



## CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF TUESDAY, JULY 6, 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, Malone, Niermann O'Neil, L. Wagner, R. Wagner, WonG

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

Committee of the Whole adjourned at 7:26 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:37 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, June 21, 2010 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

"We're Horace and Rachelle Spivey. We live at 3590 Fenley off of Quilliams. We got this letter from you about the assessment of the front of the property for some street things. It's very vague. It really doesn't tell you what you're doing and it says a \$1.80 per front foot of the property. Is that across? Is that deep? We don't even know and it says that you only send it to people where the assessment is going to be more than \$250.00. Okay. So, it's kind of hard to figure out what you're doing here."

Mayor Kelley responded, "Mr. Malone, you're our Finance Director. I think this would be a great question for you to delve into."

Mr. Malone replied, "Thank you, your Honor."

Mayor Kelley continued, "Thomas Malone is our Finance Director and I'm sure the letter came out of his department."

Mr. Malone continued, "Thank you, your Honor. The assessment letter is for an ongoing assessment that has been on the city's property tax duplicate for many, many years. It is not a new assessment. It's on a three-year renewable cycle. It's primarily for street lighting and for the operations of our Forestry Division. The front footage is determined by the County Auditor's Property Tax Duplicate which is listed on their website by permanent parcel number. On the three-year renewal cycle we had to increase the assessment rate primarily because of the increased costs for First Energy for the cost of street lighting and that was the main cause of the increase. One of the items that we try to make as clear as possible - again the letter is because the overall assessment for the three year period exceeds \$250.00 that it is a state mandate, that is state law - hasn't changed since 1962. We are required to send all these letters by certified mail which increased the large population of people receiving notification of the assessment. Believe me, if I could have avoided the certified mail and gone with reasonable publications - a general mailing so to speak, but again, we are required by our friends in the law department and by our second legal counsel. We checked with the law firm to send all these notifications for operating assessments that exceeded the \$250.00 over a three-year period by certified mail. I think that is basically it. I have all the information downstairs - if you have a permanent parcel number. We've been trying to field calls as best we can and I certainly can tell you what the new assessment will be when it comes out on your property tax bill for the next three-year renewable cycle. We can also look up on the website for the Cuyahoga County Auditor's Office, which determines the front footage of your property, that is the width of your property of the parcel which is listed on the property tax duplicate which is our primary source of information. It is \$1.80 per front foot."

Mrs. Spivey asked, "I have a question for you."

Mr. Spivey said, "Before you ask that question. I mean you've pretty much stated what was in the letter, but you still haven't answered my question. What is it for? You're talking about street lights. Well, we don't have a problem with street lights, we've only been there a year and a half so we're not aware of the three-year cycle that you're talking about. So what is it exactly for? What are you repairing that we've got to pay this amount on as an assessment?"

Mr. Malone replied, "When I say street lighting assessment, it's not just for the street lights. It is for everything regarding the street lighting of the entire city along the right-of-way not just the poles, the lights, the wattage, whatever First Energy charges for the maintenance and operation of street lighting in the city. The second factor is the operations of our Forestry Division which maintains the right-of-way along every street in Cleveland Heights, basically from the Forestry Division. You know broken limbs, replacement of trees, tearing down of dead trees, etc."

Mr. Spivey replied, "So far, we've done all of that. I mean we haven't seen the City of Cleveland Heights come out and do any of that. We've had to pay for it ourselves."

Mayor Kelley interjected, "We are responsible for your tree lawn trees. Any trees from your sidewalk on back you are responsible for."

Mr. Spivey continued, "We took out the tree lawn trees."

Mayor Kelley said, "You're not supposed to do that."

Council Member Caplan stated, "They're city trees, but that's okay."

Mayor Kelley said, "We'll move through it."

Mrs. Spivey continued, "I have a question also. I'm going to butt in here for a minute. Does everybody in the City of Cleveland Heights get a certified letter?"

Mr. Malone replied, "Only those property owners that had an assessment for the three-year period in excess of \$250.00. Again, that \$250.00 is set by the State of Ohio and is a required mailing by certified mail to those property owners. Other property owners whose assessment over the three-year period who are less than \$250.00 did not get a certified mail. It all depends on the front footage of the permanent parcel."

Mrs. Spivey said, "So, you're telling me basically that the people that I know that live in Cleveland Heights that have smaller footage in front of their house, they did not get a certified letter."

Mr. Malone replied, "It's a good possibility they did not get the certified mail."

Mr. Spivey continued, "One last thing, can we just get a bill for this and pay this without having it added to our property taxes?"

Mr. Malone said, "If you want to pay it up front, it's fine with me. I just would say, wouldn't you want to spread it out over three years with your property tax?"

Mr. Spivey answered, "No."

Mayor Kelley added, "Why don't we do this - it would be real easy - Susanna is our Vice City Manager, why don't you give her your name and your address to her. We can sit down with you and give you what you're paying now because part of this is already on your tax bill. It is renewable and we can come up with your new number and you can make a decision based on that. We may be talking about a few dollars, but a few dollars may not be where you want to go, but we can work with you on the options. But, I want to be sure that we answer all your questions. Did we?"

Mrs. Spivey said, "I think, well, I mean, this is obviously - you've said this has been on the books for quite some time."

Mr. Malone answered, "Quite a long time. Yes."

Mrs. Spivey continued, "Okay. We just moved into Cleveland Heights and we're not aware of it. Is this something that comes up every couple of years here in Cleveland Heights?"

Mr. Malone replied, "It's a three-year cycle. So every third year we go through the renewal process for the operating assessment for street lighting and the Forestry Division."

Mrs. Spivey said, "So, just because we have a big front yard we're going to have to pay more."

Council Member Tumeo interjected, "It's the linear front along - most lots are between 50 and 100 feet in Cleveland Heights."

Mr. Spivey said, "Ours is about 100."

Mrs. Spivey said, "So we don't know exactly how much this is going to cost us."

Council Member Tumeo said, "Well, for example, if you had a 50 foot lot, which is the average in

Cleveland Heights. The total assessment would be \$90.00 a year and what that goes for to add on to that, every month we have to pay the electric company to keep the street lights on. We just got billed more because they have been mandated by federal law to take the old mercury vapor lights out and put in these new sodium lights for the environment. Just like their plan was to put lights on your house and bill you for them, we don't get to say no. They're changing the lights and they are billing us for the lights. So that is what this assessment in the electric, the street light part goes for. When the lines get broke, we have to get them fixed. When someone hits the pole and breaks the pole we have to get them fixed. So, it is an ongoing maintenance expense for all the street lights throughout Cleveland Heights and we just split that up by all the properties and similar with the tree lawn stuff, we take care of planting trees. If there was a tree on your tree lawn that needed to come down, you could have called us and we could have come and taken care of it. You didn't need to have to pay for that."

Mr. Spivey said, "The branches kept breaking in the driveway, etc."

Council Member Tumeo continued, "We maintain those things and make sure the tree lawns are done and the streets are taken care of and a little bit of that goes to that. Now, we have been charging this. It's been on the property tax (real property) for years and you've already paid it - you bought the house and paid the property taxes. You already paid this assessment. The increase - so we increased it a little bit this year to pay for the lights. But what the law requires us to do is go back to the original amount and just start from scratch again and say if you're going to charge more than \$250.00 over a three-year period total we have to send you a certified letter. So at a \$1.80 per foot, that's \$90.00 per year over three years that's \$270.00. So anybody that has a 50 foot lot wide or more got a certified letter. If you were under 50 feet, if you were at 40 feet you didn't get one."

Mrs. Spivey asked, "Will they be assessed as well at 40 feet?"

Council Member Tumeo and Mayor Kelley both replied, "Yes."

Mayor Kelley continued, "Everyone shares the pain."

Council Member Tumeo said, "Everyone gets it."

Mrs. Spivey said, "I just have one more. It is an overall complaint. I have called to have them come down my street on Fenley to fill the holes and I have had to call five times. They finally came down, they filled the holes in front of my house, but they neglected the rest of the road. In the fall, they took it at the top of the street and did a really fine job at the top, but as you go towards - not even before the stop sign, they stopped and left all those holes so as I came down - it was like playing a game trying to get home not on one side of the street, you're always dodging holes. So, I waited - I waited till the spring and then they wouldn't come, they wouldn't come, finally I called again and I said how many times do I have to call? They finally did get somebody out there. They did fill the holes in front of the house and then I was appalled because they missed all these huge holes as they came down the street just to fill a couple of ones that were little ones in front of my house. As I called again, I was getting nowhere and then a street cleaner came down and just - I can't tell you the horrible job. I keep the front of my house in tip top shape. I like to keep my gutter cleaned out at all times. I do it myself. Okay! So, I don't need a street cleaner to come over there and drop a ton a trash that he didn't properly sweep up in the first place all on my street. So I came down to your engineering department over there across from Superior, what was the name of that place?"

Mayor Kelley answered, "Dominic Tomaro Service Center."

Mrs. Spivey continued, "Okay, the service center and I went and talked to the lady and I told her about the street cleaner, I told her about the holes and shortly thereafter it was taken care of. Okay. But, it wasn't like a super job like they did the top of Fenley. They just came down and I know it costs money, but you can't be driving down - I know we pay a ton of taxes, a ton of taxes, okay. I just feel I shouldn't have to call somebody up and fill the holes and then call a million times and then have to physically go over there and have to complain. But, thank you for listening."

Mayor Kelley said, "Let me finish up with you. As far as the state of the road of your street now Fenley, does it need to be re-looked over and rechecked for the potholes?"

Mrs. Spivey answered, "Finally no."

Mayor Kelley asked, "You're happy - are you sure?"

Mrs. Spivey replied, "If I was to do it I know how I would do it."

Mayor Kelley added, "Mr. Downey is the City Manager, maybe we could have somebody come check it. Maybe not this week, because of the weather being 90 to 100 degrees, but we would be more than happy to come back and take a look."

Mrs. Spivey said, "The top of the street the way they filled those holes were perfect. They come down and they just didn't do - but they are at least filled."

Mayor Kelley continued, "So if not this week, next week, somebody will be there to take a look and make sure it's an even fix for you guys."

Mrs. Spivey said, "If they just do the same - -."

Mayor Kelley said, "That's what I mean by an even fix, so we'll make sure the whole road looks the same. But, on the other hand I think it would be important for you to sit down with Susanna. We can give you these numbers, tell you what you're paying now and give you an estimate of what you're going to be paying in the future and give you an idea and it may not be that much that you want to pay through us. You may just want to pay on your property tax, but we'll be more than happy to do that."

Mr. Spivey said, "It may raise up our escrow."

Mayor Kelley said, "I know that. They are raising mine up too. They are raising all of us up, but we can give you almost the exact dollar amounts if you'd like to work with them and we'll be more than happy to work with you. More importantly, thank you for coming tonight and we are glad you have chosen Cleveland Heights to live here and we want to make you very comfortable and we do appreciate your commitment to Cleveland Heights. You are paying the taxes and we appreciate you coming here and letting us know how you feel."

Council Member Caplan added, "Can I make an offer that if you took down the trees because you didn't like them, but you'd like some new trees."

Mr. and Mrs. Spivey both answered, "No."

Mrs. Spivey continued, "People just let things go too crazy over there and let me tell you it can play havoc on your sewer system, your garage floor. No thank you."

Council Member Caplan said, "I just made you an offer, you don't have to take it."

Mrs. Spivey continued, "We need to take care of a few things to get some of those trees out of there because they are ruining the house. No, Mam."

Mayor Kelley concluded, "Thank you for coming tonight. We appreciate hearing from you."

#### REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have no formal report this evening, but if you don't mind, your Honor, just to follow up and it might give some context for this. We sent out over 9,500 letters. So, in the description that Councilman Tumeo just gave of a 50 foot lot and \$90.00 a year and \$270.00 of three years. There are over 9,500 people who got that letter to put it in perspective for you."

Mayor Kelley said, "I would say, that probably everybody on this Council got that letter."

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

Mr. Malone stated, "Thank you, your Honor. I need to notify council that one Fiscal Officer's Certificate pertaining to proposed legislation to be introduced later in the meeting to provide for the issuance of bonds and notes: For the purpose of acquiring motorized equipment and appurtenances thereto (the "Improvements"). Your Honor, I need to make this a matter of record."

Mayor Kelley made it a matter of record.

#### REPORT OF THE FINANCE COMMITTEE

Council Member Tumeo stated, "Thank you, your Honor. To start off with, I have Ordinance No. 84-2010(F), to provide for the issuance of not to exceed \$665,000 of notes in anticipation of the issuance of bonds for the purpose of acquiring motorized equipment and appurtenances thereto, and declaring an emergency.

As was just reported by the Clerk of Council, we are going to issue bonds for this. As you know at the last Council meeting we had a set of these, this is the last one. So we had a whole group of them to do so this is the last one. What this is in essence is a short term loan that the City takes out to pay for capital equipment, improvements, those sorts of things. Last year, as you know, we did not issue any of these. We paid off all our short-term notes and that saved the payment of interest, allowing us to weather the downturn of the economy a bit and to move through that. We are now in the position to building up our reserves that we can issue these notes so that we can buy much needed equipment. Last week we did some stuff to fix streets and as you just heard there are streets that need fixing. So this one is for the purchase of various pieces of equipment for Public Works and trucks, cars and those sorts of things that we need to do our job.

I'd like to introduce Ordinance No. 84-2010(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 84-2010(F).

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

Nays: None Ordinance passed

Council Member Tumeo continued, "Thank you, your Honor. Next, I would like to introduce Resolu-

tion No. 85-2010(F), approving the adoption of the 2011 Tax Budget; and declaring an emergency.

As you know, every year we go through this process in July where we'll introduce the budget and discuss how we're going to make the next year balance. One of the most important parts of this process is that we are going to have a public hearing. It is required and this is only for first reading tonight. The public hearing will be on July 19th, which is a Monday at 7:00 p.m. here in the Council Chambers. I would urge people to come and hear what we're doing. If you want the details of the budget, it is a multi-page document, includes all of the proposed expenditures. That is available from the Clerk of Council and you can get a copy of that if you so desire, go over it. So, we will be having that public hearing on July 19th here in the Council Chambers at 7:00 p.m.

As a short synopsis right now, the budget - we're still working on it so these numbers will change a bit before the public hearing and the passage, hopefully the budget in a few weeks. Right now we're looking at a budget of about 41 million dollars. It's about a one percent increase over the current year's budget, so about \$400,000. As you can imagine with the prices of things going up, that's quite a feat and that's since we're cutting some other things. We have contracts that we have to meet in terms of personnel and gasoline prices, electrical prices, all of the things that you as a home owner have to pay, we also have to pay. So we are working very hard to insure that the budget stays down, that we are expending money very wisely and very conservatively and we're hopeful that the worst of the economic downturn has passed. We may actually see at least a flat income from our Income Tax if not a small bump up. So, the plan is for the public hearing on July 19th and after that at the next Council meeting we will introduce this for second reading. So this is on for first reading tonight, your Honor."

Mayor Kelley accepted Resolution No. 85-2010(F), first reading only and added, "There will be a public hearing to discuss the 2011 Tax Budget on Monday, July 19th at 7:00 p.m. here in Council Chambers."

Council Member Tumeo continued, "I only have one comment, especially given the public comment that we had. Many of you will have received these letters, as the City Manager said, about 9,500 people received these certified letters. The wording of them, just to make a note, not to throw anybody under the bus. We are required by law to do things with certain verbiage and certain ways and we are required by law to do them by certified mail. Sorry if you missed it you have to go pick it up at the post office, but that's the way the law requires and we have no ability to maneuver within that. We have to do what the law requires. Once again, it's not a massive increase. The amount that you see in the letter is the total amount over three years. It's been on your property taxes. We increased it a small amount for the electric and streets and the total amount if it comes to \$250.00 total over three years which is less than \$90.00 a year [see footnote 1] we are required to send you the letter. Please don't be overly alarmed by it. If you do have questions please call and we'll go through it step by step for you. That's my report."

## REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have several pieces of legislation. The first is Ordinance No. 86-2010(MS), authorizing a cooperative agreement between the City of Cleveland Heights and the Ohio Water Development Authority for the financing and construction of the Runnymede Road Water Main Replacement Project; and declaring an emergency.

We've looked at various systems in our city and have begun to fix those that seem to have the most breakage and the ones ironically that are the newest, they are in the most northern area of Cleveland Heights are the ones that we've had the biggest breaks. They were built like in the 50's, where some were built more than 100 years ago and are moving along fairly well. So this is a water line and in the end it will cost around 362,000 dollars - is the cost of the water line - and we'll be able to pay this. It is a loan over twenty years.

The City has determined that the need for construction of a water distribution facility (that's a water pipe) on Runnymede Road needs to be done and we can get a loan from the Ohio Water Development Authority (hereinafter referred to as the "OWDA") to finance costs of the construction. They are willing to make that loan for that purpose and it should be a very small interest rate for those twenty years. So this Council approves the application for a loan and the construction of the Runnymede Water Main Replacement Project in cooperation with the OWDA. Notice of passage shall be given and this Ordinance shall be declared an emergency measure for passage tonight. There are all kinds of - it must be twelve pages of wherefores and sections and I will save you from having to hear that. But, if you are interested the Clerk of Council has this in his office and you can read it. So, I offer Ordinance No. 86-2010(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 86-2010(MS).

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

Nays: None

Ordinance passed

Council Member Caplan continued, "Thank you. Now, I have Resolution No. 87-2010(MS), this is also about water, authorizing the City Manager to enter into an agreement with Consulting Engineering, Inc. for a waterline survey; providing compensation therefor; and declaring an emergency. In previous years and actually it's been for a lot of years this 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; and what this is, is that a truck goes around with sophisticated equipment in the middle of the night listening for noise of water running and they can determine where water is leaking. As a result of detecting these leaks then we can fix those leaks and therefor substantially reduce the high percentage of water that we purchase from the City of Cleveland and then we pass the cost of that onto our residents and we won't have to do quite as much if we catch these leaks. Therefore, it would be in the City's best interest to conduct such a survey in 2010; and as I said we've been doing this for a lot of years. Consulting Engineering, Inc. has presented to the City an estimate of the costs and a description of the professional services it proposes to perform relating to this project. They are certainly well-qualified to perform all the work that is contemplated. It has been determined that the rates set forth in the proposal of Consulting Engineering, Inc. are reasonable and competitive. The City Manager is authorized to enter into an agreement with Consulting Engineering, Inc. for the performance of this waterline survey. The fee for the survey shall be at the Engineer's usual hourly rates, plus expenses, with total fees and costs not to exceed the sum of Forty-two Thousand Dollars (\$42,000.00). The agreement and all accompanying documents shall be approved as to form by the Director of Law. Notice of passage shall be given and this Resolution shall be declared an emergency for passage tonight. I offer Resolution No. 87-2010(MS) for passage."

Mayor Kelley accepted Resolution No. 87-2010(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. Now, I have Resolution No. 88-2010(MS), authorizing the City Manager to enter into an agreement with CT Consultants, Inc. for engineering and support services relative to the planning and implementation of the City's year 2010 street chip sealing and crack sealing project; providing compensation therefor; and declaring an emergency. The City is committed, really, although sometimes we hear a lot about potholes and cracks in the street, but we really are committed to an annual program of street improvement and we use for some of the streets, chip sealing and crack sealing. CT Consultants, Inc.

has presented to the City an estimate of costs and a description of the engineering and contract administration services to be performed for this project, and is well-qualified to perform all work contemplated at costs which are reasonable and competitive. So the City Manager has recommended the employment of CT Consultants, Inc. for its professional services (they don't do the work, they oversee the work and they do the engineering) on this project. The City Manager is authorized to enter into an agreement with CT Consultants, Inc. for engineering and contract administration services in connection with the City's year 2010 street chip sealing and crack sealing program. The services to be provided by the Engineer are as set forth in the Engineer's proposal dated June 22, 2010, a copy of which is on file with the Clerk of Council, and compensation for this service shall be at the Engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Fifteen Thousand Dollars (\$15,000.00). Notice of passage shall be given and this Resolution shall be declared to be an emergency for passage tonight. I offer Resolution No. 88-2010(MS) for passage."

Mayor Kelley accepted Resolution No. 88-2010(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. Now, I have Resolution No. 89-2010(MS), and if you paid attention to our meetings and I have read different pieces of this project, authorizing the City Manager to enter into an agreement with Neff & Associates for engineering services for the Cumberland Park Parking Lot Improvement Project; providing compensation therefor; and declaring an emergency. The Ohio House Bill 119 created the Surface Water Improvement Fund ("SWIF") which authorizes the Ohio Environmental Protection Agency ("Ohio EPA") to provide grant funding to local governments, park districts, conservation organizations and other governmental and nonprofit entities for water quality improvement projects; and we received such a grant. It was over a quarter of a million dollars and the point of the grant was to resurface the parking lot at Cumberland. So that after this season's swimming, the parking lot will be redone in a way that is much better for the environment than what is already there. We do need to retain an engineer to provide design and construction management services and as a matter of fact the grant is going to pay for that and Neff & Associates submitted a proposal to provide the necessary engineering services for this phase of the Project, the terms of which are reasonable and competitive. These are professional services for which no bidding is necessary. Therefore, this Council authorizes the City Manager to enter into an agreement with Neff & Associates. Compensation shall be at the Engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Sixteen Thousand Nine Hundred Fifty Dollars (\$16,950.00), for which the City expects to be reimbursed from SWIF grant funds. The agreement and any related documents shall be approved as to form by the Director of Law. Notice of passage shall be given and this Resolution shall be passed as an emergency and so I offer Resolution No. 89-2010(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 89-2010(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. And last but not least I have Resolution No. 90-2010(MS), authorizing the City Manager to enter into agreements with Tempest, Inc. for preventative maintenance and necessary emergency repairs at the North and South Ice Rinks at the Community Center and approving emergency repairs performed to date; providing compensation therefor; and declaring an emergency. In order to meet operational needs it was necessary to perform emergency repairs at the North and South Ice

Rinks. Tempest, Inc. aka Great Lakes Mechanical provided the needed services in a timely, competent manner at prices which were reasonable and competitive. It would be in the best interest of the City to enter into agreements with Tempest, Inc. for preventative maintenance at the Rinks as well as any necessary emergency repairs which may be needed outside the scope of the maintenance agreements. Such services are professional services for which no bidding is necessary. Therefore, this Council authorizes the City Manager to enter into agreements with Tempest, Inc. and the agreements shall be for a five-year term, commencing July 1, 2010, and shall provide for annual maintenance costs of Twenty-one Thousand Five Hundred Forty Dollars (\$21,540.00) for the South Ice Rink and Twenty-five Thousand One Hundred Forty Dollars (\$25,140.00) for the North Ice Rink. The City Manager is also authorized to pay compensation to Tempest, Inc. for emergency repairs which have been performed to date on the North and South Ice Rinks in a sum not to exceed Forty Five Thousand Dollars (\$45,000.00) for services and materials. Notice of the passage shall be given and this Resolution shall be passed as an emergency. So, I offer Resolution No. 90-2010(MS) for passage tonight.”

Mayor Kelley accepted Resolution No. 90-2010(MS).

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

Nays: None

Resolution passed

#### REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, “Thank you, your Honor. There is one piece of legislation tonight that is Resolution No. 91-2010(PD), authorizing the City Manager to enter into an agreement with Camiros, Ltd. for consulting services to incorporate sustainable practices into the City’s Zoning Code; providing compensation therefor; and declaring an emergency. The City previously issued a request for proposals for a consultant to incorporate sustainable practices into the City’s Zoning Code (“Green Zoning Project”); and we’ve designated that our Green Zoning Project. The City staff did conduct interviews with the three top candidates, and I should note that we received many qualified proposals and had excellent candidates to choose from. The staff is recommending the retention of Camiros, Ltd. to assist with this Project. This firm is well qualified to perform the requested services; and actually we’re very excited to be able to retain them tonight. These are services in the nature of professional services for which no bidding is necessary. The City Manager therefore is authorized to enter into an agreement with Camiros, Ltd. (“Camiros”) for consulting services to incorporate sustainable practices into the City’s Zoning Code (“Green Zoning Project”). The scope of the services shall be as set forth in the Consultant’s proposal dated April 23, 2010, a copy of which is on file with the Clerk of Council.

Just briefly to give you an idea of the scope of the proposal and what they are going to be looking at over the next several months. This is just some of the things that they are going to be looking at in the Zoning Code. This is not an exhaustive list though. They will be looking to accommodate sustainable practices for storm water management, alternate energy sources, urban farming, adaptive reuse of structures, universal housing designs to facilitate aging in place, issues that deal with density, recycling and all the way to bicycle-friendly activities. This is going to be a comprehensive look at our Zoning Code.

The services will be at the hourly rate, with total fees and expenses not to exceed the sum of Forty Thousand Dollars (\$40,000.00).

Previously, Council had set aside Forty Thousand Dollars (\$40,000.00) in this year’s budget: Twenty Thousand (\$20,000.00) from our block grant funds and Twenty Thousand (\$20,000.00) from our water fund to accommodate the cost of this work. We expect that this work will be six to seven months approximately. We hope to get a final product by February of 2011. There will be an opportunity for the public to hear these proposals. There will be a public hearing and an opportunity to hear what our consultant is doing and to get your input to them.

I offer Resolution No. 91-2010(PD) for passage tonight.”

Mayor Kelley accepted Resolution No. 91-2010(PD).

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

Nays: None

Resolution passed

Council Member Wilcox concluded, “I have nothing further other than to say that I hope it cools down for the Arts Festival this weekend, which I think it will. So, I hope to see you at the Cain Park Arts Festival Friday, Saturday and Sunday.”

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

Council Member Montlack stated, “Thank you, your Honor. There is no legislation from this committee tonight, just some very few comments. There are all kinds of good things happening in the City. Cumberland Pool, we are told, is breaking all manner of records with some wonderful swimming opportunities. Cain Park, of course, is offering so much and I know that Vice Mayor Evans is going to make a comment or two about that.

Because, this is the middle of the summer and perhaps the hottest part of summer we are more conscious of noise, other anti-social behavior that can impact us where we live. I want to remind all of you if you are someone who is suffering from that in your neighborhood and you don’t feel can confront this yourself, do not suffer in silence - call City Hall. You know that if it’s a non- emergency you can always call the police department at area code 216-321-1234. You happen to know that there is a physical problem with a house or with properties, you could always call the Housing Program’s office or the City Manager’s office. If for any reason you don’t feel like you’re getting through and you again don’t want to suffer in silence, please call me. I’m happy to field your calls and my day number, in this area code is 320-5800. You don’t need divine intervention to get through to the proper parties, but sometimes I can help or others can help in that regard. My message here again, in the heat of this summer, do not suffer in silence.

Finally, we all wish our Police Chief Martin Lentz a continued fine recovery from his recent procedure and we are thinking of you. That completes this report.”

Mayor Kelley added, “And don’t be surprised when you call 320-5800 that the Councilman answers the phone himself.”

#### REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Stephens stated, “There is no report, Mr. Mayor, from Administrative Services Committee and I have no comments either this evening.”

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

Vice Mayor Evans stated, “Thank you, your Honor. There is no legislation this evening, but I would like to remind our residents that the annual All Star Softball game and the Hall of Fame program is going to take place Saturday, July 10th at 4:00 at our Forest Hill Park. All are welcome. Next, we are going to our annual Cain Park Arts Festival as many of you probably know is scheduled for this weekend. The hours on Friday are from 3:00 p.m. to 8:00 p.m. and there is no cover charge that day. The other two days, Saturday and Sunday there is a \$5.00 fee for each person wishing to enter the art festival. Saturday hours are from 10:00 a.m. to 8:00

p.m. Sunday it is from 12:00 to 5:00 p.m. For those of you who do not like to search for a parking spot you can come over to City Hall and catch Lolly the Trolley will take you there and bring you back. That completes my report.”

## REPORT OF THE MAYOR

Mayor Kelley stated, “There is a lot of activity going on in Cleveland Heights. This is my favorite time of the year, it’s the baseball playoffs, baseball - softball playoffs. It starts this Thursday night and the Wilcox Wildcats and the Monty Pythons will be competitive to say the least in the playoffs. So, if in addition to Cumberland Pool and our parks, if you’d like to catch a ball game, every Saturday we start as early as 9:00 in the morning anywhere from age 4 to age 14 or 15 playing a variety of tee-ball, softball, baseball, coach-pitch, kid-pitch, Dad-pitch, whoever pitches, hard to say, but it’s good activity, good clean fun and a way to get out of the sun.

The other thing is, for those of you who have passes to our Community Center and are use to walking outdoors, if the weather is too hot for you, come back to our Community Center and use our track and our excellent facilities. That’s what they are there for. I guarantee you the temperature in our Community Center will be a lot better than the temperature you’re going to see anywhere else or outdoors this time of year and it is only July, so we still have the sweltering month of August ahead of us so we may be break records today. It was 102 in Philadelphia, breaking a long-time standing record there. So, I’m sure we’re going to break a few more records as the summer moves on.

I want to thank everyone for coming. This meeting is adjourned at 8:22 p.m. Our next meeting will be Monday, July 19, 2010 at 7:30. There will be a public hearing about our tax budget ay 7:00 p.m. in our Council Chambers. Thank you for coming tonight.”

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc