



CLEVELAND HEIGHTS

MINUTES OF THE COUNCIL MEETING OF MONDAY, JULY 19, 2004

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:25 p.m.

Edward Kelley, presiding

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

Council Members absent: Caplan, Hicks

Mayor Kelley excused the absence of Council Members Caplan and Hicks.

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 7:15 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:35 p.m.

Edward Kelley, presiding

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

Council Members absent: Caplan, Hicks

Mayor Kelley excused the absence of Council Members Caplan and Hicks.

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

The minutes of the Regular Council Meeting held Tuesday, July 6, 2004 were approved and signed by Mayor Kelley along with the resolutions passed at that meeting.

"My name is John Egar. I've been a Cleveland Heights resident since 1966 and I have a low-cost calendar request to make. My address is 2969 Somerton Road. Our country has some ten official holidays which are for flag-waving parades, basically. Two are for famous conquerors of one sort, but I was wondering besides celebrating victors and victories, which of our holidays ask us to look at [the] vanquished, because they were a lot like us and their children (though starving and disease ridden) are a lot

like our children with the same capacity for love. The Muslim calendar promotes generosity and repentance. Other calendars commemorate ancestors, children, trees and teachers and which holiday in our calendar is primarily about that value - those kind of values? Which holiday reminds us that our society will be judged by how we treat the least fortunate among us?

Given the current trends of environmental destruction, federal and trade deficits and deteriorating relations with people in other countries, which holiday commends us to correct the social and financial inequities that we pass onto our children? In sub-Saharan Africa, the median age of death is five years. Globally, hunger kills 30 to 50 million people each year, more locally lack of health insurance causes roughly 18,000 unnecessary deaths in the U.S. every year. That's twenty world trade centers since 2001. One in four Americans under 65 have gone without coverage from 2002 to 2003, most of those without coverage for six months or more. This is one issue that we can address in this country this year. For three months, starting August 16, Case's Mandel School of Applied Social Science and the Universal Health Care Action Network of Cleveland will be showing an exhibit of vignettes from Health Care Have Nots. The exhibit is called the Matriot's Dream and it's co-creator, Frances Payne Adler coined the word 'matriot' to mean one who perceives national defense as health, education and shelter for all of the people in his or her country. Just as Santa Cruz added September 10 as Matriot Day, couldn't the Cleveland Heights calendar also reflect our values and remind us of work to be done. Now I understand that it's not really in the provision of the Cleveland Heights City Council to set calendars and holidays per se, but perhaps to support recognition of a day of commemoration like that. Mayor and City Council Members, with your discretion, I propose as this minor and modest step to mark our calendar for the first Matriot Day as September 10 for reflecting on what we can do to start that matriot dream of health, education and shelter for all people. Thank you for your time."

"Good evening. My name is Clifford Blake. I live at 3154 Yorkshire Road, Cleveland Heights, naturally. I'm a home owner. This is the first council meeting I've been to and the reason I'm here, I've been driven out to come to this council meeting because I don't see it on the agenda but you have a 56-2004(F) and a 57-2004(F) about city lights and telephone poles and the trees that you passed that I don't know - I guess it was passed by the council here?"

Mayor Kelley responded, "Yes, it was."

Mr. Blake continued, "The reason I'm asking that is because a \$1.27 per front footage, I need to know why since it's going to be coming out of my pocket. I was not notified. I found out about this at a friend's home that lives in Forest Hill Park. I presume - the letter states - anyone paying over \$250.00 (which is a lot of money) for one home residence. We've already been taxed quite a bit here in Cleveland Heights, as you know we're one of the highest tax communities in the State of Ohio - which you are all aware of. I was just wondering why I wasn't notified and I'm quite sure the other residents of Cleveland Heights, if they don't know, you're going to be taxed a \$1.27 for the front footage of your property for replacing poles and lights. *[sic]* I thought that was the Illuminating Company's problem. I need to know some questions and some answers on that."

Mayor Kelley stated, "Sure. I'm going to turn it over to Mr. Downey, our City Manager to tell you why, but let me tell you just a few things. That's based on your front footage. It is \$250.00 over three years and you weren't notified. It was published in the Sun Press and the reason why you weren't notified by certified mail as was the gentleman - . Are you the gentleman, Sir? You live in the great part of Forest Hills, which I live in. So nice to see you again, was because your assessment is not over \$250.00 over the three-year period."

Mr. Blake continued, "But, Mayor Kelley, but it still comes out of my pocket."

Mayor Kelley responded, "Let me have the City Manager talk to you. We'll try to answer some of your questions and it's not \$1.27 new tax, it was just increased by pennies on the dollar, so I'll let Mr. Downey answer some of your questions. So bear with us, because you've asked a lot of questions in a very short period. We'll try to give you an understanding. Okay."

Mr. Downey said, "Thank you very much, your Honor. In the City of Cleveland Heights, we have special assessments that are charged to home owners to help us with the cost of street lighting and the trees on the tree lawns. For the last sixty years, our residents have been paying this special assessment. The special assessment for street lighting, once again as the mayor said, is based on your front footage and that covers the cost of the street lights that are on in town. The special assessment for trees pays for the planting of new trees on your tree lawn, the removal of a tree on your tree lawn. So residents in the city have been paying this for the last fifty to sixty years. This year, though, there was an increase in that to the \$1.27. I'm going to ask the Finance Director to tell you exactly what the numbers were?"

Mr. Malone replied, "I would just like to supplement what the City Manager said it is, not a new assessment. It has been around for quite a while. I guess the term is operating assessment not for a fixed improvement. It is to pay for the wattage and replacement of street lighting, which everyone benefits in driving at night in the City of Cleveland Heights. A better term in my mind is for the operations of the forestry division of the Public Works Department: clearing the right-of-way on the streets, tree planting, removing of dead branches from the right-of-way - which is an ongoing liability to the city. The previous rate for the prior three-year period was \$1.16 per front footage for every real estate parcel in Cleveland Heights. The new rate is \$1.27 per front footage. The reason you got a notification, because of the Ohio Revised Code the criteria of it is that we have to notify every permanent parcel owner if the assessment over a three-year period exceeds \$250.00. For the rest of the parcels in Cleveland Heights, which are quite numerous I would add, we have to do a general publication. We ran the ad in the Sun Press twice I believe in - I'm going to guess from this in April - declaring every street - the copy of the full resolution that was passed by City Council. And then for those specific parcels whose assessment for both things runs \$250.00 over a three-year period, we had to send out a general mailing, computer generated, which I apologize for, but we are dealing with quite a number of real estate parcels to get the job done. That's basically it, Sir."

Mayor Kelley added, "It's a three-year assessment for over \$250.00 [to receive a letter]."

Mr. Blake asked, "You said it's been on the bill for years?"

Mayor Kelley answered, "Fifty or sixty years."

Mr. Blake asked, "What increase this all of a sudden, the eleven cents, if I'm looking at this correctly? What percentage of increase is this? What amount are we collecting to do these jobs?"

Mr. Malone answered, "I think the percentage increase and again I have the numbers down-stairs, Sir, and I would be glad to -. Over a three-year period it averages for both funds about five percent over the three-year period. The majority of the increase is going for the forestry division, which has allocated a certain number of employees for collective bargaining - wages and salaries and of course health benefits. The increase for street lighting is for the newly dedicated streets and for the cost of energy which is starting to go up again."

Mr. Blake asked, "The Illuminating Company has nothing to do with this? They don't have any

certain amount that they pay to the city or this is complete - . I'm new at this so I'm just asking questions because the last time I - street light – the Illuminating Company--”

Mr. Malone interjected, “I think if you call any other city, at least in Ohio, you’ll find the Illuminating Company or whoever the utility company is, those bills for street lighting. That is an operating cost to the city that a lot of communities pass along to the benefit of the residents. I see it as a benefit because everyone benefits from street lighting at night. The Illuminating Company or any other utility company really does not waiver the cost on the wattage (a better term) and the fixtures out there for any community.”

Mr. Blake replied, “Okay. I know you have to move on. You have a lot to cover. I’d just like to address the Council and let you know in the future and the Council there, *[sic]* you know we are highly taxed and I think you should get second thoughts before you levy taxes towards people in the community. I think you should definitely give a second thought to that and I thank you for your patience.”

REPORT OF THE CITY MANAGER

Mr. Downey stated, “Thank you very much, your Honor. A couple of items this evening. The first of which is in your packets you received, the bid tabulation, the award of contract for Bid Document No. 2004-20. It’s hard to say here in July, but that is for the purchase of 10,000 tons of road salt in preparation for the winter. The lowest and best bidder is the Cargill Company in the amount of \$31.97 per ton. Also, your Honor, you recall in June the city held a public auction. The proceeds from the auction from the disposal of the used autos and obsolete equipment totaled \$10,696.62. Your Honor, I would request that this be made a matter of record.”

Mayor Kelley made them a matter of record.

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, “Thank you, your Honor. I need to notify Council that seven Fiscal Officer’s Certificates pertaining to proposed legislation to be introduced later in the meeting to provide for the issuance of bonds and notes: For the purpose of acquiring and improving real estate for municipal purpose; for the purpose of purchasing and rehabilitating motorized equipment and appurtenances, for various departments of the City; for the purpose of acquiring, constructing, renovating, furnishing and equipping park, cultural and recreational facilities; and for the purpose of improving Euclid Heights Boulevard and Meadowbrook Boulevard by replacement of the base and resurfacing, together with the replacement of storm and sanitary sewers, water lines, curbs and aprons as required, together with all necessary appurtenances. Your Honor, I need to make this a matter of record.”

Mayor Kelley made them a matter of record.

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, “Thank you. I’m reading for Councilwoman Caplan tonight and I have Ordinance No. 105-2004(CRR), on first reading only, amending regulations and rates for admission and other services for the Cleveland Heights Community Center and parks for the 2004-2005 fall/ winter season, and repealing Ordinance No. 116-2003. This is a yearly thing we do amending the rates for the use of the Community Center and for some recreational programs for the fall and winter season 2004/2005 and repealing this past year’s Ordinance No. 116-2003. It is an eleven page ordinance so I am not going to read everything. I will give you some examples of the rate increases.

They are very minimal this year. Our staff has called around to community centers in the area and we've kept our rates kind of on the low side compared to others. An example, if it costs a student with an id \$1.75 to skate last year, it'll cost \$2.00 a session this year. Skate rental tickets, a book of 10 was \$15.00 now it will be \$16.00, that sort of thing. As far as an annual pass for the year, a young adult pass which was \$125.00 will be \$140.00. A family pass for the ice rink which was \$238.00 will be \$250.00. Those are just some examples of the changes. There are a couple of new categories this year for annual passes. We've broken down youth into more categories so that there is a category of children that are kindergarten through age eleven and another that is age twelve through high school and then another new category which is young adults, ages 18 to 24, not attending high school anymore. This has been asked for by some of our patrons who bring their little children with them when they come do programs and some people had felt that the rates for little children was a little high. I think that is the reason for that. I'm not going to read everything. I am going to tell you that there are two new programs in the ice rink. One is a speed skating program and one is special Olympic skating. Moving onto the community center field house, just to repeat what the rule is for people who don't know, the use of the field house is limited to residents of the City of Cleveland Heights who are holders of recreation id cards and to non-residents who are registered for certain programs there. They pay authorized non-resident rates for those programs. So a rec id card will only be issued to a Cleveland Heights resident and that is how it has been. I'm just repeating it and that a resident who has a pass is allowed two guest tickets a day for the use of the track, fitness area, and open gym. As far as the rates for the field house we also have the new student and young adult categories. The yearly pass for an adult was \$125.00 is \$140.00 this year. For a senior adult, which was \$50.00 will be \$60.00 and for a whole family which was \$238.00 it will be \$250.00. The new program that is added in that department is that we have now taken over youth soccer which used to be under the auspices of the school district, so there are youth soccer programs for kindergarten, first grade, second grade and third grades, fourth through sixth grade, which is a new addition to our recreation offerings. If anyone wants a complete listing the whole ordinance is available at the Community Relations office and tonight this was just the first reading and we won't take action on it."

Mayor Kelley accepted Ordinance No. 105-2004(CRR) on first reading only.

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are eight pieces of legislation from the Finance Committee tonight. One deals with our tax budget and seven authorize notes for various capital projects and needs of the city. First, I have Resolution No. 101-2004(F). This is our tax budget on second reading tonight. It was first read at our last council meeting, July 6th and the tax budget has been on file with the Finance Director / Clerk of Council. A public hearing was held tonight prior to our council meeting after notice of the meeting was given. For the last two months council has worked with our City Manager and staff to present a balanced budget, which we do tonight. The amount of expenditures for this year's general fund budget totals approximately \$41,253,000 and again this budget will be reviewed at the end of the year - final passage of the authorizing of the budget for 2005. Our goal in reviewing the budget is to continue to deliver the high level of services our residents expect and which we want to deliver. At the same time we have to recognize that we are subject to difficult times so I want to first thank the City Manager, Bob Downey, our Finance Director, Tom Malone, Assistant City Manager Kathleen Ruane and Eddie Carter for all their help and the rest of the staff for all their hard work on putting together a balanced budget. It has been a challenge over the last couple years. I just wanted to comment on three factors in particular that have been a factor in terms of our revenues in the last several years. The first one of course is the one we all know about, the general economy. There has been a lack of job and wage growth and that obviously has a direct impact on our municipal income tax which is our single largest source of revenue in our general fund. Even our recent

economic news shows that our region is still suffering but at least our city is now seeing a growth in our municipal income tax revenues. The second factor is our interest earnings, because of the slow economy have been reduced in half over the last several years. The final major impact I wanted to touch on was the cut in local government funding by the state which has cost the city millions of dollars of expected revenues in the last several years. The State of Ohio collects a number of taxes from our residents, including sales and income tax and returns a fraction of that to local communities through cities, libraries and other government. In fiscal year 2001, however, the state froze the amount of monies returned to local government and in some cases reduced the amount of money to local government. Although there was increase in the sales tax last year, by one cent on the dollar state wide, local government funding continued to be frozen or reduced. We haven't seen any of that money here in Cleveland Heights. In fact, a study was done by the Ohio Municipal League on impact of the states' decisions on local government funding over the last two budget cycles for the state and show a total loss or denied revenue of 727 million dollars to local government. For 2004 alone, the impact due to this freeze is 227 million dollars statewide. Until the State of Ohio realizes the importance of local government and allocates a fair share of our residents' taxes to our communities, all cities will continue to face budget constraints. Having said that I wish to present on second reading, Resolution No. 101-2004(F), approving the adoption of the 2005 Tax Budget; and declaring an emergency. This Resolution in Section 1 approves the adoption of the 2005 Tax Budget as on file with the Director of Finance/Clerk of Council. Section 2 directs the Clerk to make a copy of the approved 2005 Tax Budget a matter of record. Section 3 directs the Director of Finance to file two copies of the approved 2005 Tax Budget with the Cuyahoga County Budget Commission. I offer Resolution No. 101-2004(F) on second reading for passage tonight."

Mayor Kelley accepted Resolution No. 101-2004(F).

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Next, I have seven ordinances that deal with our capital side of the budget, if you will. Our tax budget focused on our general fund revenues. These ordinances focus on a variety of capital projects and needs throughout the city. Annually, the city has authorized issuances of notes for various purposes including purchase of motorized equipment, recreational, cultural and park facilities and municipal purposes. All expenditures from these notes are for capital items which have a useful life of over five years. Traditionally, the city has retired a portion of these notes every year and then renewed them until they're retired. Tonight we continue to renew a number of these and also have a number of notes that are new for presentation. The first is Ordinance No. 106-2004(F), to provide for the issuance of \$158,000 in principal amount of notes in anticipation of the issuance of bonds for the purpose of acquiring and improving real estate for municipal purposes, and declaring an emergency. This note was originally issued April 27, 2000 in the amount of \$1,000,000 and was for purchase of properties by the city commonly known as the Yellow Cab site and it is used for municipal purposes. The note has been renewed a number of years. Last year we issued a note in the amount of \$408,000. We are retiring \$250,000 of that principal tonight. We're issuing a note then in the amount of \$158,000. I will go through some of the terms of the notes for this ordinance which will be similar to the ones I'm going to read next. First of all the amount of interest is not to exceed ten percent. We would expect the note issuance to be closer to 2 1/2 percent. The maturity of the note would be between nine months and one year. These will be issued as one series of notes known as Various Purpose General Obligation Bond Anticipation Notes. The rest of this deals with the procedures and the legal requirements for the note sale. It will be at a private sale. They are general obligations of the city with the full faith and credit of the city behind them. I offer Ordinance No. 106-2004(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 106-2004(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, "Next, I have Ordinance No. 107-2004(F), to provide for the issuance of \$185,000 notes in anticipation of the issuance of bonds for the purpose of purchasing motorized equipment and appurtenances, for various departments of the City, and declaring an emergency. These notes were originally issued in 2002 in the amount of \$830,000. Last year we authorized the issuance of \$650,000 in notes. They mature August 19, 2004 as all these notes do and we've indicated a payment down of \$465,000 this year so we are authorizing through this Ordinance notes in the amount of \$185,000. I offer Ordinance No. 107-2004(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 107-2004(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, "Next, I have Ordinance No. 108-2004(F), to provide for the issuance of \$425,000 notes in anticipation of the issuance of bonds for the purpose of acquiring, constructing, renovating, furnishing and equipping park, cultural and recreational facilities, and declaring an emergency. These notes were issued last August and mature this August in the amount of \$535,000. We are applying \$110,000 to the principal and authorizing \$425,000 in notes here and these notes were used for various recreational and park purposes including improvements to the Community Center and the refurbishment of the Cumberland Pool including the new floor in the Cumberland Pool. I offer Ordinance No. 108-2004(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 108-2004(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, "Next, I have Ordinance No. 109-2004(F). This is again a renewal, to provide for the issuance of \$470,000 notes in anticipation of the issuance of bonds for the purpose of purchasing motorized equipment and appurtenances, for various departments of the City, and declaring an emergency. Council authorized this note last year in the amount of \$610,000. We are retiring \$140,000 of the note principal and by this Ordinance authorize \$470,000 worth of notes and it is subject to the same terms and conditions of the other note ordinances, of course. I present Ordinance No. 109-2004(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 109-2004(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, "Next, I have Ordinance No. 110-2004(F) which is a new

Ordinance for an Ordinance of new notes, to provide for the issuance of \$550,000 notes in anticipation of the issuance of bonds for the purpose of improving Euclid Heights Boulevard by replacement of the base and resurfacing, together with the replacement of storm and sanitary sewers, water lines, curbs and aprons as required, together with all necessary appurtenances thereto, and declaring an emergency. The Fiscal Officer, has certified that the improvements have a useful life of at least five (5) years. This Ordinance deals with our street resurfacing which will also include replacement as noted of storm and sanitary sewers and water lines to Euclid Heights Boulevard. This is a project that will be undertaken in 2005 and involves the total resurfacing of Euclid Heights Boulevard from Taylor Road to Cedar Hill, so it's the entirety of Euclid Heights Boulevard through the city. This will provide the city's matching share for that project. Most of these funds are being provided through the county engineer and ODOT is handling the bidding for the majority of the project. This indicates the city's share of the project. I offer Ordinance No. 110-2004(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 110-2004(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, "Next, I have Ordinance No. 111-2004(F), to provide for the issuance of \$556,000 notes in anticipation of the issuance of bonds for the purpose of purchasing and rehabilitating motorized equipment and appurtenances, for various departments of the City, and declaring an emergency. The Fiscal Officer, has certified the useful life of this equipment is at least five (5) years. This Ordinance then authorizes the issuance of notes in the amount of \$556,000 for the purposes noted. I offer Ordinance No. 111-2004(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 111-2004(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, "Finally, I have Ordinance No. 112-2004(F), to provide for the issuance of \$1,155,000 notes in anticipation of the issuance of bonds for the purpose of improving Meadowbrook Boulevard by replacement of the base and resurfacing, together with the replacement of storm and sanitary sewers, water lines, curbs and aprons as required, together with all necessary appurtenances thereto, and declaring an emergency. This is another major road construction project for next year which will involve Meadowbrook Boulevard between Cedar and Lee and which will include replacement of storm and sanitary sewers and the water lines and the street as noted. The Fiscal Officer, has certified the estimated life of the improvements is at least five (5) years. This will take care again of the city's matching share. This is something where we will again be participating with the county engineer and much of the cost of this project. Therefore, I offer Ordinance No. 112-2004(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 112-2004(F).

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

Nays: None

Ordinance passed

Mayor Kelley added, "Before we move on I just also want to say to Council Member Wilcox, I publicly say that you do such a great job with the Finance Committee, supporting staff and challenging staff to think out of the box and do a little over and above. Thank you for your hard work with this committee and really doing some great things during these tough economic times, especially with what the state is doing to us and the federal government. But, I really want to thank you for what you do and the strength you bring to this committee and the support you bring to staff and the challenges you meet head on. I really want to thank you for that."

Council Member Wilcox thanked Mayor Kelley.

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is one piece of legislation from Municipal Services Committee. It is Resolution No. 113-2004(MS), authorizing an agreement with Michael Benza & Associates, Inc., Consulting Engineers, for engineering services for the Cumberland Road Turnabout Project; providing compensation therefor; and declaring an emergency.

During the period that the sewer district has been lodged among other places at Cumberland and Lee, the plan was suggested, studied and endorsed by staff and Council to make that area after the sewer district finally vacates into a somewhat different pattern, sort of cul de sacking it and with the cooperation of the fire department and others looking at it, we think that, that is a definite possibility that will improve the appearance and accessibility, especially pedestrian accessibility to the area.

Under this Resolution in Section 1, the City Manager would be authorized to enter into an agreement with Michael Benza & Associates, Inc., Consulting Engineers, for engineering services relating to the Cumberland Road Turnabout Project. The services to be performed are set forth in the engineer's proposal dated July 8, 2004, a copy of which is on file with the Clerk of Council. Compensation for the aforesaid engineering services shall be at the engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Eight Thousand Dollars (\$8,000.00). Resolution No. 114-2004(MS) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 113-2004(MS).

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

Nays: None

Resolution passed

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is no legislation from this committee. There are two reports I briefly wanted to comment on, both of which crossed my desk in the last couple of weeks and may be of great interest to our residents. The first is a comprehensive statistical report recently completed by the Levin Urban Affairs College through its housing director, Tom Bier. What this report did was analyze the median prices of house sale and various kinds of residences taking the two year period from 1989 to 1991 and comparing it to the two year period from 2001 to 2003 and then taking the increases or decreases as the case may be and subtracting from that the rate of inflation so as to determine what was happening at least in a snapshot in all the various communities of the county. During that twelve year period with a pretty good two-year base at either end so that you were getting a fairly good sampling, because you would get a good number of residences sold in most categories. And again the numbers are interesting. In the sale of single-family houses in this period the

houses overall, the median increase, inflation adjusted for Cleveland Heights was about 31%. In all of the eastern suburbs that rate was 20%. In all of the western suburbs that rate was an 18% increase. These are all increases and for the county itself, the increase was about 19%. For two-family houses, the overall rate of increase, inflation adjusted over the twelve years was about 50%. In all of the eastern suburbs it was about 15%. In all the western suburbs, it was about 29% and for the county itself 32%. In the area of condominiums, keeping in mind the condominium market up through the most recent years has not been a particularly lively one in most places around here. The rate of increase in Cleveland Heights over that period, inflation adjusted was about 9%. For all of the eastern suburbs it was a decrease of about 12%. For all the western suburbs an increase of about 15% and for the county an increase of about 11%. Then there are three categories of apartment building from a lesser number of units through the greater number. I won't go through all of them in great detail. But in the first two categories in Cleveland Heights, the rate of increase inflation adjusted was around 42-43%. For the eastern suburbs it ranged from 10 to 41%. For all the western suburbs it ranged from 28 to 31% and for the county it ranged from 38 to 41%. Believe it or not, I tried to keep the numbers down to something that might be absorbed, but the bottom line is this, in almost all categories the housing in Cleveland Heights has increased at a higher rate than any of the comparable that I took a look at. Now I suppose if you're looking at your real estate tax bill, you may not consider that the best of news, but from the standpoint of community health I think it's pretty good news for most of us.

The second report that I'd like to just bring to your attention briefly is one that was submitted by a group called, 'Greater Ohio', which for the first time that I know of, is a joining together of a great number of groups across the board in the State of Ohio urging the general assembly to move its fixation towards things that are of economic benefit to the state and will give us intelligent growth. First Suburbs Consortium is only one of the groups that has joined in this statewide effort. We sent this report to a sub-committee, headed up by State Representative Larry Wolpert from Franklin County which is studying how Ohio can better manage its growth. They promised to present their findings sometime after November 2004. In the various categories, the Greater Ohio has recommended, are these: First, that the state adopt a fix-it first policy towards Ohio's roadways; stop the continued excessive construction of inner-state highways and inner-changes, instead focus on fixing the infrastructure that we have. Second, to provide state historic tax credits for rehabilitation of older homes and commercial structures following what I think would be a lead in Cuyahoga County of trying to help property owners in that regard; grant longer tax exemptions for rehabilitation as opposed to new construction because so much of our housing and commercial structures are now at the point in age when we need that rehabilitation. Next, to increase the effectiveness of the state's alternative building code for older buildings to encourage rehab. Make available more accessible financing for rehab, mixed-use and in-fill development and to look at state leadership in terms of consolidation of local government services, especially in townships and county level where that sometimes is a challenge. So, we're trying to work on many fronts and I know at the same time our Mayor is involved also in a great deal - regional and county efforts that we think will begin to bear fruit. These are just some of the things that are going on that you don't always read about in the daily newspaper, but we're optimistic that it will bear some fruit. That completes the report of this committee."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Resolution No. 114-2004(PSH), declaring the property at 3397 Meadowbrook 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 3397 Meadowbrook Boulevard owned by Denise E. Patterson and Rubin Patterson has not been maintained for a number of years and is in a state of severe disrepair. It has been 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 three (3) years and that little progress has been made toward correction of the violations. The property has deteriorated over the years to the point that it is a hazard to the health, safety and welfare of the occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property. It is proposed that it is going to take approximately \$22,000 to do some of the repairs on this home which includes the exterior masonry work, painting, as well as repairing front steps. A lot of work needs to be done to the garage and some general yard cleanup. The property really has been neglected for some time and I'm sure the neighbors will be very pleased after this work is done. I should remind our residents that it is not a gift, the cost is attached as a lien on the tax duplicate so when the property is sold, those dollars do come back to the city. We find that it's really important for us to maintain our homes and keep up the appearances in the neighborhood of these properties that have been abandoned. We feel it's a really good use of the dollars. I would like to present Resolution No. 114-2004(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 114-2004(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Next is Ordinance No. 115-2004(PSH), authorizing a mutual aid agreement with the City of Cleveland for police, fire and EMS services before and during the International Children's Games; and declaring an emergency. Whereas, various communities in Cuyahoga County, including the Cities of Cleveland and Cleveland Heights, are hosting the International Children's Games from July 26, 2004 through August 4, 2004. The Games are expected to attract athletes, families and spectators from all over the world, requiring increased police, fire and EMS services to ensure the safety and security of participants and residents. It would be in the best interest of the City and its residents to enter into this mutual aid agreement. I'd like to present Ordinance No. 115-2004(PSH) for passage."

Mayor Kelley accepted Ordinance No. 115-2004(PSH).

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

Nays:

Ordinance passed

Council Member Evans suggested, "I'd like to recommend that our residents look for the schedule of these games. At Forest Hill Park, the baseball games will take place and so I'm sure that would be really kind of interesting. Also, there are six players - six children from Cleveland Heights that are participating in these games: Janessa Gafney is going to be playing girls' soccer; there is a track participant, Chris Alvis; and we have three young men, Nne Lewis, JaMarien Paul-Brown, and Mikol Gausha. A young lady that I've known since birth, Lindsay Campbell, daughter of Elizabeth Campbell and granddaughter of Mary Anne and Carl Campbell, who are neighbors of mine, will be on the girl's basketball team. So I certainly would like to wish, everyone, great fun actually and good experiences.

I'd like to read a letter that was written to our Chief of Police, Chief Lentz, thanking our amazing police department, especially Officer Garvey and Officer Bryan Loretz for their graciousness in a desperate time of need on a morning. This resident said that they suffer from depression and chemical imbalance and after receiving an urgent call from an SBC rep who felt that the distress the resident was having, the police department arrived expediently and with much compassion and concern. The two

officers stayed with this person until the psychologist was reached who urged this person to go the University Hospital's emergency department. The officers drove this resident there and they were able to calm the person down by a rewarding pep talk about life and how to look at things and try to do what one can do to have a healthier life by taking long walks and having great conversations with loved ones and family. So, this resident feels that both officers eased his or her anxiety and depression and created a sense of well-being which was excellent food for the person's soul. Apparently, they stayed with the person until the nurse actually saw our resident. The resident is thanking both officers for their time and concern and just feels that the experience was overwhelming and wishes them both the best of luck in life.

I would just like to mention, since Bonnie isn't here this evening, that we still have almost a month of events at Cain Park and it certainly would be in your best interest to check out the calendar and see if there might be something that you would like to go to. I imagine there still might be some low-cost or even free events left on the schedule. At the end of the month, in the small theater, the Alma, "Tick-Tick Boom" begins, which is a musical. It is recommended for adults only, so you need to keep that in mind. That concludes my report this evening. Thank you."

Mayor Kelley added, "I'd also like to mention one person that's involved with the International Children's Games is Ralph Bruening who lived in Cleveland Heights all the way up to last year, who is the world renown track coach who spent many years coaching track at St. Ann's and Beaumont and most recently is a track coach at Jesuit but was involved coaching the U.S. track team at the International Children's Games and he will be involved in this and he will actually have to live on the campus of John Carroll who just recently, about a year ago, left Westminster and sold his house and moved out to Geauga to realize his dream of being a farmer, sort of to speak, with his wife and three daughters. So Ralph is involved with the International Children's Games and has a history of training Olympic runners. So it will be very interesting to see Ralph involved here. He's done a lot of great things for Cleveland Heights, specifically local athletes in track and cross-country, so Ralph will also be involved giving his time here."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. The legislation that I have is much more boring than what was just being discussed. By Ordinance No. 43-2004(AS), this Council specified that the City shall purchase or subscribe to and maintain in full force and effect for each full-time employee of the City, health care insurance, including medical-surgical protection or the Kaiser Community Health Foundation protection plan, or any other similar plan by another company covering hospital and surgical benefits and related coverage. Therefor, tonight, Resolution No. 116-2004(AS), authorizes the City Manager to enter into an agreement with Kaiser Foundation Health Plan of Ohio, a non-profit corporation, for provision of group medical and hospital services to City employees and their families; providing compensation therefor; and declaring an emergency. This Resolution, which concerns the health care insurance that the city purchases and maintains for all its full-time employees and their families, provides health coverage through the Kaiser Foundation Health Plan of Ohio and also through a self-funded plan affiliated with the Emerald Health Network. The employee gets to choose. Kaiser covers approximately 12% of our employees. Kaiser has proposed a renewal of the contract for group medical and hospital services for the period July 1, 2004 through June 30, 2005. The proposal is substantially similar to the prior year's proposal except for an increase in fees not to exceed five percent (5%) thanks to the good work of our Vice City Manager Kathleen Ruane and the premiums to cover the cost for the upcoming year will be approximately \$380,000. So this Resolution, which will be passed as an emergency, authorizes the City Manager to enter into group service agreements with Kaiser Foundation Health Plan of Ohio for health care services to City employees and their families, which agreements

shall be approved as to legal form by the Director of Law. I offer Resolution 116-2004(AS) for passage.”

Mayor Kelley accepted Resolution No. 116-2004(AS).

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

Nays: None

Resolution passed

Council Member Dietrich stated, “I also have a comment that’s a little bit serious in nature and it is on the effort currently underway to repeal the school levy that we just passed in March. As you probably know, there is a group of citizens that have collected the necessary number of signatures (it’s about 1,800 signatures, not very many, really) to replace the repeal of the levy on the ballot in the November election. As you can imagine, this action can open a Pandora’s box for the whole state of Ohio and on a local levy, repeal would of course mean that the school district would have to make additional staff and program cuts on top of the 6 million dollars that they have just cut from the budget. The people behind this repeal will try to make you and me think that there is something wrong with a school district that asks voters for increased revenue every few years. These people refuse to acknowledge that all school districts in Ohio have to ask voters for increased revenue every few years. This is built into the school funding system of Ohio, which I plan to talk about periodically for the next couple of months, because I just think that this is just a terrible, terrible thing that these people are trying to do. The repeal backers would have you believe that our school district mismanages its budget. But as John Brandt, who is the Executive Director of Ohio School Boards Association said, this is a quote, “This defies credibility that all school districts are mismanaging their budgets at the same time.” The only conclusion that I can come to about this repeal effort and the motivation behind it and this is very blunt. As I find it to be a very mean spirited adventure. People who are trying to use words and numbers to cleverly support their argument which is clearly anti- public school. We all have to become more savvy about the facts of school funding so that we can listen very critically to the arguments that these people are presenting and that we can realize that if they are successful in this repeal effort they will have done great damage to our community. That is all that I want to say about it now, but I will comment about it further in the next couple of months. Thank you.”

REPORT OF THE MAYOR

Mayor Kelley commented, “I, too, want to make just a brief comment. I’m sure I’ll have more to say about the levy repeal in the future but to Mr. Brian Wagner, who continuously makes comments that the March election was a special election, that is truly false. The March election of 2004 was a primary election. There is a major difference between a primary election and a special election and I truly would wish, since it’s now been published in the Sun Press and I think most recently in the Jewish News, if I remember my publications correctly, that you are quoted as saying that this was a March Special Election. I truly suggest that you get your facts straight, because that is part of the campaign you are waging the issue on, and I think you better get your facts straight, otherwise I will be more than happy to file an election law campaign violation against you. It’s simply not true. March 2004 election was a primary election and not a special election. There is a very big difference and for one who thinks he knows all his facts and figures, you are totally and truly off base and stop using the word, ‘special’ when it was a primary election.

I want to thank the two gentlemen that came here to talk tonight. I want to address the Matriot Day issue first off. We have not declared a day for anything in Cleveland Heights in the nearly six and a half years that I’ve been mayor. We just don’t do that. We don’t issue keys to the city. We may look at another way to approach your issues but that’s where we’re at right now. Thank you for staying for the full meeting.

There's a gentleman with the tax issues. I appreciate your concerns. I hope we've answered some of your questions tonight. As far as the city income tax issue, to my knowledge, in at least twenty years we have not raised the city income tax and it may be twenty-five years. I think no one on this Council was around. I think it was 1979 when the last time the Council and it might have been by a vote of the people (I think we're all too young to remember when it was). I think it was 1979 when the income tax was raised. So we have not seen a big income tax raise in this city since 1979. So bear with us. Thank you for coming and sharing your concerns with us. There were some very good questions and feel free to call upon us again or feel free to email us or write us or come to the Council meeting. If you have any further questions, we're here after the meeting to answer your questions. But, I'm glad you came and I hope we answered your questions. If you still have a lingering question or two or my neighbor in Forest Hill has a question we'll be more than happy to answer it for you, also.

I would just like to send a note of sympathy to Ed Wittenberg, our Sun Press reporter who is not with us tonight. His mother passed away late Thursday night or early Friday morning and there were services for her today and we'll see Ed back on the beat when he's ready to come back.

This will conclude our meeting. Our next meeting will be Monday, August 2, 2004. This meeting is over at 8:43 p.m."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc