



# CLEVELAND HEIGHTS

## MINUTES OF THE CITY COUNCIL MEETING OF TUESDAY, JULY 6, 2004

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, Dietrich, Evans, Hicks, Kelley, Montlack, Wilcox

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:00 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:44 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, June 21, 2004 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

"Mayor Kelley, Members of Council, I'm Steve Wood, Director of the Cleveland Heights- University Heights Public Library, 2345 Lee Road, Cleveland Heights, Ohio 44118, and my home address is 2171 Chatfield Drive. I'm very pleased to inform you that last Thursday the design for the main library renovation was approved by the Architectural Board of Review. As you know, the library was forced to change architects at the beginning of this year, but it has been our great good fortune to be teamed now with Studio Techne. This creative firm, located here in Cleveland Heights, realized that there were serious deficiencies with the previous design and they set about quickly to rectify them. That led to modifications to the design for the walkway and the facade that needed to be brought back to the ABR. Based on the comments we have received, I think it is fair to say that everyone who has seen the current design has found it to be a major improvement over the earlier one. As you can see from the drawings

I've given you, Studio Techne added a dark wood to the zinc and brick on the exterior of the main library to break up its large mass and having that wood helps both buildings fit better with their residential neighbors to the east, south and west, while remaining connected to the commercial district to the north. Another advantage of this new design, is the fact that the supports for the walkway are no longer solid pillars located adjacent to the street, although they had received the required variance, we were never fully comfortable with that design because it would be too easy for someone to step off the curb from behind the pillar and not be seen by an oncoming motorist. Now, on the west side of Lee Road, the pillars will be buried in the construction of the new center section of the former YMCA and on the east side they will be moved back against the library to be hidden within the shrubbery. Not only does this enhance the design, it improves the safety for those walking along Lee Road and virtually eliminates any intrusion of the setback variance area. I am truly excited about how the exterior of the new library and cultural arts' center will compliment all that will go on inside. I believe all residents of Cleveland Heights and University Heights will be justifiably proud of this new facility. But frankly, without the support of City Council, the City Manager, and most especially you, Mayor Kelley, I doubt seriously we would be where we are today. And where are we? Ready, finally to work toward a groundbreaking this October and a completion of the entire project by the end of 2005. I don't know the date for the groundbreaking yet, but do keep your calendars cleared. Thank you very much."

Mayor Kelley responded, "We'll block off the whole month of October for you, if you'd like?"

Mr. Wood replied, "That would work."

Mayor Kelley thanked Mr. Wood.

#### **REPORT OF THE CITY MANAGER**

Mr. Downey stated, "Thank you very much, your Honor. I have just one item this evening and that would be to request authority to advertise for bids for the purchase of three (3) leaf vacuum loaders and one (1) tandem rear-loader refuse truck."

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

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

Second by Council Member Evans.

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

Nays: None

**Motion passed**

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

Mr. Malone stated, "Thank you, your Honor. I have no report tonight."

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

Council Member Dietrich stated, "I have Resolution No. 102-2004(AS), authorizing an agreement with the Doan Brook Watershed Partnership, a non-profit corporation, for partial funding for third year operating expenses of the organization; providing compensation therefor; and declaring an

emergency. The cities of Cleveland, Cleveland Heights and Shaker Heights, along with interested organizations and individuals, have formed the Doan Brook Watershed Partnership, which is a non-profit corporation, to develop and implement a watershed management plan for the preservation and stewardship and improvement of Doan Brook. In its first two years, the organization has made significant progress. In fact, the action plan has been - - the creation of the action plan is completed - - the action plan is not implemented yet, but there is a very specific long and short term plan for the stewardship of the watershed. The other thing that I have to say, as being the liaison from Council to that organization, is that it is a really, really wonderful working partnership between three cities. We're able to get a lot done and there is just no folderol, we just get right down to business and it works.

This resolution authorizes the City Manager to enter into an agreement to provide the partial third year funding in the amount of Eighteen Thousand Dollars (\$18,000.00) to be offset by charges of Two Hundred Dollars (\$200.00) per month for rent and utilities plus MIS support services and that's because the partnership office is located here in City Hall. Section 2 is notice of passage and Section 3 declares it an emergency. I offer Resolution No. 102-2004(AS)."

Mayor Kelley accepted Resolution No. 102-2004(AS).

Mayor Kelley commented, "I just want to really quickly thank you, Councilwoman Dietrich, for your leadership on this and your time commitment. I also want to recognize Carl Czaga for your leadership and your time commitment on this and it's really a great group of people. It's great to work with the City of Shaker Heights and the City of Cleveland on this. It's a very valuable service we're involved in and again it's a great group of people and you do great things, it's very necessary and again to Nancy and Carl, thank you for your work and your leadership."

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

Nays: None

**Resolution passed**

Council Member Dietrich added, "I would just also like to make an announcement about something that the Doan Brook Watershed Partnership is involved in along with Cleveland State, the Nature Center, the Holden Arboretum, the Botanical Gardens. There is going to be, on July 23, a lawn care professionals conference to teach lawn care professionals how to use more ecological methods. This will take place at Cleveland State University, the Cole Center, Friday, July 23 from 8:30 in the morning until 3:00 and you can get continuing education credits for it. The people that it's aimed to, are professional landscapers, landscape designers, nursery growers, local and regional officials and any interested citizen. There will be industry leaders there sharing ecological, fiscal, and health benefits of a more sustainable lawn and landscaping. You can register by calling CSU continuing education at 687-2144 or you can register online at [www.csuohio.edu/ce](http://www.csuohio.edu/ce). So just once again, this is one of the things that the Doan Brook Watershed Partnership is involved in and it's really a great way for lawn care professionals to find out how to be a little bit more ecological in doing their job. I urge you to attend that."

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

Council Member Caplan stated, "Thank you. There is no legislation this evening. I know that you've all seen this book about Cain Park [displaying city publication] and all the things that are going on - - and this coming weekend, of course, is the arts festival. Admission is free. There are about 150 artists who will be there - gourmet food - all kinds of activities for the children. It starts on Friday at 3:00 and Saturday and Sunday. Actually, the middle of this book gives all the different kinds of programming that there is - - particularly you may want to look at it for the children because there are specific

things for children all day on Saturday and on Sunday - things that the children can make, storytelling, there is music and I encourage you to come. It's considered to be one of the best art shows in the country and it's here and it's free and there is a shuttle service that runs (if you pay a dollar) to take the shuttle from Severance (park your car) and you don't have to worry about parking at Cain Park. Of course, our neighbors are very nice to allow us to park in front of their homes. I hope you take advantage by coming down to the art festival. There is programming that goes on through the middle of August and there are wonderful things that are coming including Bruce Hornsby on August 9<sup>th</sup>. Do use the parks this summer. They are beautiful. They look attractive and they are wonderful to be in. Come out and see your neighbors. That's all that I have."

Mayor Kelly added, "And you'll also be able to register to vote if you need to, at our arts festival, one more service that'll be provided."

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

Council Member Wilcox stated, "Thank you, your Honor. This is the annual tax budget. This is the only legislation from this committee tonight, but of course an important one. This is Resolution No. 101-2004(F), approving the adoption of the 2005 Tax Budget; and declaring an emergency.

Before I go through the legislation I just wanted to note that [the] Finance Committee has been having numerous meetings, and our staff and Council have focused again on the budget this year. The last several years have been a challenge, obviously not only because of the economy, generally in the low interest earnings on our funds which that brings but - primarily at this point - because the state government continues to look at local government to balance its budget and in the last several years we've seen dramatic reduction of funding from state government to all sorts of local government - both libraries, cities, and schools and that trend seems to continue. So we can't look for relief from the state, as we look at our budget, but luckily we do have stronger income tax and property tax collections over the last year and we hope that that continues, but the budget is in a form now on file with the Clerk and will be presented at a public hearing on July 19 at 7:15 in Council Chambers. With that I'd like to present Resolution No. 101-2004(F), as indicated, the City Manager has previously prepared and submitted to the Council the 2005 Tax Budget for Council's review and evaluation. Members of Council have subsequently met with the City Manager and his staff for the purpose of review, evaluation and their recommendations on the proposed Budget. A copy of the proposed 2005 Tax Budget is available for inspection by the general public at the office of the Director of Finance in City Hall. Notice of a public hearing will be given at least ten (10) days prior to the public hearing, which again is Monday, July 19, 2004 at 7:15 p.m. Section 1 of this Resolution then provides that Council approves the adoption of the 2005 Tax Budget as on file. Section 2 provides the Clerk is directed to make a copy of the approved 2005 Tax Budget a matter of record. Section 3 directs the Director of Finance to file two (2) copies as approved of the approved 2005 Tax Budget with the Cuyahoga County Budget Commission. So, again, I present Resolution No. 101- 2004(F) on first reading tonight."

Mayor Kelley accepted Resolution No. 101-2004(F) on first reading only.

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

Council Member Hicks stated, "Thank you, your Honor. I have no legislation this evening and almost no comments. I just wanted to thank Steve Wood for the drawing of this new design and make a suggestion to the Sun Press, if you could possibly put all of the designs side by side in one of your issues that you don't have anything to talk about - the schools are out for the summer - and let us see exactly the progression that has been taken and see what we have waited for and why we waited so

long to get to this particular design. I think it is a great design and I think having come across the very first one in some old newspapers, it is a better design. If you could do that, that would be a service to the community. Thank you, your Honor, that's all that I have."

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

Vice Mayor Montlack stated, "Thank you, your Honor. There is no report tonight."

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

Council Member Evans stated, "Thank you, your Honor. I'd like to present Resolution No. 103-2004(PSH), declaring the property at 2091 Goodnor Road 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 2091 Goodnor has not been maintained for a number of years and is in a state of severe disrepair. There have been numerous housing code violations and that little progress has been made toward correction of the violations. From time to time the City after declaring these properties to be a nuisance goes ahead and makes improvements to the exterior and in this particular case the dollar amount is a little over Five Thousand Dollars (\$5,000.00) and don't think this isn't money that doesn't come back to the city. It does come back to the City because it's a lien on the property, so once the property is sold the City is able to recover this money. So, I don't want any of you to sit and think that you won't pay to have the repairs on your properties. This particular property is considered as being 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 the neighboring property. This particular home at this time has been abandoned by the owners, the Wiggins family. I'd like to submit Resolution No. 103-2004(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 103-2004(PSH).

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

Nays: None

**Resolution passed**

Council Member Evans continued, "Resolution No. 104-2004(PSH), to suspend enforcement of Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights for the period ending December 31, 2004, or at such earlier time as Council may subsequently prescribe, on the following-described streets; providing for on-street overnight permit parking on specified portions of Kensington, Hillcrest, Belmar, Glenmont and Eddington Roads; and declaring an emergency. That particular section of the Resolution, as you well know, there is no parking on our city streets generally from 3:00 a.m. to 6:00 a.m. In the areas where there is a high density we need to find parking for the residents, particularly where there are a lot of apartment buildings and very, very little garage space and some instances a lack of surface parking spaces also. The City Manager has declared an emergency to exist on the aforesaid streets and has recommended that all-night parking be permitted. Additional resident parking is also necessary on Kensington Road between Lee Road and Cottage Grove Road and on Hillcrest, Belmar, Glenmont and Eddington Roads between Mayfield Road and Avondale Road. This Council previously initiated a program to implement overnight permit on-street parking on the aforementioned streets, and it would be in the best interest of the City and its residents to continue such program. Section 1, the aforementioned regulations contained in Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights shall remain in full force and effect upon all streets not specifically enumerated below, but the enforcement thereof shall be temporarily suspended for the period ending December 31, 2004, or at such earlier time as Council may sub-

sequently prescribe, on the following- described streets in the City of Cleveland Heights. There are ten of these areas and I don't think I'll read them, but they're certainly on file here at the Clerk of Council's office for those of you who would like to see it written. In Section 2 and Section 3 it talks about the cost of Twenty Dollars (\$20.00) per month for the sale of permits so that people will have the opportunity to park closer to their homes. I'd like to submit Resolution No. 104-2004(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 104-2004(PSH).

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

Nays: None

**Resolution passed**

Council Member Evans concluded, "That's why the summer has been relatively safe and I certainly hope that our residents will be very, very careful drivers, not only here in Cleveland Heights but everywhere that they go. The other thing to keep in mind is guarding yourself against mosquito bites with the fear of the West Nile virus. There again, if you have any standing bodies of water - we've had a lot of rain - if there is any standing bodies of water in your yard, you do want to get rid of it and in some instances you might want to think about some sort of treatment, but the other thing to do is to make sure you wear repellent in the evening, long-sleeve shirts, long pants, whatever the case may be to avoid the possibility of that particular disease. That completes my report for the evening. Thank you."

### **REPORT OF THE MAYOR**

Mayor Kelley stated, "I just want to let everyone know that it's only 119 days to the election and today got to be a very interesting day as we clearly defined what the November race will look like so I would encourage Cleveland Heights' residents and those of you who are watching this to make sure you're registered to vote - to study the issues and the candidates in a clear light. This will be one of the most, if not the most important election in a long time especially on the presidential front. I certainly don't want to get into party politics of one way or another, this is not the appropriate venue, but clearly the race today got to be very interesting and clearly defined. Cleveland Heights, in the 2000 presidential race, over 70% of our residents voted and I'm very proud of that figure and look forward to even more people voting in the 2004 race. But, clearly today was a momentous day for the Democratic party in defining their candidates to take on the Republican candidates in the fall. [I] look forward to it, but 119 days will go by very quickly and we will have a hotly contested presidential race on our hands and I think Cleveland Heights will be very pivotal in what happens in the State of Ohio. This meeting is adjourned at 8:08 p.m. Our next meeting will be Monday, July 19, 2004 at 7:30. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc