



# CLEVELAND HEIGHTS

## MINUTES OF THE CITY COUNCIL MEETING OF TUESDAY, SEPTEMBER 5, 2006

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:20 p.m.

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Czaga, Downey, Gibbon, Lentz, Malone, 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 7:28 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:38 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, Niermann O'Neil, Ruane, L. Wagner, R. Wagner, Wong

The minutes of the Regular Council Meeting held Monday, August 21, 2006 were approved and signed by Mayor Kelley along with the resolutions passed at that meeting.

The minutes of the Special Council Meeting held Monday, August 28, 2006 were approved and signed by Mayor Kelley along with the resolution passed at that meeting.

## REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have no formal report this evening."

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

Mr. Malone stated, "Thank you, your Honor. I 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: Aditi Ltd., d.b.a. Mikes Convenient Mart, new C1 and C2 permits, premises 1929 South Taylor 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.

## REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. Resolution No. 103-2006(PSH), remembering the victims of the terrorist attacks on September 11, 2001 and the thousands of firefighters, police officers and other persons who participated in the rescue and clean-up operations, and to pay tribute to our local safety forces; and declaring an emergency. Whereas, on September 11, 2001, this nation suffered the most serious attack on American soil in its history, leaving almost three thousand persons dead, including hundreds of firefighters and police officers. The 9/11 tragedy reminded us of the thousands of everyday heroes such as firefighters, police officers, paramedics and other safety force personnel who place their lives on the line on a daily basis to provide security and protection to their fellow citizens. This sacrifice is exemplified by the recent killing of a police officer in our neighboring City of Cleveland. This Council and the residents of Cleveland Heights are proud every day of the excellent services provided by our police and fire safety forces. Now, therefore, be it resolved by the Council of the City of Cleveland Heights, Ohio, that in Section 1, this Council remembers the victims of the September 11, 2001 terrorist attacks on the United States and the thousands of firefighters, police officers and other persons who participated in the recovery and clean-up operations, and pays tribute to our local safety forces, and this Council further urges all residents to use this fifth anniversary of the 9/11 tragedy as an opportunity for reflection and remembrance. Section 2 is notice of passage and Section 3 declares this to be passed as an emergency measure. I present Resolution No. 103-2006(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 103-2006(PSH).

Vice Mayor Montlack commented, "As if we needed more motivation or reasons to remember. In the past week, we have read and seen, as Councilwoman Evans said, a Cleveland police officer was gunned down in the line of duty, a state trooper from western New York, very close to us, was gunned down in the line of duty, a firefighter in New Jersey was killed serving in his line of duty, and it happens, unfortunately, every week somewhere and every time they go out, the members of our safety forces literally put their lives on the line. Truly, it is something to carry in our minds and our hearts."

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

Nays: None

**Resolution passed**

Council Member Evans stated, "Next is Resolution No. 104-2006(PSH), authorizing agreements with B & C Communications and Aegis for the acquisition and installation of telephone network equipment for the 911 system in the Joint Fire Dispatch Center; providing compensation therefor; and declaring an emergency. It is necessary to purchase telephone network equipment for the 911 system in the Joint Fire Dispatch Center to replace obsolete equipment. The Board has approved the purchase of equipment as specified hereinbelow. Pursuant to the JFDC Contract, the cost of this capital equipment

is to be divided equally among the three member communities, Cleveland Heights, Shaker Heights and University Heights, pursuant to Ohio Revised Code Section 4931.41, acquisition, installation and maintenance of telephone network equipment for 911 systems is exempt from bidding requirements. Therefore, be it resolved by the Council of the City of Cleveland Heights, Ohio, Section 1 reads, the City Manager be, and he is hereby, authorized to enter into agreements for the acquisition and installation of telephone network equipment for the Joint Fire Dispatch Center as set forth in the memorandum from the Fire Chief dated August 28, 2006, a copy of which is on file with the Clerk of Council. The agreements shall call for a purchase price of Seventy-four Thousand Six Hundred Ninety-two Dollars and Ninety-four Cents (\$74,692.94) for the B & C Communications equipment acquisition and installation, and the sum of One Thousand Five Hundred Dollars (\$1,500.00) to Aegis for reconfiguration of the 911 interface, for a total cost of Seventy-six Thousand One Hundred Ninety-two Dollars and Ninety-four Cents (\$76,192.94). The initial purchase prices shall be paid by the City of Cleveland Heights, with Shaker Heights and University Heights to each thereafter reimburse Cleveland Heights the sum of Twenty-five Thousand Three Hundred Ninety-seven Dollars and Sixty-five Cents (\$25,397.65). The agreements and all related documents shall be approved as to form by the Director of Law. I'd like to present Resolution No. 104-2006(PSH) for passage."

Mayor Kelley accepted Resolution No. 104-2006(PSH).

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

Nays: None

**Resolution passed**

Council Member Evans added, "One really nice advantage to having updated equipment of this nature is that with cell phone usage being so high, this equipment will have a locator by which the fire or the police department - whomever - will know exactly where the cell phone call is coming from at that particular moment. So this will really be very helpful to our residents and anyone else who happens to need services while in our community of the 911 sort. That completes my report for this evening."

#### **REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE**

Council Member Tumeo stated, "Thank you, Mayor. I have no legislation tonight, but I would like to remind everyone with the Labor Day holiday now past, the schools are now open, please be aware. Drive safely, there are slower district zones. Watch out for our kids. Thank you."

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

Council Member Dietrich stated, "I will be almost as brief. I have just one item. Save the date for anyone who is interested - and this has to do with the Doan Brook Watershed Partnership of which the city is a partner along with Shaker Heights and Cleveland. The annual dinner meeting of the Doan Brook Watershed Partnership will be on October 26 at Shaker Heights Country Club. It will be at 6:00 and a couple of the things that will be featured besides dinner and cocktails and a report on the accomplishments of the partnership over the past year will also be a live auction for an aerial tour of the watershed in a small private plane by someone who is very familiar with the watershed. Actually, by the author of the Doan Brook handbook. Another feature of the evening, will be for people who arrive a half an hour early at 5:30 there will be a golf cart ride to view the stream restoration project that the partnership did at the country club. It's October 26<sup>th</sup>. If anyone has questions or wants more information you can call me at 371-9379. That's all that I have."

## REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is no report this evening."

## REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have one piece of legislation and it is Resolution No. 105-2006(MS), authorizing agreements with TestAmerica Analytical Testing Corp. and Quality Laboratories, Inc. for soil analysis services for the Meadowbrook-Lee Site Remediation Project; providing compensation therefor; and declaring an emergency.

This is for our long-awaited project and what the special meeting was about for Cedar and Lee, the new development.

It is necessary to conduct soil testing as part of the Meadowbrook-Lee Site Remediation Project; and the City's Consulting Engineer, Partners Environmental, has solicited proposals from several qualified testing laboratories for both "fixed base" which means off-site analysis and "mobile lab" which is on-site analysis of soil samples from the site. Partners Environmental and the City's Capital Projects Manager have recommended the retention of two firms, TestAmerica Analytical Testing Corp. and Quality Laboratories, Inc., to provide such services. The fees set forth in the proposals from said companies are reasonable and competitive. Such services are professional services for which no bidding is necessary. Therefore, be it resolved that the City Manager be authorized to enter into agreements with TestAmerica Analytical Testing Corp. and Quality Laboratories, Inc. for soil analysis services. The agreements shall be substantially in accordance with the proposals attached to the Engineer's Memorandum dated August 29, 2006, a copy of which is on file with the Clerk of Council. The agreement with TestAmerica Analytical Testing Corp. shall provide for fixed base lab analysis services at the rates set forth in the proposal, at a total cost not to exceed Eight Thousand Seven Hundred Fifty Dollars (\$8,750.00). The agreement with Quality Laboratories, Inc. shall provide for mobile lab analysis services at the rates set forth in the proposal, at a total cost not to exceed Thirty-six Thousand Dollars (\$36,000.00). That means that there will be a mobile lab situated at the site for some period of time. The agreements and all related documents shall be approved as to form by the Director of Law. Notice of passage shall be given and this Resolution shall be declared an emergency for passage tonight. I offer Resolution No. 105-2006(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 105-2006(MS).

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

Nays: None

**Resolution passed**

Council Member Caplan concluded, "Thank you. The only other comment I would like to make is to say congratulations to the library and really to the whole community. Today, we had the opportunity to view the new library in its grand opening and we had the opportunity to walk from one side of Lee Road to the other side on the fabulous walkway, which I think will be a symbol for Cleveland Heights in a lot of ways. It's a beautiful structure. It looks like a piece of sculpture. It's fabulous. We'll all benefit from this wonderful new environment and congratulations to them. It's been a long time coming and I think the library really did it with grace and allowed the community to continue to use all its services of the library during this whole time that they were doing their new building. It was fun to go and good luck to them and it's great for us. Thank you."

## REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is one piece of legislation from the committee tonight and it's Resolution No. 106-2006(PD), authorizing an agreement with Studio Techne for a streetscape design plan for the Cedar-Lee Business District; providing compensation therefor; and declaring an emergency.

This is a result of a collaboration with NOACA and the Cedar-Lee Special Improvement District, which has been looking for sometime to do a streetscape design for that district. As a result of this collaboration, NOACA is going to be providing the bulk of the funding for this.

The City has received a grant from the Northeast Ohio Areawide Coordinating Agency for the preparation of a streetscape-design plan. The Cedar-Lee Special Improvement District ("Cedar-Lee SID") which will be administering the design process and paying the matching funds for the plan, requested proposals from several qualified design firms for the study. After review of the proposals, the Cedar-Lee SID has recommended the retention of Studio Techne to prepare the streetscape design plan. They are a well-qualified firm to perform the requested professional services and the fees set forth in its proposal are reasonable and competitive. This Resolution provides the City Manager is authorized to enter into an agreement with Studio Techne for the preparation of a streetscape design plan for the Cedar-Lee Business District. The agreement provides for fees at the architect's usual hourly rates, with total fees and expenses not to exceed the sum of Twenty-five Thousand Dollars (\$25,000.00). The City shall be reimbursed for the funds paid to Studio Techne at a rate of eighty percent (80%) from the NOACA grant and twenty percent (20%) from the Cedar-Lee SID. I offer Resolution No. 106-2006(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 106-2006(PD).

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

Nays: None

**Resolution passed**

Council Member Wilcox concluded, "Thank you. I also want to follow up on the report of our special meeting held last Monday and at that meeting we approved the authorization of the Development Agreement for the Meadowbrook and Lee project. We had a deadline to get the Development Agreement actually signed by today and I am happy to report that, that's been done. We now have the Construction Management Agreement for the 350 space parking garage finalized, and also the Development Agreement for the mixed-use development, and the next steps will be the environmental remediation, part of which legislation was approved tonight, and then we expect the plans for the garage and budget to be submitted to the City no later than September 30<sup>th</sup>. We're looking forward to that project beginning.

I also wanted to add my congratulations to the library and I would encourage people to get out and see the library, it is really an amazing transformation, if you think about what it looked like before. I'm sure everybody will have a chance to do that in the next several weeks. Before I end my report I wanted to remind everyone to recycle since Councilwoman Caplan forgot to do that."

## REPORT OF THE MAYOR

Mayor Kelley stated, "Two things. I want to remind everyone that our Rental Seminar is still on schedule for Tuesday, September 19<sup>th</sup> at 7:00 p.m., but it will be here at City Hall. All renters of single-

family, two-family or three-family units will receive an invitation later this week. It will be a very exciting, informative night here at City Hall. All renters will be invited. The emphasis is on *all*.

The other thing, I want to clarify the City's position on the school board's decision to close the school. We did indeed attend the school board meeting, the first meeting they had in June and I read a statement on behalf of the City Council and what the City Council basically stated, and I still feel the City Council feels the same way too - if necessary to slow down the process and not rush ahead with a closing - at the following week's meeting. We also felt that it was not an appropriate time to possibly close the school as a second option and if they did indeed need to close a school they should close Gearity. That was City Council's position at that time and I think it still is City Council's position at this time and we still feel very strongly about that position. As far as some of the other things going on in the community, we feel very torn what is happening in the community, but we stand by our original position, that maybe it's time to slow down on closing the school, but if indeed you need to close a school, close Gearity. So let me be very clear, this body, this City Council, does not support the closing of Coventry Elementary School. I think I speak for everybody on this Council. So let it be clear - let it be written - what needs to be written, so our position can be clarified, whether it be the Sun Press, the League of Women Voters or anybody watching this tv show that we put on every couple weeks.

Our next meeting will be Monday, September 18, 2006 at 7:30 p.m. Thank you for coming to this meeting. We are adjourned at 7:58 p.m."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc