



CITY OF CLEVELAND HEIGHTS, OHIO

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY EVENING, JULY 23, 2007

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:15 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:25 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: Caplan, Dietrich, Evans, Kelley, Montlack, Tumeo, Wilcox

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, July 2, 2007 were approved and signed by Mayor Kelley along with the ordinance and resolutions passed at that meeting.

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have several items this evening. The first of which would be to request authority to take bids for site improvements at Cain Park."

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

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

Second by Council Member Tumeo.

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

Nays: None

Motion passed

Mr. Downey continued, "Thank you very much, your Honor. Several of the things you received in your packet was a copy of Bid Document No. 2007-10, the Demington-Fairmount Sanitary Sewer Improvement. The lowest and best bidder is the Kokosing Construction Company, in the amount of \$911,476.00. Also, you had Bid Document No. 2007-11, for the purchase of three fire dispatch consoles. The lowest and best bidder is Independence Communication in the amount of \$45,120.00. Your Honor, I would request that the bid tabulations and the award of contract 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 one (1) notice has been received from the Ohio Department of Liquor Control advising that an application has been made by the following: Anatolia on Cedar Ltd., d.b.a. Anatolia CafÈ, new D5I permit, premises 2268 Lee Road, 44118. Your Honor, I need to make this 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, "Thank you, your Honor. I also need to notify Council that one resolution of the Board of Zoning Appeals has been received pertaining to a variance in the Zoning Code and is requested by the following: BZA Calendar No. 3129 Linda Wolff and R. Allen Wilkinson, 1286 Yellowstone Road, accessory use regulations. Your Honor, I also need to make this a matter of record."

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

Mr. Malone continued, "Thank you, your Honor. I again, need to notify Council that pursuant to Section 753.04(a)(1) of the Codified Ordinances of the City of Cleveland Heights the Cleveland Heights Cable Commission has submitted the following Resolution: Resolution No. 2007-1 Requires that any cable operator providing service in the City, at least ninety percent (90%) of the time, connect a telephone caller to a live service representative staff member within thirty seconds during specified times. Your Honor, I need to make this a matter of record."

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

Mr. Malone continued, "Thank you, your Honor. I finally need to notify Council that three 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 and rehabilitating motorized equipment and appurtenances, for various departments of the City; and for the purpose of constructing and equipping a multi-level parking deck and improving the site therefor (the "Improvements"). Your Honor, I also need to make this a matter of record."

Mayor Kelley made it a matter of record and referred it to the Finance Committee.

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There are four pieces of legislation tonight. The first is Resolution No. 82-2007(F), Second Reading, approving the adoption of the 2008 Tax Budget; and declaring an emergency.

We just recently concluded the Public Hearing on the 2008 Tax Budget dealing with the general fund. The 2008 budget which is for the next year, obviously, and is passed every year at this time, with regard to the next year, represents an educated guess as to our anticipated revenues and general fund expenses. It deals with the general fund, as I said, for operations in the six city departments: Community Services, Finance, Planning and Development, Public Safety, Public Works, and the general government. All of the departments participate in planning the budget and obviously, planning the budget for their own departments as well as for the city. And in these times of great across-the-board financial stress this is an important part of the process.

In the 2008 proposed budget, the expenditures are estimated to be \$44,101,132.00. Approximately, fifty-four percent (54%) of the revenues that support the general fund result from municipal income taxes and those, once again, are projected to increase at about three percent (3%) annually, at least in relation to the actual 2006 figures. While property taxes, which represent about fifteen percent (15%) of the city's general fund revenues increased substantially in 2007 due to the statutory full revaluation of properties in 2006. Other supporting revenues did not fair as well. The local government funds, which the state controls as a part of its long-term promise to return to local municipalities a part of the state revenues - state income tax - those have remained flat for several years now. So that means that with normal increases in cost of living, every year, in effect, the real dollars are reduced. Also, a substantial hit has been taken by Cleveland Heights along with many other communities in the so called *estate tax reform* by which state taxes have been reduced and they've been reduced but the portions that were paid previously to municipalities have not been replaced. So going back approximately three years, our budget has lost about \$900,000 in three years and that is quite a substantial hit. Generally, the number and the full-time equivalence for personnel across-the-board in our departments is projected to remain about the same with some slight reduction due to attrition related matters. This really means that once again, the staff is simply taking on individually more responsibility working more with less. This means that each department is certainly doing its share to function efficiently within our budget limitations.

As the City Manager reviewed for us during the Public Hearing, this again, is an educated guess and we will have an opportunity to make some adjustments in late fall of this year as we get closer to 2008. With those comments, Resolution No. 82-2007(F) is presented on Second Reading for passage."

Mayor Kelley accepted Resolution No. 82-2007(F), Second Reading.

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Thank you. The next three pieces of legislation deal with the city's indebtedness and legislation to issue notes. Again, here in the last - approximately a year or so since the last legislation on the notes and bonds, that I'm about to read, this city has paid down on its indebtedness more than 1.5 million dollars and it has paid off three (3) notes and the others are going to be handled in this legislation.

Ordinance No. 92-2007(F), to provide for the issuance of \$330,000 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. In 2006, the Council of the City authorized the issuance of notes in anticipation of the issuance of bonds in the principal amount of \$420,000. So by using your basic math, \$90,000 has been paid down and now with this next issuance we are tackling the remaining portion of the debt. Ordinance No. 92-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 92-2007(F).

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

Nays: None

Ordinance passed

Vice Mayor Montlack continued, "Thank you. Ordinance No. 93-2007(F), deals with the latest purchases in regard to motorized equipment. Ordinance No. 93-2007(F), to provide for the issuance of not to exceed \$580,000 of notes in anticipation of the issuance of bonds for the purpose of purchasing and repairing motorized equipment and appurtenances, for various departments of the City; and declaring an emergency.

This is a new issue of the \$580,000 and as in the other legislation the rate of interest is by legislation estimated at six percent (6%) paid semi-annually, but it is certainly hoped, if not expected that the interest rate will be lower than that. Ordinance No. 93-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 93-2007(F).

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

Nays: None

Ordinance passed

Vice Mayor Montlack continued, "Finally, Ordinance No. 94-2007(F), to provide for the issuance in the principal amount not to exceed \$6,600,000 notes in anticipation of the issuance of bonds for the purpose of constructing and equipping a multi-level parking deck and improving the site therefor; and declaring an emergency.

Of course, this relates to the ongoing financing of the parking deck now under construction, Lee Road, just south of Cedar.

On October 17, 2005, the Council authorized the issuance of notes in anticipation of the issuance of bonds in the principal amount of \$5,300,000 for that purpose. Those notes were dated December 7, 2005 and matured on December 7, 2006, and were retired with proceeds of notes in the principal amount of \$6,600,000 dated December 6, 2006 and will mature on August 9, 2007. The difference in those amounts had to do with refining the ultimate design and construction costs and construction agreement with regard to that parking deck and came along with a much appreciated advice from the city's bond counsel that all of these bonds would be tax exempt and therefore, available at a lower rate of interest - lower expense to the city. Ordinance No. 94-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 94-2007(F).

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

Nays: None

Ordinance passed

Vice Mayor Montlack concluded, "Thank you. I have only one other comment that is only partially related to finance. We talk a lot about new construction in the city, and of course, we're aware that the city often participates financially in spurring new construction, but to give credit where credit is due. I hope that everyone has had some opportunity, driving farther south on Lee, to drive by Church of the Savior and to see the wonderful new construction that is going up there. I say new construction, but it is so conscious of the original construction of the Church of the Savior and adds so much to the area that we have to be happy about that and especially knowing that there are religious groups that

understand that as part of their commitment, their spiritual commitment, that keeping faith with the community is important and continues to invest in the community. I just personally like to say, thank you to the Church of the Savior for this tremendous effort and that completes this report.”

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, “Thank you. I have one piece of legislation and this is Resolution No. 95-2007(MS), authorizing the City Manager to enter into an agreement with CT Consultants, Inc. for engineering services relative to the Forest Hill Park Path Resurfacing Project; providing compensation therefor; and declaring an emergency. The City desires to resurface the paths at Forest Hill Park and I will as a note comment that they will pay great attention to the A. D. Taylor Plan by which we take care of our park because it was a gift to us. CT Consultants, Inc. has presented to the City an estimate of costs and a description of the engineering for this project, and is well-qualified to perform all work contemplated. The City Manager has recommended the employment of CT Consultants, Inc. for its professional services on this Project. Therefore, be it resolved by this Council that the City Manager be authorized to enter into an agreement with CT Consultants, Inc. to act as a consulting engineer for the Forest Hill Park Path Resurfacing Project. The services to be provided shall be as set forth in the Engineer’s proposal dated July 11, 2007, a copy of which is on file with the Clerk of Council, and shall include the preparation of plans, specifications and bid documents for the Project. Compensation for such services shall be at the Engineer’s usual hourly rates, with total compensation and expenses not to exceed the sum of Nine Thousand Five Hundred Dollars (\$9,500.00). The agreement and all related documents shall be approved as to form by the Director of Law. Notice of passage shall be given and this Resolution is hereby declared to be an emergency for passage tonight. I offer Resolution No. 95-2007(MS) for passage.”

Mayor Kelley accepted Resolution No. 95-2007(MS).

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

Nays: None

Resolution passed

Council Member Caplan added, “Thank you. The only comment I’d like to make, I was away for a week and we came back and it was such a joy to drive through the city. The flowers are gorgeous, the hanging baskets are terrific, the city’s been doing a marvelous job in making us look beautiful and our residents have been doing a great job at it too. The landscaping that people do is so wonderful. Everybody’s idea of beautiful is interesting and creative and it really looks terrific. So, it was fun to come home. Thank you. That’s all I have.”

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, “Thank you, your Honor. There are two pieces of legislation, a Board of Zoning Appeals Resolution and also a Cable Commission Resolution from this committee. We’ll start with the Board of Zoning Appeals Resolution. Councilwoman Evans attended that meeting and I’m going to ask her to read this resolution.”

Council Member Evans stated, “I would like to present BZA Calendar No. 3129, Linda Wolff and R. Allen Wilkinson, 1286 Yellowstone Road, in an ‘A’ single-family district, has made formal application requesting a variance from the accessory use regulations of the Zoning Code, to permit a 19’ tall garage. The applicable provision of the Zoning Code is contained in Section 1121.12(g), which requires a maximum permitted height of 15’. The public hearing was held last week on July 18, 2007 at 7:30 p.m. It was the opinion of the Board of Zoning Appeals that the applicants clearly demonstrated that there were

special conditions and circumstances, resulting in practical difficulty in complying with the requirements of the Zoning Code, and that the variance was in harmony with the general purpose and intent of the Zoning Code. The actual body of it is that it be resolved that the Board of Zoning Appeals of the City:

- (1) That the applicant will suffer practical difficulty if the variance is not granted for the following reasons: the applicant's current garage is too narrow to park two vehicles and would be difficult to enlarge; the unusual shape, topography and heavily wooded nature of this large corner lot makes placement of the a structure difficult; the double lot that is larger than others minimizes the impact on the neighboring properties; and a garage with a code-conforming height would be architecturally less compatible with the historic main house and its steeply sloped roof.
- (2) The issuance of a special permit is hereby authorized to permit the applicant to construct a 19' tall garage on their property.
- (3) All construction which is the subject of this application shall be completed within 8 months of the date of approval of this resolution by Council.

I would like to move that BZA Calendar No.3129 be adopted this evening."

Second by Council Member Dietrich.

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

Nays: None

Resolution confirmed

Council Member Wilcox stated, "Next, I have Resolution No. 96-2007(PD), authorizing an amendment to an agreement with Allegro Realty Advisors, Ltd. for a Market Analysis and Feasibility Study for the Top-of-the-Hill development site; providing compensation therefor; and declaring an emergency. Previously, the City issued a request for proposals for qualified firms to do the Market Analysis and Feasibility Study and the City after reviewing the responses retained Allegro Realty Advisors, Ltd. After retaining them, asked them to do additional work and in this case because this included not only just the market analysis but a community analysis, we asked Allegro to do additional work in terms of interviews of interested parties in the community and also to participate in public meetings that we held to give the results of the study. So those additional services were requested and the services were rendered. These are professional services for which no bidding is necessary. Section 1 of this Resolution authorizes the City Manager to enter into an amendment to an agreement with Allegro Realty Advisors, Ltd. ("Allegro") for a Market Analysis and Feasibility Study for the Top-of-the-Hill development site at Euclid Heights Boulevard and Cedar Road. The amended agreement shall provide for additional compensation in a sum not to exceed Ten Thousand Dollars (\$10,000.00), with total compensation under the amended agreement not to exceed Fifty Thousand Dollars (\$50,000.00).

I also want to thank Michael Cantor and Allegro Realty for their work on this project. I offer Resolution No. 96-2007(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 96-2007(PD) and commented, "I just want to say, too, I want to thank Michael Cantor and his group for doing a first class job, a very professional job from start to finish, two excellent presentations that were well received by the community and I am looking forward to moving to the next step of this process as a council, as a city, staff, with our Planning Commission and with the total involvement from our city we will move forward to Phase Two and it will be an

open and interesting process and we are looking forward to doing that in the not too distant future. But, again, I want to thank Allegro for setting a good foundation for us within the community, doing the appropriate and proper research and having two excellent public meetings and allowing for excellence and a lot of time for public comment in doing the right interviews. We've laid a good foundation. Where this goes from here, nobody knows, but it was a great process and we'll see what happens. I think the nearly \$50,000 was money well-spent to get people on the same page, to see where we can go and see what some alternatives are and now the rolling up the sleeves and the hard work will begin."

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

Nays: None

Resolution passed

Council Member Wilcox added, "Thank you. We will certainly keep everyone up-to-date on the next steps in this important project.

Resolution No. 97-2007(PD), authorizing an agreement with the Cuyahoga County Board of Commissioners for receipt of funding for HOME Program administration costs; and declaring an emergency. Council previously authorized the City Manager to enter into agreements with Cuyahoga County and other area communities to create a Cuyahoga Housing Consortium to pursue federal funding for housing activities through the Home Investment Partnership Program ("HOME"). The Consortium agreed to an allocation of funding for the City of Cleveland Heights for partial payment of administration costs related to HOME-funded programs.

In a previous meeting we actually approved costs for prior years. This Resolution approves funding for the period from June 1, 2007 through June 30, 2009 in the amount of Sixteen Thousand Seven Hundred Sixty-three Dollars (\$16,763.00) for administrative costs. I offer Resolution No. 97-2007(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 97-2007(PD).

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Next, I have a Resolution from our Cable Commission. This was as a result of a hearing that took place on July 10, 2007. This is Resolution No. 2007-1 from the Cleveland Heights Cable Commission, Section 753.04(a)(1) of the Codified Ordinances of the City requires that any cable operator provides service in the City, at least ninety percent (90%) of the time, connect a telephone caller to a live service representative staff member within thirty seconds during specified times. Time Warner NY Cable LLC, is a cable operator and provides service in the City. Based on the testimony given and the evidence adduced at a formal hearing on July 10, 2007 on the issue of Time Warner's compliance, the Commission made the following findings of fact and they're listed in this Resolution that Time Warner did not meet those standards in the months of March 2007, April 2007 or May 2007 or for the second quarter report which include the combined months of April and May. As a result of that, the Commission found Time Warner to be in non-compliance with that section of the Codified Ordinances for the months of March, April and May and further found that Time Warner shall comply with this section not later than August 1, 2007.

I should point out at that hearing there was also information that was provided indicating that Time Warner was in compliance in June of this year and the Cable Commission will hold a hearing in

August of 2007 to determine whether Time Warner is in compliance in July and based upon the evidence therefore, that Time Warner is making efforts to comply. The Commission at this time did not find any further action would need to be taken. So based on that I would move to affirm Resolution No. 2007-1."

Second by Council Member Tumeo.

Mayor Kelley stated, "I just want to briefly say to let Time Warner know we're watching what you are doing in our community and 90% is the way you want to handle our subscribers and we'll be very anxious to see how you did in the month of July. We'll give you a little bit of a break for the first five months as you've put out your Road Runner service and your internet and now you're doing your telephone service and all that, but it still doesn't give you an excuse not to give professional and timely service to our residents who take the time and effort to subscribe and pay those bills that most months reach a hundred dollars or more depending on what services you're having. You can give a little back over a thousand dollars that most residents pay for your service. Multiply it by about 14,000 residents. That's a lot of money coming out of this city, so we will be watching faithfully as we did Adelphia before you and Cablevision before them and Viacom before them. We want to obviously thank our Cable Commission for keeping their ears to the grindstone on you. You got away this month, but you won't be as lucky next month if the figures don't jump to 90."

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

Nays: None

Resolution confirmed

Council Member Wilcox concluded, "I just want to add my thanks to the Cable Television Commission. Obviously, state law has changed and there will be some changes in the way the city is going to be able to monitor franchise agreements or to monitor our cable providers. I have been very impressed by all the members of the Cable Commission who have diligently followed through on their responsibilities on this commission. That concludes my report."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. There are three pieces of legislation this evening. The first one is Ordinance No. 98-2007(PSH), amending specified sections of Part Three, Traffic Code, and Part Five, General Offenses Code to conform such Ordinances to current State Law; and declaring an emergency. It would be in the best interest of the City and its residents to amend certain provisions of Part Three, Traffic Code, and Part Five, General Offenses Code, to conform to changes in the comparable State statutes. Fortunately we retain a company, Walter Drane, that reviews these needs for our Codified Ordinances and they presented a good deal of them which are mentioned in Section 1. There is an exhibit, Exhibit "A", which is attached hereto and incorporated. I am not going to read all of the different changes but you are certainly welcomed to contact city Hall specifically the Clerk of Council's office if you want to read each of these in detail. Section 2 states that the aforementioned amendments to the Codified Ordinances, as revised, recodified and consolidated into component codes, titles, chapters and sections within the 2007 Replacement Pages to the Codified Ordinances, are hereby approved and adopted. I would like to submit Ordinance No. 98-2007(PSH) for passage."

Mayor Kelley accepted Ordinance No. 98-2007(PSH).

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

Nays: None

Ordinance passed

Council Member Evans continued, "The next two resolutions are both nuisance abatement resolutions. Both of these, the City Manager and the Certified Building Official have reported to this Council that each of the properties have not been maintained for a number of years and are in a state of severe disrepair. The first one is Resolution No. 101-2007(PSH), declaring the property at 3816 Berkeley Avenue to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. This particular property is vacant and owned by Citibank of Raleigh, North Carolina. It was purchased at a sheriff's sale on June 26, 2006. The garage roof has collapsed causing the exterior walls to go out as this can be a hazard to the neighbors. It is requested that the structure be razed. The estimated cost for the total project is \$2,040. I would like to submit Resolution No. 101-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 101-2007(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Next, is Resolution No. 102-2007(PSH), declaring the property at 3745 Woodridge Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. This particular property is owned by Colonial Savings of Fort Worth, Texas. It was also purchased at a sheriff's sale on December 16, 2005. It is vacant. It is located on the corner of Oxford, therefore the garage door is very, very visible and being that it is in such a location it is being recommended that the door be replaced with a new garage door. The cost of this project will be approximately \$1,200. I'd like to submit Resolution No. 102-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 102-2007(PSH).

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

Nays: None

Resolution passed

Council Member Evans added, "This concludes the legislation this evening, but I would like to take just a moment to thank Rick Wagner for doing such a fine job in keeping up with all of these homes that present so many problems and are a concern to many of the neighbors. He is working very diligently in keeping us apprized and we're doing as much as we can possibly do to make sure that your environment is safe and that you can live as well as possible. That concludes my report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "Thank you, your Honor. I have one piece of legislation tonight, Resolution No. 99-2007(AS), authorizing the City Manager to enter into an agreement with Employee Benefits Consultants for the provision of services as a third-party administrator for the City's self-funded Emerald Health Network, prescription drug and dental programs; providing compensation therefor; and declaring an emergency. As you know, we are self-insured for up to \$90,000 per case. We hire EBC to actually administer that program, take care of all of those activities and to also seek bids for the additional coverage over that \$90,000 per case limit. This legislation authorizes the city to enter into this agreement. Administrative costs in the past have remained constant over the past three years, in fact. There was no increase from 2004 to 2006, but this year we will be experiencing an increase of \$10,000 in administrative expenses in order to keep our deductible at \$90,000. Our annual stop-loss premium - that's the over insurance after our \$90,000 will increase by \$40,000. Overall that's not an extremely large increase. The total for the excess insurance and for the administration is \$463,416.00, slightly over ten percent (10%), given, once again health care costs, as you know are going up, we're doing very, very

well on that and that's how we're keeping our budget tight. I would like to present Resolution No. 99-2007(AS) for passage on first reading tonight."

Mayor Kelley accepted Resolution No. 99-2007(AS).

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

Nays: None

Resolution passed

Council Member Tumeo added, "That's all the legislation I have. I have two comments. As you know, we just passed updates to the Traffic Code. I would like to call special attention to people who ride bicycles. There are some changes for bicyclists in this and I want to make sure that all our bikers and I'd like to see lots more bikers so I want you to know that there are a few changes and I would urge you to get with the Clerk or to check on those changes that in summary - we've eliminated requirement that the bicycle has to be equipped with that sounding bell for distances of 100 feet, the lighting and reflector requirements have been substantially changed. So make sure your bikes are in compliance with the law and double check on that.

Finally, I would like to wish our law director a speedy recovery and good health and would like to see him back here soon. Thank you, your Honor."

Mayor Kelley added, "Maybe we could put that information about the bikers in the next Focus Magazine, maybe highlight it a little bit so it could stand out. A good point to bring up. Thank you, Councilman Tumeo."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, "Thank you. I have Ordinance No. 100-2007(CRR), first reading only, amending the use regulations and rates for admission and other services for the Cleveland Heights Community Center and parks for the 2007-2008 fall/winter season, and repealing Ordinance No. 91-2006. This is something that we do annually. We do review our rates for admission and other services for our Community Center and parks and what we would like to do this year is basically reaffirm the 2006/2007 regulations and rates with minimal changes. I am not going to read this whole thing because it is ten pages long, but I will read the changes because they are so few. Just to remind people that this city does partially subsidize recreation so through your tax dollars you do help us help residents use the Community Center and the parks. Before I read the changes I just want to give you an example of what a great buy it is to use our Community Center. I am going to read to you how much it costs for a Community Center pass for a year and this allows you to use both the ice rink side and the field house side. Kindergartners through age 11 is \$124.00. If you are age 12 through high school is it \$154.00. Young adults 18-24 not attending high school is \$176.00 a year. Adults ages 25-59 it costs \$220.00 a year. Adults 60 years of age or older pay only \$99.00 a year. For a whole family pass for the entire Community Center for a year it is \$325.00 and it really is a fabulous buy for a wonderful, wonderful Community Center. You can also buy a yearly pass for one side or the other, so if you only want to use the field house or you only want to use the ice skating rink you can do that too and the rates are significantly less for that. Rates that we charge for non-residents are actually significantly higher. I'm going to read just the changes and there are very, very few of them. A monthly free-style pass has increased by \$10.00 a session. You get seven times to come and it's gone to \$85.00 from \$75.00. Travel hockey is now \$220.00 from \$180.00, and for non-residents it's \$400.00 from \$360.00, but that does now include the week-long developmental hockey camp. It didn't use to include that. So, you really are getting still an equal value. People who want to try out for the travel hockey league have to pay a non-refundable deposit of \$100.00 prior to the first tryout session in August and those deposits would then

be applied to the total fee once the trials are completed, but that is a change. We have a couple of really nice add ons to our program. In hockey, for elementary school children, we're going to start allowing teams from elementary school to form themselves. So these are little children, kindergarten through grade two, and grades three to five, as the two separate groups but can register for hockey as teams from their elementary schools. It is just a little sprit booster and we also - because so many girls are interested in hockey and have always been allowed to play on the hockey teams, but now we're going to have a sugar and spice girls hockey program. That's a new program and the whole season will cost \$45.00 for a Cleveland Heights' resident. I'm offering this on first reading only so we will not be passing it tonight."

Mayor Kelley accepted Ordinance No. 100-2007(CRR) on first reading only and added, "It might be an opportunity with those teams like Wilcox Wildcats or jump into hockey now. Sugar and Spice!"

Council Member Dietrich stated, "In case you don't know what he's referring to, we do welcome people to sponsor our rec program teams.

I have just a few announcements of things that are coming up. Cumberland Pool will be having it's 80th birthday on August 1st. That's a Wednesday, so it'll be free all day for everybody at the pool. There will be a water show that night at 8:30 called Cumberland Through the Ages. There will be old photos exhibited in the lobby and those will stay there through Labor Day. So, if you want to see a great pool show Wednesday, August 1st.

Also the annual Barden, Benner, Carter Golf Tournament will be held on August 11. You may remember that is something that is done in remembrance of the three Heights High Hockey players who were killed in a car accident some years back.

Finally, we will be having our second annual trolley tour of new construction. What this means is that a trolley will take people who would like to go around to visit all the new condos that are being built around town. This will take place on Sunday, August 19th from 1:00 to 5:00.

And, finally, I would like to thank our Community Services Department staff and our Public Works staff for all the work that it takes to get ready for the Cain Park Arts Festival. We had around 45,000 people coming through our Cain Park that weekend. As you know, it is a nationally known arts festival so thank you to the staff for all that it takes to do that.

And, finally Happy 50th Birthday to our Mayor. That's all that I have."

REPORT OF THE MAYOR

Mayor Kelley said, "I, too, want to thank everybody who was involved with the arts festival. So much planning and work from our Community Relations staff and our Public Works staff and all the people that volunteer there. So many people pitch in that whole weekend doing stuff. We couldn't make it without them. It was a great festival. I got to work on Sunday and I was relieved by the Vice Mayor. People were so happy in that park and I'm sure the artists were happy because a lot of people had things under their arms and were carrying things out and the food vendors. We couldn't have asked for better weather that weekend. Again, this was our 31st arts festival, I believe, so it was a great time.

I, too, want to send get well wishes to our Law Director John Gibbon and we will have a name plate for you sometime soon, Laure Wagner, substituting for John and doing an excellent job. But, really, our thoughts and prayers go out to John Gibbon and he is now at home for those of you who have been asking about him.

I do want to thank Ed Wittenberg for a superb article about our Community Center that was in the Sun Press last week. I couldn't have asked for a better article to be in there. I know the other cities that don't have a community center probably thought we paid to have that article written there. It really captured what our community center is about. The quotes were there. It was voted on by the people. It was put in and we do listen to our people, work for our people, and our staff there, from Larry Shaw down to the person that greets you at the front door or in the senior center or in the workout facilities or on the ice or basketball. They really do work for you, usually from 6:00 in the morning or before 6:00 in the morning. I know Mike Discenzo is sometime down there at 5:30 in the morning until 10- 11- 12:00 at night. That place works and it does a great job.

Lastly, I want to speak just as the Mayor now about the idea of the medical mart. I really think we need a medical mart here in Cleveland. I think it's time that people get behind this issue. Whether it's the penny sales tax or whatever, we need something like this to help the economy in Cleveland. Therefore, it will help the inner ring suburbs with jobs with the potential. Something like this is so very important for our area, for our region. I have to thank two-three county commissioners, however it's funded. I don't care. This is an opportunity for Cleveland with two fantastic medical facilities in the Cleveland Clinic and University Hospitals and a teaching institution like Case Western Reserve to get a cutting edge thing here and to be done right, to move forward and not to be building ball parks and whatever or casino gambling, as the catalyst to move our region forward. It is time we all get on the same page and do this and we'll have an excellent affect on what is happening in Cleveland Heights - the jobs, the possibilities, the income coming in, the spending. It will not just trickle in Cleveland, it will trickle to Cleveland Heights, to our neighbors, to our region, to Coventry, to Cedar Fairmount, and everywhere else. So, I as the Mayor of this city, not speaking for anyone here on council, truly supports this medical mart idea. It's time to move it forward, to get it done. I don't need a vote of the people to tell us we need this or whether it's a quarter of a percent sales tax - it's a long time coming. Otherwise we can sit back and we'll still be in this malaise we're having in this area and in this region no matter who is the governor. So, I fully support it, not just because I spent the last two weekends with Commissioner Dimora trading quarters and nickels and dimes. It's a long time coming and it is something we need to get behind.

Our meeting is adjourned at 8:29 p.m. Our next meeting will be August 6, 2007. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc