



CLEVELAND HEIGHTS

MINUTES OF THE COUNCIL MEETING OF MONDAY, JULY 21, 2003

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: 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 7:22 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:43 p.m. following a public hearing on the 2004 Tax Budget.

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

The minutes of the Regular Council Meeting held Monday, July 7, 2003 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

Mayor Kelley stated, "Before we move to personal communication from our citizens, it is my great pleasure tonight to honor our good friend, the Sycamore and Ivydale Parade Unit, which truly was the highlight of our Memorial Day Parade. Ivydale and Sycamore - truly the highlight of our street clubs for the past year - year and a half. You've really done a lot for us to inspire what street clubs can and do for our community. You've done a lot and a lot should be said for Councilman Wilcox and our staff for their efforts for really pulling together and doing some great things for the street and taking back the neighborhood and making some great contributions. So, tonight it is my honor to give this certificate of appreciation presented to Patricia McMillian for planning and organizing the Sycamore and Ivydale Parade Unit. You do much more than just that, but it was truly a highlight when the young men and women came down the street on Mayfield on Memorial Day Parade for our 2003 Memorial Day Parade.

“We commend your community spirit and your commitment to our youth. It is residents like you that keep Cleveland Heights vibrant and a great place to call home!”

Edward J. Kelley, Mayor
Kenneth Montlack, Vice Mayor
Bonnie Caplan, Nancy Dietrick, Phyllis Evans,
Jimmie Hicks, Jr., Dennis Wilcox
Members of Council and
Robert C. Downey, City Manager

Could you come forward so I can present this to you.”

Ms. McMillian came forward and spoke, “Good evening, Mayor Kelley, Council, Councilman Wilcox, Shirley Greer, all of you make us proud by honoring us. This is our banner for Sycamore and Ivydale [displaying banner]. It might be that the rain stopped our kids from coming. I am a little disappointed but I want you to know that our kids are really some good kids. All they need is someone to be behind them, helping them, encouraging them to do what’s right. So, I thank Council and Councilman Wilcox and Shirley for encouraging us to continue on and as Mayor Kelley said, ‘We’re only a year and a half old’, but we have many, many things that we want to do for our children and we’re going to be asking you to assist us in that. So, thank you so much for this honor.”

Mayor Kelley continued, “Thank you. We’re not done yet. We have two more certificates of appreciation and I’m going to do this a little differently tonight. First of all, I want to thank Shirley Greer. We should give her a round of applause for all she does. I’m going to do this a little differently. Since Councilman Wilcox has really been there since the beginning. I know he comes to every meeting. I’m going to ask him to give out these certificates. I think it is only appropriate because he really has been behind this, he really goes to all the meetings. I know he has been there for the trash pick-up days. He is your champion on Council and he really pushes for you and he really has helped to make things happen on Sycamore and Ivydale, so I think it only appropriate that I ask Councilman Wilcox to present these certificates to you too.”

Council Member Wilcox stated, “Thank you, your Honor. And before I do, I just wanted to say that it has been a pleasure working with the folks on Sycamore and Ivydale the last year and a half - two years. One thing I noticed, right away, there is a lot of folks in our city that like to complain about things, but you really like to do things and if you have complaints you try to figure out a way to solve the problem - and it really worked with the city to do that and I really appreciate that. So I think your street looks great and I think it is only going to get better with your help. It has been a pleasure working with you so I have a certificate of appreciation to present to Valleria McMillian.

“ For your participation with the Sycamore & Ivydale Parade Unit in the 2003 Cleveland Heights Memorial Day Parade. We commend your commitment to our youth and your community spirit! It is residents like you who keep Cleveland Heights vibrant and a great place to call home!”

And the next one is for Keesha McMillian and it is the same.

“For your participation with the Sycamore & Ivydale Parade Unit in the 2003 Cleveland Heights Memorial Day Parade. We commend your commitment to our youth and your community spirit! It is

residents like you who keep Cleveland Heights vibrant and a great place to call home!"

Mayor Kelley said, "I think we want to take a picture with you up front for our Focus Magazine. Do you mind taking a picture with us? With the banner, of course. Shirley, and Council. Rick [Wagner], why don't you come up in the picture too? [Pictures followed.]"

Ms. Patricia McMillian added, "I'm sorry. I would really be remiss if I did not mention Rick Wagner, because he's truly been a trouper. Each time I've called on him to do something in the neighborhood, to check out a house, he's always there. As a matter of fact, I told him about a couple [houses] tonight. I never miss an opportunity to tell him so, Rick, thank you so very much for all of the work that you do. Thank you."

Mayor Kelley thanked Patricia McMillian and continued, "We now move to personal communication of citizens. If you'd like to address Council tonight, please raise your hand and be recognized, come to the podium, state your name and address and your business tonight with Council. Is there anybody here tonight that would like to speak to Council?"

"My name is James Redhed, 2326 Redwood Road. And I hadn't planned to do this, but it was a good reminder from the previous speaker. Our little street, Redwood Road, which is just a really little chunk of Cleveland Heights, we have had a number of problems with houses on our street, and Rick has been a terrific help in that. We're slowly making progress to get a number of the vacancies cleared up and his work in availing us of the resources of the city has been very helpful. I want to thank him for that also.

I also want to thank Council and staff, in this public meeting, for choosing to adopt a balanced budget. I know in these times the federal government has made it distressingly clear it's just easy to spend your way out of the problem and all that does is just leave people like me and many others thinking 10 - 20 years down the road what kind of a mess we're going to have to try and deal with it. So I would like to thank you for what is undoubtedly a difficult but courageous choice to live within the city's means. The question I raised earlier though, I would like some understanding. I don't know if it is a problem. It just concerns me when I see things like city equipment being apparently paid for with dead instruments and if that is not actually the case I would, by all means, stand corrected, but if perchance sometime during the meeting somebody could address why these things are not part of the regular budget, that are part of the regular operations of the city, I would appreciate that."

Mayor Kelley added, "Thank you, Mr. Redhed. Mr. Downey, do you want to answer that?"

Mr. Downey replied, "Certainly, your Honor. Mr. Malone was going to take the first crack at it."

Mayor Kelley said, "Sure, Mr. Malone, our Finance Director."

Mr. Malone responded, "Thank you, your Honor. As you noticed, Mr. Redhed, there are five ordinances on the agenda tonight for what we call, 'Municipal Bond Anticipation Notes'. Approximately three of those are for prior notes issued for motor vehicle equipment and I'm going to do the short version here but I'd be more than happy to meet with you and try and explain the city policy on this at some other time before I get too verbose. Because of the makeup of the city's charter millage and because of the tax limitations done by the Ohio Revised Code, most of our capital equipment for the Public Works Department which I would suggest is probably one of the most important items that we can do as a capital cost borrowing, is funded through our bond retirement millage. This was a practice

started when I got here. I'll use a rule of thumb that approximately one mill of our inside millage (and this is an important term) be used as debt retirement millage for Public Works equipment that according to Ohio law has an average life - must have a life of five years or more in deference to Mr. Zins who this equipment is the life blood of his department. This is how we fund the 2 _ ton dump trucks, the packers, certain aspects of the heavy duty equipment. We're not just buying normal regular pickup trucks out of this. Two of the ordinances, one is a new note as we call it for motorized equipment. Again, this is the capital equipment budget of the Public Works Department. It makes sense and I know it's a short statement, and again I'll repeat, I'll be more than happy to meet and talk to you in some detail. It makes sense for the city to borrow the money this way at a municipal tax exempt rate and impose the self-discipline on our budget to retire the debt within five years. Some of this equipment has a useful life of five years or more and proceed with the ongoing process. I can say having talked to my counterparts out there, the Public Works Department has a fine vehicle motorized equipment replacement proram. It is the envy of some of our sister-suburbs, but again it is the makeup of our debt millage. It is the makeup of our charter millage and it's how we are reviewed by the Cuyahoga County Budget Commission on how we levy our millage. It's a borrowed capital cost but it's amortized and paid off very quickly. We're very aggressive on paying off these short term notes. The last note is a new note for capital items for a grouping what we call recreational facilities. Again, these are real capital items, one of them involves Cumberland Pool. Some repairs to the older parts of the community center which has to do with the older rink. I, again, because of what is transpiring at Cuyahoga County, we will reap a modest benefit from our reappraisal update coming our way and what proceeds we will collect into our bond retirement fund. I guess from a budgetary standpoint, I guess you can use the term, 'it's an opportunity to address some of our desperate capital needs', needed for the community center and for a major project which will be started later this fall, excuse me, after the pool season for Cumberland Pool. I'm not going to go on any further because I'll put Mayor Kelley to sleep."

Mayor Kelley added, "I think you've explained, Tom. Can you also estimate what rate we're possibly going to get on these?"

Mr. Malone answered, "I think in the market that we're seeing today, I definitely feel that we'll get a rate below 2%. Again, these rates are one year, but in the bond markets there is a very competitive purchasing by municipal underwriters. At this point, I would suggest, your Honor that maybe, Mr. Redhed, we could get together and chat some more about it. The coffee is on me, city expense, I might add - at my expense, of course."

Mayor Kelley added, "James, we appreciate your questions and feel free to take Mr. Malone up on his offer. It certainly is a good time at 2% to get in the market for some of this work, especially with Cumberland Pool. We want to get ahead of the curb instead of being behind the curb and get to do some work to get the pool ready for next season even though we're still finishing this season and some of the work at the community center is on the old part of the old ice rink to make it nicer for the people that are actually skating at both rinks. These are items that we are doing to get ahead of the schedule. Our capital program, as far as municipal services, we do have a lot of trucks and equipment that we do want to update and keep on the road and borrowing at 2% rate, even you would agree, it is a very knowledgeable thing - a smart thing to do at this point in time. I've been here over ten years. This is something we do every year and obviously it's favorable at 2%. Please, take Mr. Malone up on his offer and we appreciate your comments on the balanced budget and for the record, the Sun Press reporter is here, we have not cut any essential city services in the 10 years I've been here and the nearly 16 years the vice mayor has been here and we do not plan to cut any essential city services. So let me be clear about that on the record. Is there anyone else who wants to speak to Council tonight? Seeing no one else we'll more to the report of the City Manager, Mr. Downey."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have one item this evening and that would be to request authority to advertise for bids for a polypatch applicator for the Public Works Department."

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

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

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 need to notify Council that three resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following: BZA Calendar No. 3009 June Alexander, 656 Quilliams Road, accessory use regulations; BZA Calendar No. 3012 Sarah Willis, 2431 Demington Drive, accessory use regulations; and BZA Calendar No. 3013 Gary C. L. Lack, 4000 Ardmoor Road, accessory use regulations. I request these be made a matter of record."

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

Mr. Malone continued, "I also need to notify Council that one notice has been received from the Ohio Department of Liquor Control advising that application has been made by the following: Clemshaw Enterprises Inc., d.b.a. Loft Pub and Grub, new D1, D3 and D3A permits, premises 2nd floor, lobby and lounge, 2781 Euclid Heights Boulevard, 44106. I request this be made a matter of record."

Mayor Kelley made it a matter of record and referred it to the Public Safety and Health Committee of Council, the City Manager, and the Director of Law.

Mr. Malone continued, "I also need to notify Council that five 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 purchasing motorized equipment and appurtenances, for various departments of the City, for the purpose of acquiring and improving real estate for municipal purposes, and for the purpose of acquiring, constructing, renovating, furnishing and equipping park, cultural and recreational facilities. I request these be made a matter of record."

Mayor Kelley made them a matter of record.

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are six pieces of legislation before the Finance Committee tonight. The first deals with our General Fund Budget for 2004, approving the adoption of the 2004 Tax Budget. Previous to this meeting a public hearing was held as required with respect to the 2004 Tax Budget. And just to briefly summarize, in the past two months the Finance

Committee has had numerous meetings reviewing the 2004 budget and working with staff to present a balanced budget and we present tonight a balanced budget for 2004. This has required a great deal of effort for everyone involved because of the continued weakness of the economy, state funding issues, and low interest earnings on our general fund monies. Our goal has been to deliver the same high-level of services our residents expect to receive at reduced costs and I believe we have achieved that goal. Again, I wish to thank the City Manager and Kathleen Ruane, our Finance Director Tom Malone, Eddie Carter and our staff for their hard work on this budget.

So, I will present Resolution No.101-2003(F), Second Reading, for passage tonight. This is a resolution approving the adoption of the 2004 Tax Budget; and declaring an emergency. The City Manager has previously prepared and submitted to the Council a proposed 2004 Tax Budget for Council's review and evaluation. Council has met with the City Manager and staff for purposes of review, evaluation and their recommendations on the proposed Budget. A copy of the 2004 Tax Budget has been on file and for inspection with the Director of Finance and a public hearing has been held with respect to that tax budget previously this evening. Section 1 of this resolution, Council approves the adoption of the 2004 Tax Budget as on file in the office of the Director of Finance/Clerk of Council. Section 2 provides the Clerk of Council is directed to make a copy of the approved 2004 Tax Budget a matter of record. Section 3 provides that the Director of Finance is directed to file two copies of the approved 2004 Tax Budget with the Cuyahoga County Budget Commission. Section 4 is notice of passage and Section 5 declares this to be an emergency measure. I offer Resolution No. 101-2003(F), Second Reading for passage tonight."

Mayor Kelley accepted Resolution No. 101-2003(F), Second Reading for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, "The next five pieces of legislation deal with what I would like to call the capital side of the budget and there has been some discussion about that tonight, previously, but this involves the issuance of notes totaling, 2.617 million [dollars] in the anticipation of the issuance of bonds for various purposes which include purchasing motorized equipment, acquiring and approving real estate, acquiring, constructing, renovating, furnishing and equipping park, cultural and recreational facilities. I am going to summarize some of the general provisions of all of these bond ordinances. First are note ordinances. Each of the ordinances authorizes the issuance of bonds in August, 2004 and authorizes the issuance of notes in anticipation of bonds currently. The notes will be sold in a single issue to be designated Various Purpose General Obligation Bond Anticipation Notes, Series 2003. Each of the ordinances authorize the notes to be in book-entry form and sold at a private sale as determined by the Fiscal Officer of the City to be in the best financial interest of the City. There are a number of tax covenants in these ordinances which are required to insure that the bonds or notes in this case are tax exempt and also designate these as qualified tax exempt obligations which makes them marketable to additional entities that otherwise would not be able to purchase them. It authorizes disclosure documents to be used in connection with the sale and authorizes a continuing disclosure certificate. It also declares them to be general obligations of the City where the full faith and credit of the City is pledged for payment. And I could go on, but only bond lawyers and underwriters would be interested in what I'm going to have to say after that. Probably the most important thing to point out is the maturity of these notes is nine (9) to twelve (12) months and we do expect the interest rate on these notes to be below 2%.

The first note is Ordinance No. 107-2003(F), an ordinance to provide for the issuance of \$414,000

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. Pursuant to an ordinance adopted in 2001, the Council originally authorized issuance of \$705,000 of notes. Last year Council paid down some of those note balances and reissued \$564,000 of notes. This year we are now applying \$150,000 to reduce the amount of principal on that note to \$414,000. This legislation authorizes notes in the amount of \$414,000. I offer Ordinance No. 107-2003(F) for passage tonight.”

Mayor Kelley accepted Ordinance No. 107-2003(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, “Next, I have Ordinance No. 108-2003(F), an ordinance to provide for the issuance of \$650,000 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 by an ordinance passed in July, 2002, in the amount of \$830,000. We are reducing the principal of those notes by \$180,000 and re-authorizing re-issuance of notes of \$650,000. This ordinance authorizes the issuance of \$650,000 of notes in anticipation of the issuance of bonds for the purposes noted. I offer Ordinance No. 108- 2003(F) for passage tonight.”

Mayor Kelley accepted Ordinance No. 108-2003(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, “Next I have Ordinance No. 109-2003(F), an ordinance to provide for the issuance of \$408,000 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. Council originally authorized the notes in the amount of \$1,000,000 in 2000, reissued those notes in 2001 and reduced the principal to \$804,000. In 2002, we issued \$608,000 notes and tonight we are reducing the principal of the notes by \$200,000 and authorizing the issuance of \$408,000 of notes. This ordinance authorizes the issuance of \$408,000 in notes. I offer Ordinance No. 109-2003(F) for passage tonight.”

Mayor Kelley accepted Ordinance No. 109-2003(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, “I have Ordinance No. 110-2003(F), an ordinance to provide for the issuance of not to exceed \$535,000 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. This is a first issuance of notes in this category and should be noted there is a Fiscal Officers Certificate with respect to each of these ordinances that I’m reading. They note that the estimated life of the equipment is at least five (5) years and this one mentions that the maximum maturity of the bonds is thirty (30) years and the maximum maturity of the notes in anticipation of bonds is twenty (20) years. This ordinance authorizes the issuance of \$535,000 notes for the purposes

described. I offer Ordinance No. 110-2003(F) for passage tonight.”

Mayor Kelley accepted Ordinance No. 110-2003(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, “Finally I have Ordinance No. 111-2003(F), an ordinance to provide for the issuance of \$610,000 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. This ordinance authorizes the issuance of \$610,000 worth of bond anticipation notes. I offer Ordinance No. 111-2003(F) for passage tonight.”

Mayor Kelley accepted Ordinance No. 111-2003(F).

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

Nays: None

Ordinance passed

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, “Thank you, your Honor. I have two pieces of legislation. First I have Resolution No. 112-2003(MS), authorizing an agreement with City Architecture for professional services for Phase II of the Coventry Road Streetscape Project; providing compensation therefor; and declaring an emergency. The City Manager is hereby authorized to enter into an agreement with City Architecture. The services to be performed are as set forth in the architect’s proposal dated July 7, 2003, a copy of which is on file with the Clerk of Council. Compensation for the aforesaid services shall be at the architect’s usual hourly rates, with total fees and expenses not to exceed the sum of Sixteen Thousand Two Hundred Dollars (\$16,200.00). The agreement shall be in a form approved by the Director of Law. Your Honor, I offer Resolution No. 112-2003(MS) for passage tonight.”

Mayor Kelley accepted Resolution No. 112- 2003(MS).

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

Nays: None

Resolution passed

Council Member Hicks continued, “Thank you, your Honor. Next I have Resolution No. 113-2003(MS), authorizing the City Manager to enter into an agreement with Mackay Engineering & Survey Company for professional services for the inspection of twelve City culverts and the completion of O.D.O.T. Bridge Inspection Reports; providing compensation therefor; and declaring an emergency. This resolution is authorizing the City Manager to enter into this agreement and the scope of the work shall be set forth in the Engineer’s proposal dated July 8, 2002, a copy of which is on file with the Clerk of Council. Compensation for such services shall be at the Engineer’s usual hourly rates, with total fees and expenses not to exceed the sum of Seven Thousand Five Hundred Dollars (\$7,500.00). The agreement and any related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 113-2003(MS) for passage tonight.”

Mayor Kelley accepted Resolution No. 113- 2003(MS).

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

Nays: None

Resolution passed

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There are three resolutions referred to us from the Board of Zoning Appeals. The first is BZA Calendar No. 3009 June Alexander, 656 Quilliams Road, in an 'A' single-family district, made formal application requesting a variance from the accessory use regulations of the Zoning Code, to permit replacement of an existing 4-ft.-tall split-rail fence, located partly in the applicant's corner side yard and partly in the portion of her rear yard that abuts her neighbor's front yard to replace that fence that I just described with a 4-ft.-tall picket fence having less than a 5-ft. setback from the neighboring front yard. The hearing on this matter as well as the other Calendars that we'll be reviewing tonight was conducted by the Board of Zoning Appeals on Wednesday, July 16, 2003 and in the opinion of the BZA exceptional and unusual circumstances resulting in practical difficulty were shown on behalf of this applicant and the other two applicants in the other two resolutions that I'll be referring to tonight. The basis in this case for the finding of difficulty that complied with the resolution is that if the variance was not granted a conforming fence would be impractical given the existing landscaping and topography of the property. The proposed fence will enhance the neighborhood and not change its character and the applicant's predicament cannot be resolved without a variance. BZA Calendar No. 3009 is presented on motion for adoption."

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack continued, "BZA Calendar No. 3012 Sarah Willis, 2431 Demington Drive, in an 'A' single-family district, has made formal application requesting a variance from the accessory use regulations of the Zoning Code, to permit a garage with a 1-foot 6-inch side-yard setback. At the same hearing, it was found that the applicant will suffer practical difficulty if the variance is not granted because in order to preserve a large, mature evergreen tree, the new code-conforming 20' x 20' garage can only be located 1-foot 6-inches closer to the side property line and the applicant's predicament cannot be resolved without a variance. On that basis, upon motion, BZA Calendar No. 3012 is presented for approval."

Second by Council Member Caplan.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack continued, "Finally, BZA Calendar No. 3013 Gary C. L. Lack, 4000 Ardmoor Road, in an 'A' single-family district, requesting a variance from the accessory use regulations of the Zoning Code, to permit replacement of a 1-car garage with a 1-car garage where the Code generally requires a 2-car garage. After the hearing, as indicated before, the BZA found that the applicant would suffer practical difficulty if the variance is not granted because, per the report of a certified arborist, constructing a 2-car garage would have a negative impact on the root systems of the two large maple

trees in the applicant's rear yard, and moving the garage farther back would result in an extremely long driveway and diminish a heavily landscaped area; and the proposed re-positioning of the new garage will make the required 3-ft. setback possible along the applicant's side property line, which the existing garage does not meet. On that basis, upon motion, BZA Calendar No. 3013 is offered for approval."

Second by Council Member Dietrich.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack concluded, "Just a remainder, after a whole lot of work by our Mayor, by some of our council people, by the staff, and by others we now have an operational community circulator working in the Coventry/Hampshire/Overlook/Euclid Heights/Edgehill areas serving streets not otherwise served by bus service. This uses smaller, convenient, cheaper fares on buses that are run at least once every thirty (30) minutes in each direction. You can get to Shaker Square, Little Italy, Cedar-Fairmount, certainly the Coventry Commercial District and perhaps of even greater interest to many of our residents in the western part of town to and from University Circle. That means employment and other kinds of activities. As we move into August and the restart of employment and school season in the University Circle areas, now is the time to familiarize yourself with this very convenient kind of transportation. You don't even have to go and stand at a bus stop, anywhere along the route you simply can flag one of these smaller buses down. Anywhere in the Coventry area and the apartments on the streets that I just named you're bound to see posters and other information that will tell you all about the route. So, give it a try as we go forward throughout the year. I think our motto now is going to be, 'use it or lose it', because now that we've set up this route we've got to show that it meets our needs and indeed it certainly should. That concludes the report of this committee. Thank you."

Mayor Kelley added, "Thank you, Vice Mayor and you were also instrumental in getting the circulator here as you came down and let RTA know how much we needed it. Thank you for your work on that."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Resolution No. 114-2003(PSH), authorizing an amendment to an agreement with the Cuyahoga County Department of Development for a grant under the Lead Safe Cuyahoga Program for lead remediation work in dwelling units in the City of Cleveland Heights; and declaring an emergency. By Resolution No. 30-2002 this Council authorized the City Manager to execute an agreement for a grant of Two Hundred Thirty-four Thousand Dollars (\$234,000.00) under the Lead Safe Cuyahoga Program, which provides funds for lead remediation work in dwelling units occupied by income eligible families with children aged six or under as well as associated training. This resolution will allow us to accept an additional Ninety Thousand Dollars (\$90,000.00) under this program and acceptance of this funding will certainly benefit our City as well as the residents. This would increase the amount of funding to Three Hundred Twenty-four Thousand Dollars (\$324,000.00) which is certainly an admirable increase.

I'd like to thank Rick Wagner and all the work he does because it is actually saying that this program is working very well in our City and we want to give you a little bit more money to make it work even better.

I'd like to present Resolution No. 114-2003(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 114-2003(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Resolution No. 115-2003(PSH), amending Resolution No. 23-2001 authorizing an agreement with ThenDesign Architecture, Ltd., for architectural and construction management services for renovations to Fire Stations #1 and #2; providing compensation therefor; and declaring an emergency. Resolution No. 23-2001 shall be amended so that the reimbursable fees and expenses authorized therein shall be as follows: Twenty-six Thousand Eight Hundred Ten Dollars (\$26,810.00) for basic services and reimbursable expenses in the sum of Three Thousand Four Hundred Thirty-seven Dollars and Thirty-three Cents (\$3,437.33) for a total of Thirty Thousand Two Hundred Forty-seven Dollars and Thirteen Cents (\$30,247.13). I would like to submit Resolution No. 115-2003(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 115-2003(PSH).

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

Nays: None

Resolution passed

Council Member Evans concluded, "From time to time we receive communications from residents commending our police officers and at this meeting I'd like to mention that there was a letter mentioning Officer Britton who was very courteous and efficient in his response and also a letter from another resident who had a particular need which complements Officer Chris Skok (I believe that's how you pronounce his name) for his response and he also was mentioned in a letter from the City of South Euclid Police Chief commending the work that he, Chris Skok, and Dan Mavromatis - the fine work that they did on June 27, 2003. I certainly would just like to take a moment to say thank you to them. We appreciate their diligence and hard work in protecting our city and making everyone feel good about what they do."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrick stated, "Thank you. I have no legislation. We seem to be right now at that elusive little short-lived time when all the boards and commissions are up to date. All the positions are filled, all the appointments have been made, reappointments have been made, so for about a minute there is nothing to do. Everything is running smoothly. It is a good time to thank those people that volunteer to be on our city boards and commissions. Just in my packet a couple of weeks ago I got back copies of surveys that we asked people to fill out who appear before certain boards and commissions. There were eleven of them from people who had been before the Architectural Board of Review or Planning Commission or Board of Zoning Appeals. Of the eleven, nine gave the board that they appeared before, the highest grade possible. This is really important too. It's important to us that our boards and commissions be user-friendly. In a city like ours, some people complain that we are over-regulated but in a city where most of the buildings and the facilities are old if we don't regulate carefully things will kind of fall apart and so it is important that the boards and commissions do their work in a serious way to keep our infrastructure up and yet do it in a user-friendly way. The comments from the people who appeared before them show that they really are working that way. We also attend their meetings and I always feel so proud of how seriously they take their work and how they agonize over some of the decisions that they have to make. Sometimes they cannot always grant a variance or a

conditional use permit and they try very hard to accommodate people and when they can't do it I know that they (it's not a power thing) are upset by that. In fact, I have overheard discussions among themselves of losing sleep over making certain decisions. I just want you to know that it is important to us that our boards be as user-friendly as they are and we appreciate the people that serve for doing tha."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. I have one piece of legislation on first reading tonight and that's Ordinance No. 116-2003(CRR), amending the use regulations and rates for admission and other services for the Cleveland Heights Community Center and parks for the 2003-2004 fall/ winter season, and repealing Ordinance No. 148-2002. The City of Cleveland Heights annually reviews its use regulations and rates for admission and other services for its Community Center and parks; and in anticipation of the 2003-2004 fall/ winter season, it is deemed desirable to reaffirm the 2002-2003 regulations with some rate changes and additions due to the upgraded facilities and programming. What some of the changes are - I will read only a few since it is several pages long. But I want to reiterate that except as otherwise provided within our regulations, admission to the Cleveland Heights Community Center Ice Rinks building and the use of such Ice Rinks shall be limited to bona fide legal residents of the City of Cleveland Heights who are authorized holders of a proper Recreation Identification Card issued by the City of Cleveland Heights, or an authorized guest of the holder of that card, or to non-residents properly registered with organized ice programs or who pay authorized non-resident rates for ice programs. Recreation Identification Cards shall be issued only to Cleveland Heights residents. Each holder of a Recreation Identification Card shall be entitled to purchase not more than three (3) guest tickets for each public skating session. This may be limited from zero (0) to three (3) as deemed necessary by the management during crowded sessions. During periods when the Ice Rinks are not open for scheduled public use, the Rinks may be rented for private group use subject to approval and scheduling by the City Manager. The City Manager is authorized to establish and enforce reasonable regulations governing such group use. There are charges for that. I want to tell you about some of the changes. Most of the changes in fees are relatively minimal. For example, replacement cost of a card has gone from \$5.00 to \$6.00. Our Recreation Identification Card which includes a digital photo and is good for a whole year from the time you get it to the following, it was \$4.00 it has now gone up to \$5.00. There have been various small changes. Some of them are actually only a small amount of money, fifty-cents, twenty-five cents in some cases. Skate rental has gone from \$1.50 to \$2.00 and there have been some other changes in charges for some programs like Tot Hockey but it's not really significant in terms of cost.

One of the things that we have done, which some people may notice, is that we have eliminated the dollar fee that we were charging to use the track only. We were allowing id holders to walk on the track or run on the track for \$1.00 a visit if they chose not to buy a pass and we have decided to eliminate that possibility and so that if someone wants to come for the day they can with their id card purchase a day pass for \$5.00. It's a field house pass so that they cannot only walk on the track but they can also use the equipment, because we were finding that some of those people were using the equipment without paying for it. In any case, as of September 2, 2003 - and that's the only thing that changes is the date - there will no longer be the dollar fee to use the track. Men's hockey has gone up from \$60.00 to \$70.00 and I said there are some small incremental changes in fees for virtually all of the programs. The fee increase as set forth in all the subsections of the eleven pages which I have refrained from reading are in Subsections 1(g), 2(a), 2(c), 2(d), 2(e),3(f), 4(a), 4(b), 4(c), and 4(e), relating to fees for annual passes and Recreational Identification Cards shall apply to all transactions on or after January 2, 2004. If you have a question, if you are interested in knowing what the specifics are the City Manager's office and the Clerk of Council certainly do have copies of this ordinance. At our next public meeting we will vote on the changes. That is Ordinance No. 116-2003(CRR), first reading.

I had some comments that I wanted to make. If you haven't been to Cain Park this season it is in full force. We're halfway through. The arts festival was amazing. There were about 70,000 people who came and enjoyed the art, the sociability, the food, [and] the music. It was a wonderful weekend. The weather was cooperative and I'd like to say a particular thank you to all the staff from public works, all the staff of Community Services, all the volunteer people, all of the people who helped to make the whole weekend safe and fun and beautiful. It was really a great event. A particular thank you to Susanna Niermann O'Neil who is the Director of Community Services who really puts her heart and soul into making this a wonderful event and to the co-chairs, Honey Feinberg and George (forgot George's last name) who are the co-chairs of the arts festival and they've done a wonderful job as they have done for the past several years. So, thank you to all of them.

The other programs at Cain Park are in full force. Last night was Sheryl Crow and it was a sold-out crowd of (I don't know) 2,500 people who enjoyed a wonderful event. There are still lots of programs to come. Some of the names you'll know, some you won't, but it's really worth coming to and we encourage you to do that. If you think it's been a warm summer come ice skating. Remember we have an ice skating facility that's open all year round. Our learn-to skate program in the summer is filled but we encourage you to do that [skate] and we encourage everybody to remember it's block party time and lots of the streets are having block parties. The city is happy to help you organize your block party - do the notices - contact the fire department who is happy to come and do all the things that go along with making a successful block party. This is the time and the season to have a really nice summer and we encourage you to use all the facilities; the swimming pools, the parks for your enjoyment. That's all I have. Thank you."

REPORT OF THE MAYOR

Mayor Kelley stated, "Thank you, Council Member Caplan. We'll move to the Mayor's Report. I have no Mayor's Report tonight. Our next meeting will be Monday, August 4, 2003. Our meeting is adjourned at 8:40 p.m. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc