Sixty Dollars (\$41,860.00). After consultation with the with available vendors, it has been determined that only one vendor is able to provide a generator within the time frame established by the terms of the grant, due to a scarcity of such equipment in the aftermath of Hurricane Katrina. The terms offered by such vendor, McDonald Equipment

Company, are reasonable and competitive. I'd like to present Resolution No. 85-2006(PSH) for passage."

Mayor Kelley accepted Resolution No. 85-2006(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Thank you. One of the good news is that the generator, once the new one has been received will then be housed at the community center and hopefully, will never have to be used there.

Resolution No. 86-2006(PSH), declaring the property at 3430 Washington Boulevard to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. The City Manager and the Certified Building Official have reported to this Council that the residential property known as 3430 Washington Boulevard owned by Gaynell C. Henderson and Lydia A. Thompson has not been maintained for a number of years and is in a state of severe disrepair. Both officials have further reported that the owners of the subject property have been cited by the Housing Inspection Department for numerous housing code violations on the property over the past two (2) years and that no progress has been made toward correction of the violations. It has been further reported that the property has deteriorated over the years to the point that it is a hazard to the health, safety and welfare of potential occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property. I'd like to present Resolution No. 86-2006(PSH), for passage this evening."

Mayor Kelley accepted Resolution No. 86-2006(PSH).

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

Nays: None

Resolution passed

Council Member Evans added, "The cost of bringing this property to a point that it is not a hazard will be about \$12,000.00, and as you know that when the property is sold the money comes back to the city. It is a lien at this point and will be placed on the tax duplicate. That completes my report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "We have no legislation tonight, your Honor, but I would like to make one comment. I want to thank the citizens for the comments and continuing concern over the school closure. Thank you for coming tonight to talk to us. We are concerned and we will continue to work with the school board and our citizens to make sure that as we move through this process, all concerns are addressed. Thank you."

REPORT OF THE MAYOR

Mayor Kelley added, "I do just want to stress a little more the opportunities that are available for entertainment at Cain Park. Kiss Me Kate is a wonderful show, as will be Hair when Hair takes over when Kiss Me Kate runs out. We do have some great performances. The legendary B. B. King will be there to celebrate his 80th birthday with us. I believe lawn seats are only available. The pavilion is

completely sold out. Three of my favorite acts will be coming to Cain Park, I believe for the first time, the Beach Boys, America, and Four Tops. Tickets are available. There are a lot of other shows including Spyro Gyra if you are a jazz fan.

I do want to talk a little bit about baseball. We are entering our last few weeks of baseball. Saturday baseball for the younger kids ages 4, 5, 6 and 7 and 8 are entering their last two Saturdays of baseball at any given school field or our fields. So get out there and see the young kids play.

The parents, I must compliment them now that we discussed and digested the school issue on the sidelines, at least the fields my sons have played on, the parents have been great this summer. To my knowledge there have been no incidents with parents fighting with each other or challenging umpire calls, but it is playoff time for the older kids, so anything can and will happen. I just want to single out two people in particular, Jeff Rink who is my son's Patrick's coach at age 5 and 6, this is the second year Jeff has coached my son Patrick. He does a great job with fourteen 5 or 6 year old kids buzzing around him on Saturdays and Monday nights at practice. I also want to say a word of praise to Lenny Soeder, who has coached my son, Shawn who is now 8, for the last three years. Lenny does an excellent job and it's great to have these two people. We will have our usual July 15th our big pizza party day for all the coaches and players to get their pictures and awards, etc. It's been a great season for the kids.

I do want to say get well wishes to our own legend, Dominic Tomaro, who is having a little bit of an issue or two, but I know he will be bouncing back very soon.

And as I always say, our council and our staff do not take summers off as many other cities do and I just want to let you know that the First Ring Suburbs' mayors, especially with Tom Longo of Garfield Heights taking the lead, we are working on a meeting with the juvenile court judges or the administrative judges, mainly at least, and the court administrator to start tackling some more of these juvenile issues that are cropping up throughout the county to try to deal with some of these juvenile behavior - not a series of behavior that happens, but maybe something that happens in the court system afterwards. Why, sometimes we have these juvenile court issues, by that I mean, there is an issue that happens in our towns and the person maybe does a little bit of a higher crime or a level of crime that we don't like and he never gets incarcerated or sent to a facility that can deal with him. One example I remember, a year ago when our officers were thrown to the ground and beaten up by one of our juvenile offenders and that gentleman did not even go into the juvenile facility, he was released to his parents within an hour or two after that event. I think that was shameless and that young man should have been in some kind of a facility instead of let back on the street afterwards. So, there will be a meeting. I have all the confidence in Mayor Longo and the administrative judge, Judge Russo and juvenile court and their court administrator - we will have the meeting and rest assure your First Suburbs, the mayors, we'll be there in first force - we will be [the] representatives. It'll be one issue as the issues we've dealt with in the past, the foreclosure issue, the CMHA issue, the behavioral issue - we will head on and work together with juvenile court to make sure something happens so these types of crimes - this type of behavior is dealt with a little bit stronger and directly and so we can have a little bit more peace and harmony in our communities and we will be taking the lead on that.

This meeting will be adjourned at 8:25. Our next meeting will be back on the Monday schedule, Monday, July 17th at 7:30 p.m. Thank you for coming tonight."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council