



CLEVELAND HEIGHTS

MINUTES OF THE SPECIAL COUNCIL MEETING OF MONDAY, AUGUST 28, 2006

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:18 p.m.

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Czaga, Downey, Gibbon, Lentz, Malone, Mannarino,
Niermann O'Neil, Ruane, Wagner, Wong

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

Council Member Wilcox moved to adjourn into Executive Session at 7:25 p.m. Second by Council Member Tumeo.

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Czaga, Downey, Gibbon, Lentz, Malone, Mannarino,
Niermann O'Neil, Ruane, Wagner, Wong

Topic of discussion included potential litigation.

Executive Session concluded at 7:40 p.m. and resumed into Committee of the Whole.

Council Member Caplan moved to adjourn into Executive Session at 7:45 p.m. Second by Council Member Evans.

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Czaga, Downey, Gibbon, Lentz, Malone, Mannarino, Niermann

O'Neil, Ruane, Wagner, Wong

Topic of discussion included land acquisition.

Executive Session adjourned at 7:48 p.m.

Following the Special Council Meeting, Committee of the Whole continued at 8:00 p.m. and adjourned at 9:15 p.m.

Special Council Meeting of the City of Cleveland Heights, Ohio, met on the above date at 7:52 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

Mayor Kelley asked for personal communications from the citizens. Seeing none, Mayor Kelley called on Council Member Wilcox, chair of the Planning and Development Committee of Council.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is one piece of legislation which was deferred from our last several council meetings and this is to authorize our Development Agreement for the Meadowbrook and Lee project. I just wanted to thank our Law Director John Gibbon and Richard Wong and Kim Steigerwald and our City Manager for their good work in bringing this back to us tonight so we are able to actually approve the Development Agreement.

This is Resolution No. 97-2006(PD), authorizing the City Manager to enter into a Development Agreement with Al. Neyer, Inc. (or its affiliate) and Ohio Savings Bank for development of a public parking deck facility and a mixed-use retail commercial/residential building on properties owned by the City and Ohio Savings Bank in the Cedar/Lee Commercial District; and declaring an emergency. As you know, the City owns several parcels of land along Lee Road and along Tullamore Road within the Cedar/Lee Commercial District and Ohio Savings has ownership rights in one of those properties. The City desires to redevelop a portion of the Cedar/Lee Commercial District by constructing or causing to be constructed a parking deck facility and a mixed-use building which is a retail commercial and condominium residential building on the City land and on the adjacent property. The City has sought a developer for the project through a Request for Proposal and has determined that Al. Neyer, Inc. of Cincinnati, Ohio is best qualified to develop the project together with the City and Ohio Savings Bank. So Section 1 of this Resolution, provides the City Manager be authorized to enter into an agreement with Al. Neyer, Inc. (or its affiliate) and Ohio Savings Bank substantially in conformance with the Development Agreement which is on file with the Clerk of Council. And I would add that authorization only extends until next Tuesday, September 5th close of business. The agreement will have the following basic terms: Under separate agreement, Al. Neyer, Inc., will act as Construction Manager for the parking deck facility. (That agreement was already approved by Council). The deck design shall accommodate at least 350 parking spaces. Neyer shall design and construct a mixed-use development on adja-

cent properties owned by the City and the Former Bank Property, consisting of at least 15,000 square feet of retail development and at least 30,000 square feet of residential condominium development. That retail development will include a branch bank for Ohio Savings. The City shall be responsible for environmental remediation by using funds from the State of Ohio Petroleum Underground Storage Tank Removal Program and the United States EPA grant monies. There is a 50% tax abatement for the residential condominium properties for ten (10) years. The City has reserved thirty-five (35) parking spaces for Ohio Savings Bank, fifteen (15) of which shall be at no charge and the remainder at the customary rates. We will reserve one parking space per bedroom for residential condominium owners at the City's customary rates. Title to the City-owned property and the Former Bank Property for the mixed-use development will be transferred to Neyer when the environmental work on the properties and the parking deck have been completed or any time on or after March 1, 2007, at their request. The agreement will provide for a ninety (90) day contingency period plus extension rights after the plans for the mixed-use development are approved by the City. That should occur by December 1, 2006. I offer Resolution No. 97-2006(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 97-2006(PD) and added, "I just want to briefly thank the Goldberg Family and Ohio Savings Bank for being so patient in working with us. The City welcomes Al. Neyer, Inc., into the city. This was a very good process to go through, to have seven people that actually looked at the site. It was a fair and open process, in which we interviewed all seven people that were interested in the site. There were seven great proposals and it was a tough choice, but hopefully Al. Neyer will do a fantastic job here. Again, I want to thank the Ohio Savings Bank folks, especially the Goldberg Family for their patience and understanding. I look forward to this fantastic project, not just the parking deck, but the mixed-use project we originally hope to have here and looking forward to moving this project forward.

I want to thank our staff, and in particular, our Law Director John Gibbon for really working on this, although you have a little work ahead of you in the next few days, but I'm hopeful everything will get done. So, I am looking forward to this project."

Council Member Tumeo added, "I also want to thank the Cedar / Lee Merchants and the business district there for their patience as we worked through this and their standing and continuing support as we do this very important project."

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

Nays: None

Resolution passed

Mayor Kelley stated, "It's a very historic meeting to have a special meeting, but this is a very special project. This meeting is adjourned at 7:58 p.m. We will see you next Tuesday, September 5, 2006 at 7:30 p.m. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc