



# CLEVELAND HEIGHTS

## MINUTES OF THE CITY COUNCIL MEETING OF TUESDAY, OCTOBER 7, 2003

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, Hicks, Kelley, Montlack, Wilcox

Council Members absent: None

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

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

Council Member Wilcox moved to adjourn into Executive Session at 7:00 p.m. Second by Council Member Evans.

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, Reddy, Ruane, Wagner, Wong, Zins

Topic of discussion was litigation.

Executive Session concluded at 7:13 p.m. and resumed into Committee of the Whole, concluding at 7:15 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:48 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

The minutes of the Regular Council Meeting held Monday, September 15, 2003 were corrected and signed by Mayor Kelley along with the ordinance and resolutions passed at that meeting.

Marianna Stein, 2727 Lancashire, stated, "I would just like to remind everyone in our city that on the 10<sup>th</sup> of this month is the last day to turn in new voter registration cards and for anyone who has moved and has not changed their address with the Board of Elections. They will not be able to vote from their new address. It is very important to get as many people out to vote, so that they have input into how our city is being run, if they like it. I do, but that doesn't mean that if you don't participate that anybody would know what you would prefer. The other thing I would like to mention and some of you may already know, Stephanie Tubbs Jones' husband passed away. Yesterday was the wake and today was the funeral. It was a very uplifting funeral as far as funerals go. I just wanted to mention that and perhaps some people who weren't aware would like to contact her and her son."

Mayor Kelley replied, "Thank you, Marianna. Our deepest sympathies go to Congresswoman Stephanie Tubbs Jones and her family on the loss of her husband."

Helen Hertz, 3023 East Derbyshire Road, stated, "I actually was going to leave and then I picked up the agenda for tonight and I see under the Public Safety and Health Committee an ordinance change proposing that there be an increased fee for the first unit of any residential rental property and to charge late fee for renewal applications not received by January 1<sup>st</sup>. So, I am wondering, are you increasing fees because we have so many vacancies and you don't pay an occupancy permit fee for vacancies and that's a question maybe someone can answer for us later. And then, just let me ask this, because those who are owner-occupied are going to wonder if they are going to be considered the first unit? And if you are owner-occupied you don't pay an occupancy permit. So is the city going to say if you are owner-occupied your first unit is your rental unit? And then we need to know what those fees are going to be and what the late penalty charges are so we can communicate that to our multi-family owners so that they can plan ahead. It just seems that everything is going up; insurance rates, taxes, and now our occupancy permits. So I just thought I would make my comments to you about that since it is a multi-family issue also."

Mayor Kelley responded, "Thank you for your comments. I am going to ask the City Manager to address your comments. If you would have a seat he would be more than happy to do that. Mr. Downey."

Mr. Downey said, "Your Honor, if I could, could I ask Mr. Wagner to --"

Mayor Kelley said, "Sure. Rick Wagner, Housing Commissioner is here and he could explain because he did it during the committee presentation a couple of weeks ago when Mr. Downey and I were attending the school board meeting at that time, working with our school board on great things for both of us."

Mr. Wagner said, "The reason for the fees - let me start out with the late fees. Over the past number of years, as a property owner you are aware certificate of occupancies are supposed to be received by January 1<sup>st</sup>. We've had a problem where we have spent numerous staff time and hours, court time trying to get landlords to comply with that when we're going into March and April getting the certificates in. The purpose of the late charge is not so much as a revenue or to create money, it is an incentive for people to get them in by the deadline. The other thing for the fee increase, as you mentioned yourself, of how prices have increased. A great part of the staff time that the department spends is on the rental properties. I don't have the exact number but it's about 50% of the time and that fee increase doesn't cover the cost of the department but it helps offset the time we put into the properties."

I don't know if that answers your question or--"

Mayor Kelley asked, "The fee is being increased from what to what, Rick?"

Mr. Wagner answered, "The fee increase, just for the first unit only, will be \$50.00 and then \$25.00 for each additional. If you have an apartment building, a four-unit would be a \$25.00 increase. If you have over forty-units, the cap remains the same at \$1,000. If you are owner-occupied, your first unit of rental would be the \$50.00. The owner's suite that he lives in is not considered a rental unit. So in essence, if he is living in a two-family, he would have one rental unit."

Mayor Kelley said, "I'll give you one more question, Helen."

Ms. Hertz asked, "Those notices are sent out in November?"

Mr. Wagner replied, "Yes. In fact, we're preparing the letters and getting our mailings ready to go out. We want to get them out the beginning of November to give everybody plenty of time."

Ms. Hertz spoke from the floor and portions were unclear as to what she said. "Once they have them in place - those properties that have vacancies in November/December until the next cycle when those notices go out - when they - is there a way to pick up additional fees after the December 31<sup>st</sup> deadline [unclear] notice of occupancy [unclear]."

Mr. Wagner said, "After June 1<sup>st</sup>, if the property remains vacant for half the year there is no charge for the vacant unit. If it does become rented say by June of the year, the middle of the year, it is half the fee."

Ms. Hertz continued, but it was unclear.

Mr. Wagner said, "Well, just like how we do it with all of it. We're basically relying on the landlords to furnish us the information when we mail out those forms. If they're vacant, there is an information sheet that goes with it that requests that you let us know if you have vacancies or if you sold the property. It keeps our records straight."

Mayor Kelley added, "As far as the late fees, the bottom line is, the good landlords the 80/90% of the people that year in and year out register with us at the beginning of the year aren't affected by any late fees or penalties and we appreciate those people. It is the other people that don't comply and turn in their occupancy permits that will be affected by this, the late fee."

## **REPORT OF THE CITY MANAGER**

Mr. Downey said, "Thank you very much, your Honor. I have just one item this evening. That would be to request authority to advertise for bids for a Refuse Packer 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 moved that the City Manager be given authority as requested.

Second by Council Member Dietrich.

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 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. 3021 Bellshire Condominium Owner's Association, 2730, 2732, 2734, 2736, 2738, 2740 Euclid Heights Boulevard, minimum yard requirements. 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.

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

Council Member Caplan stated, "Thank you. There is no legislation this evening although I have a couple of announcements. Friday night is the place to be at the community center if you are a teen, if you go to middle school. We're having Friday, October 10<sup>th</sup> is for grades 6 through 8. If you go to any school within the Cleveland Heights-University Heights border, actually if you don't go to a school within our borders but you are the age that goes to school between 6<sup>th</sup> grade and 8<sup>th</sup> grade there is going to be a teen night at the community center from 7:00 to 9:00. It costs one dollar to come in and that will take care of snacks. There will be all kinds of games and if you want to go ice skating, you pay to rent the skates if you need to for the skating. It should be fun and we're going to try and do this once a month and see how that goes. The next one will be November 14 and then Friday, December 12. If you are a teen, know a teen, please be encouraged to come on Friday night. There will be lots of supervision too, for the parents who are concerned about their children. It should be fun. Teens this age often have difficulty finding a place to go. They are too young to drive and too old to do some of the things that require Mom and Dad to take them. Do consider that.

As you know this is the National Mental Health Awareness and Recovery Week and today, for the first time, there was an airing of a new video and it's called, 'Living With It', youth talks about depression and it is the story of three youths. One of whom happens to live in Cleveland Heights who has gone through depression and the point of the video and I have a curriculum guide that goes with it and I'm going to leave them here. The point is that students, teachers and parents should know what the symptoms of depression are for middle-school-aged children. It is explicitly discussed in this video. Every school should be showing this to their children. It is part of a series that has been going on in the public school systems. If you are concerned about depression for middle-aged children (it's the same age essentially as the teen nights too) there are very specific symptoms. Children who are suddenly withdrawn, there are problems in school, things go on longer than they should, moody. It is hard to determine that because of their adolescence. Adolescents are frequently moody, but it is something that goes on for a long time. We're going to have both the video and the curriculum guide here at City Hall. If somebody would like to borrow it, if someone else has questions, do feel free to call the Mental Health Board at 216-241-3400 and ask for the video or more information or a referral if you think that is what you need. So that is all part of what's going on this week for National Mental Health Awareness and Recovery Week. That is all I have. Thank you."

### **REPORT OF THE FINANCE COMMITTEE**

Council Member Wilcox stated, "Thank you, your Honor. There are four pieces of legislation from Finance Committee tonight. The first two deal with our Community Development Block Grant funding. The first one is Resolution No. 147-2003(F), authorizing the reprogramming and reallocation of Community Development Block Grant Funds; and declaring an emergency. This first piece of legislation deals with contingency funds that are currently available for programming in the current year. The Council has decided to go ahead and use them for this current year. The Community Development Block Grant program includes funds which have not been allocated. Open Doors, Inc. is a non-profit organization providing after school programming for middle school youth. It would be in the City's best interest to provide partial funding for said program. The proposed reprogramming of funds has been reviewed by City staff and by the Citizens Advisory Committee. Section 1 of this resolution provides that the following budget reallocation in Community Development Block Fund 208 is hereby approved as a reprogramming and redistribution of funds for the purposes outlined: \$22,500 from Contingency Fund 208.5221.2761 to the Open Doors, Inc. account - 208.5203.2730. Section 2 authorized our City Manager to enter into agreements and/or amendments to agreements necessary to implement the changes authorized in that section. Section 3 is notice of passage and Section 4 declares this to be an emergency measure. I offer Resolution No. 147-2003(F) for passage tonight."

Mayor Kelley accepted Resolution No. 147-2003(F) for passage.

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

Nays: None

**Resolution passed**

Council Member Wilcox continued, "I have Resolution No. 148-2003(F), authorizing the City Manager to submit the Community Development Block Grant entitlement application for the year beginning January 1, 2004; and declaring an emergency. This application deals with our application for next year's funding. The City has participated, and does not participate, in the Community Development Block Grant program. The receipt of these funds has been extremely helpful to this City in accomplishing its goals. The City has conducted hearings and has participated in extensive discussions with the Citizens Advisory Committee and citizens relative to the activities to be accomplished in the thirtieth year of such program. Section 1 authorizes the City Manager to file with the Department of Housing and Urban Development of the United States Government and any required review agencies, for the program year beginning on January 1, 2004 and continuing for a one (1) year period thereafter, the Community Development Block Grant entitlement submittal, which will be on file with the Clerk of Council, copies of which will have been reviewed by members of Council. A copy of the thirtieth year proposed budget is attached to this resolution.

I will just outline the allocation for next year that we will be submitting. The total amount is \$2,177,282 and it falls into various categories. Let me just briefly review them without going through every individual program: Programs that preserve and maintain housing stock and create housing opportunities, especially for low and moderate income persons - \$816,063; Programs that encourage integration of population groups within the community and promote an increase in the diversity and vitality of neighborhoods - \$65,000; Maximize the independence of targeted population groups by providing services which expand choices - \$169,106; Maintain safe, functional and healthy neighborhoods by providing services which improve the physical environment, especially in low and moderate income areas - \$643,925; Services to youth and other identifiable low and moderate income groups - \$107,900; Alleviate physical and economic distress and create viable commercial areas - \$75,600; and to create and retain employment opportunities, especially in low and moderate income persons - \$298,450. Obviously, these are very important funds that the city receives from the federal government each year from our federal tax dollars. Section 2 of this resolution authorizes the City Manager to sign any and all

forms, applications and other documents necessary to obtain funding for these described programs and to submit such applications to the proper reviewing agencies within the time permitted by law. Should the City receive more than the amount requested in this proposal, efforts will be made to increase funding for low and moderate income benefit programs (and we could only hope that our federal government will increase funding in these programs next year). Should the City receive less than requested, the City will attempt to reconcile such shortfall by first reprogramming carryover funds, and second by reducing budgeted amounts for the lowest priority programs. We would do that with consultation with our Citizens Advisory Committee. Section 3 is notice of passage and Section 4 declares this to be an emergency measure. I offer Resolution No. 148-2003(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 148-2003(F) for passage.

Vice Mayor Montlack commented, “I just want to say thank you, first to the staff for excellent presentations on specific city infrastructure needs. Those presentations were made to the Citizens Advisory Committee for block grant funding and - certainly thank you, as Councilman Wilcox expressed directly to the CAC, thank you to the CAC, for truly understanding the great needs that we’re facing now in these tough economic times. That was very important, in my opinion, in the deliberations in the legislation this year.”

Council Member Hicks added, “I, too want to thank Councilman Wilcox for the great job he did on this particular committee, making sure that Municipal Services had a lot more money this year and hoping that Council can continue to look at ways that we can increase using these dollars to take care of Municipal Services’ needs in the community. Thank you.”

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

Nays: None

**Resolution passed**

Council Member Wilcox continued, “Next, I have Resolution No. 149-2003(F). This is a routine, but none the less, extremely important resolution we pass every year. This is a resolution, requesting the County Auditor to advance taxes from the proceeds of the 2003 tax year collection pursuant to Section 321.34 of the Revised Code of Ohio; and declaring an emergency. Section 1 states that the County Auditor be, and he is hereby, authorized and directed to pay to the Director of Finance of the City of Cleveland Heights, Ohio, all monies now in the hands, and that may hereafter come into the hands, of the County Treasurer which are payable to the City of Cleveland Heights from the proceeds of the 2003 tax year collection, including, without limitation, revenues from personal property taxes, real property taxes and special assessments. Section 2 authorizes and directs the Director of Finance to furnish a copy of this Resolution to the County Auditor. Section 3 is notice of passage and Section 4 declares this to be an emergency measure. I offer Resolution No. 149-2003(F) for passage tonight.”

Mayor Kelley accepts Resolution No. 149-2003(F) for passage.

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

Nays: None

**Resolution passed**

Council Member Wilcox continued, “Next, I have Resolution No. 150-2003(F), authorizing the City Manager to enter into Centrex and Master Volume Discount agreements with SBC Global Services, Inc. for City phone services and technology; providing compensation therefor; and declaring an emergency. After investigation of all available options, the City’s Management Information Services Depart-

ment has recommended that the City enter into Centrex and Master Volume Discount agreements with SBC Global Services, Inc., its present provider, for city phone services and technology. Based upon service, technology, and availability of upgrades during the contract term, it has been determined that SBC Global Services, Inc. is the only company which can meet the City's requirements. And more importantly, or just as important, the proposed agreements will provide the City with a minimum savings of Seven Hundred Dollars (\$700.00) per month over present costs.

So we certainly thank our M.I.S. department for that suggestion.

Entering into the proposed agreements would be in the best interest of the City and its residents. Section 1 provides that the City Manager is authorized to enter into a Centrex agreement and a Master Volume agreement with SBC Global Services, Inc. to provide City phone and technology services. The Centrex agreement shall be for seven (7) years, and the Master Volume Discount agreement will be for five (5) years, and both shall contain "technology upgrade" clauses which will allow the renegotiation/adjustment of the agreements in the event improved technology becomes available. The agreements shall contain such other terms as set forth in the draft agreements dated July 22, 2003 and August 26, 2003, copies of which are on file with the Clerk of Council, and shall be approved as to form by the Director of Law. Section 2 is notice of passage and Section 3 declares this to be an emergency measure. I offer Resolution No. 150-2003(F) for passage tonight."

Mayor Kelley accepted Resolution No. 150-2003(F) for passage.

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

Nays: None

**Resolution passed**

### **REPORT OF THE MUNICIPAL SERVICES COMMITTEE**

Council Member Hicks stated, "Thank you, your Honor. I have two pieces of legislation this evening. First I have Ordinance No. 151-2003(MS), authorizing the City Manager to enter into an agreement with Best Equipment Co., Inc. for two Giant Vac Leaf-Truck Loaders for the Public Works Department; providing compensation therefor; and declaring an emergency. The City Manager is authorized to execute any and all agreements necessary for the purchase of said vehicles, through the Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements of Section 125.04 of the Ohio Revised Code and this Council's Resolution 115-1988. The purchase agreement shall provide for payment for said vehicles in a total sum not to exceed Thirty-six Thousand Dollars (\$36,000.00) and shall be in a form approved by the Director of Law. Your Honor, I offer Ordinance No. 151-2003(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 151-2003(MS) for passage.

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

Nays: None

**Ordinance passed**

Council Member Hicks continued, "Thank you, your Honor. I have Resolution No. 152-2003(MS), authorizing an agreement with the owners of the property at 3530 Fairmount Boulevard, Cleveland Heights, for the use of a portion of Tower Road; and declaring an emergency.

"No one try to find Tower Road. You won't find it, unless it's on a map.

“The City Manager is hereby authorized to enter into an agreement with the owners of the property located at 3530 Fairmount Boulevard, Cleveland Heights, P.P. No. 687-25-003, for the use of a portion of the City-owned property designated as Tower Road, for the purpose of construction and maintenance of a fence. The area to be utilized is shown on the map attached hereto as Exhibit “A” and incorporated herein. The agreement shall provide that the area in question is to be maintained by the property owners, and that said owners shall indemnify the City for any injury or damages arising therefrom. The agreement shall contain such other terms as recommended by the City Manager and the Director of Law, and shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 152-2003(MS) for passage tonight.”

Mayor Kelley accepted Resolution No. 152-2003(MS) for passage.

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

Nays: None

**Resolution passed**

Council Member Hicks concluded, “Thank you, your Honor. As I arrived in my seat this evening, to my surprise I received a gift from a resident, Mr. John Parsons, and it was a book entitled Profiles in Courage by John F. Kennedy and I want to thank Mr. Parsons for this gift. I will enjoy it and read it in its entirety. That’s all I have.”

#### **REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

Vice Mayor Montlack stated, “Thank you, your Honor. I did check with Councilman Hicks and he wasn’t actually around when President Kennedy was around, but he does tell me he read about him in some history books.

“The first two pieces of legislation that are on the agenda, Resolutions 126 and 127 are going to be pulled. Each of these deals with a step concerning the special improvement districts in the Cedar Fairmount and Cedar Lee areas and each of these pieces of legislation will be combined with other pieces dealing with other steps and we’ll handle them all together very shortly. And so that leaves one piece of legislation, a very important one for this committee. It is Ordinance No. 153-2003(PD). It deals with a number of parcels that are on the east side of Lee Road from Meadowbrook, north to Tullamore, and just a bit east on Tullamore. What is important to know about this area, is that each of the parcels except one, that are the subject of this ordinance, are owned by the city. The city has acquired these parcels and the other parcel is the former site of Ohio Savings and Loan Association. As many people are aware, for this entire area that encompasses the parcels that I will read off during the legislation, the city has been working with all its will and might to create a neighborhood friendly, and a merchant enhancing development that will also provide parking. Tonight is simply one more step in that process. This ordinance is an ordinance establishing and describing the boundaries of a Community Reinvestment Area in the City of Cleveland Heights; designating a Housing Officer to administer the program; creating a Community Reinvestment Area Housing Council and a Tax Incentives Review Council; and declaring an emergency. In short, the city understands that the maintenance of existing, and construction of new structures in this area, will serve to encourage economic stability, maintain real property values, and generate new employment opportunities, remodeling of existing construction or the construction of new structures in this CRA constitutes a public purpose for which real property exemptions may be granted. Under Section 1, the area designated as the Meadowbrook/Lee Community Reinvestment Area constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged. That’s a very important phrase.

It is one that is taken from the Ohio Revised Code and in about one minute I want to comment on it.

The Permanent Parcel Numbers are 687-08-001, 687-08-002, 687-08-003, 687-08-004, 687-08-108, 687-08-109, 687-08-110 and 687-08-111. These being the individual parcels that are found in the county maps. What 's interesting, one of the things that is interesting about this language is that it is the very same language that in another older built-out suburb on the westside of the Cuyahoga River is stirring so much angst and citizen/ resident dispute having to do with a major project in Lakewood, Ohio. It has been so difficult in that city and fortunately not in ours to explain that an area can begin to show signs of blight, show tired structures and most importantly can show that it is in need of new development and needs a little bit of a boost, be it tax abatement or other such methods and still not have descended to a slum that is beyond any hope of rehabilitation. We don't need to look very far to see what happens to cities and neighborhoods where that is the case and having to go through 50 years of devastation and then spend ten times the amount to bring it back. By looking at those bad examples or the examples of history, we know that if we take these steps now, by giving some help and encouraging this redevelopment we can stay ahead of the curve, and that's what we've been trying to do.

Ordinance No. 153-2003(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 153-2003(PD) for passage.

Council Member Caplan added, "This has been a long time in coming and this is exactly what government should be doing. As my esteemed colleague said, we have been putting in a lot of energy in redeveloping our inner ring suburb because it is the only way that we're really going to stay ahead of the game. There is a lot of competition out there. I'm really proud of all of us for sticking our necks out and taking a chance and encouraging the kind of development that we've been doing and this is just another piece of it. So, I'm really happy that we're doing this."

Mayor Kelley added, "Thank you, Councilwoman Caplan, anyone else? I'd like to just speak a little bit on this project. We talk so often about the Zagara's Project or things happen here at Severance Town Center or the different housing projects, but this ranks right up there. This is just the beginning, but as Councilwoman Caplan and Vice Mayor Montlack are exactly correct, a lot of hard work and time and legal work by Mr. Gibbon and a lot of work by Richard Wong and his staff have gone into this. Weeks, months, and even years have gone into this project. It's really going to change Lee Road even more. When you look at the Lee and Meadowbrook site where this is happening, an old gas station that was really going nowhere, an Ohio Savings Bank that was Shaker Savings when I was real young with my paper route, putting my hard earned \$8.00 a week in there or \$8.00 a month, whatever it was back there in the 60's and 70's and a few houses up on Tullamore. We're going to really do something here with the developer to make this dramatic and to continue what's happening on Lee Road. Boy, in the last four - five -six years Lee Road has changed. To create this opportunity with retail and probably apartment living and 300 more parking spaces, it's really going to change the face of Lee Road and make it even better and we thought it was great with Zagara's and the diners and the library project with the YMCA building, but this is something right in the heart of Lee Road. It is going to be something. Really, we're going to come back and look at it and I think people from other cities and not just from the inner ring but in the outer ring suburbs are going to look at it and say, "Geeze, how did Cleveland Heights do this?" It's really taken a little bit of time. It had to be nurtured. We had to clean up the site, because as many people know, it is on an old gas station site and there were issues around that, that needed to be cleaned up. It's been done right, it's been nurtured. It still has a little ways to go. We have some work we have to do with the school board and I'm confident that's going to happen. This is a great opportunity. I think when this is done and over with, it could possibly be almost as breathtaking as the Zagara's project. I'm looking forward to it. I think this council has stayed in there,

and supported its staff when needed to be. John Gibbon, you did a great job in one legal hurdle after another and I'm proud of what you did. Bob, I'm proud of what you've done as the City Manager with your staff and we still have a ways to go. There are still things to be done, but I think this is going to be a great project, right there in the heart of Lee Road. It's going to change so dramatically. To do apartment living in Cleveland Heights, I think the first since what has happened out here in Severance. It'll be something too. It's not just more new housing on top of what we've done. It's going to be a creative use. It's going to open up some more parking, some more opportunities for the theater and for the restaurants and it's going to create some more shopping opportunities in Cleveland Heights. Like I said, not just the inner-ring suburbs, I think the City of Cleveland, some of the outer-ring cities are going to take a look at this and we're going to open up some more eyes in Cleveland Heights. I guess what I'm saying is, 'You ain't seen nothing yet!' This project is going to be one we're going to look back in the years, and it's going to be a model for other people to take a look at and how it's getting done and the cooperation it's taken to get there. It's not been easy, but we're getting there."

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

Nays: None

**Ordinance passed**

Vice Mayor Montlack continued, "There is one resolution from the Board of Zoning Appeals tonight and it is BZA Calendar No. 3021. I am going to move that the following resolution be ratified, adopted by this Council. First I will read it. It relates to the application of Bellshire Condominium Owner's Association, on the south side of Euclid Heights Boulevard, west of Coventry. It is at 2730, 2732, 2734, 2738, 2740 Euclid Heights Boulevard, in a MF-3 district, requesting a variance from the minimum yard requirements for principal uses of the Zoning Code, to permit 6 decks to be located 4-feet from the side property line. There was a hearing held on Wednesday, September 17, 2003 requesting a variance to exceed the minimum distance from the side property line. The Board of Zoning Appeals found that the applicant would suffer practical difficulty if the variance is not granted because the impact on the surrounding neighborhood would be minimal. It provides a useable space for the condominium owners and dresses up an otherwise desolate side yard and the applicant's predicament cannot be resolved without a variance. The variance would be conditioned upon passage on a landscape/preservation plan for the west property line being submitted to the Planning Director for approval prior to the start of construction. The issuance of a special permit would be authorized to permit 6 decks to be located 4-feet from the side property line. The applicant is required to obtain a building permit prior to the start of construction and that construction is the subject of this application must be completed within 90 days of the approval by this City Council. I move that BZA Calendar No. 3021 be confirmed and adopted by this Council."

Second by Council Member Evans.

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

Nays: None

**Resolution confirmed**

## **REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE**

Council Member Evans stated, "Thank you, your Honor. I'd like to read Ordinance No. 154-2003(PSH), amending Section 1347.05, "Fees for Original Certificate," of Chapter 1347, "Certificate of Occupancy," of the Codified Ordinances of the City of Cleveland Heights to increase the fee for the first unit in any residential rental property and to charge a late fee for renewal applications not received by January 1; and declaring an emergency. Whereas, it is necessary to increase the fees for certificates of

occupancy for rental properties to more adequately cover the administrative costs of conducting inspections and issuing said certificates, and to impose a late fee for renewal applications not received by January 1. The Section 1347.05 will be amended to read:

An application for a certificate of occupancy for any residential property in the City shall be accompanied by a fee of fifty dollars (\$50.00) for the first dwelling unit in a building plus twenty-five dollars (\$25.00) for each additional dwelling unit in the building. The fee for a newly-rented residential property issued after June 30 of any year for the remainder of the calendar year shall be twenty-five dollars (\$25.00) for the first dwelling unit in a building and twelve dollars and fifty cents (\$12.50) for each additional unit in the building. The fee for any one building shall not exceed the sum of one thousand dollars (\$1,000.00) per year. All fees for certificates of occupancy shall be nonrefundable.

Any renewal application received after January 1 of any year shall incur a late fee of twenty-five dollars (\$25.00) per month for each month or portion thereof that the application and/or fee is delinquent.

Section 2 is notice of passage and Section 3 declares this to be passed as an emergency measure. I'd like to present for passage Ordinance No. 154-2003(PSH)."

Mayor Kelley accepted Ordinance No. 154-2003(PSH) for passage.

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

Nays: None

**Ordinance passed**

Council Member Evans concluded, "I just have a couple of announcements. The first one is, Saturday, October 11, is the 10<sup>th</sup> annual Susan G. Komen Breast Cancer Race for the Cure. It is going to originate in Voinovich Park downtown. If you've not signed up for it and you're interested perhaps you can be there at 8:00 in the morning to register.

I'd also like to convey my condolences to the family of Reverend Richard Sering, I believe it was a couple weeks ago now, as well as the family of Stephanie Tubbs Jones. As you all well know, we are going to have an opportunity to vote on the school levy, November 4<sup>th</sup>. I hope that people will think in terms of what is good for our city. Have a vision that will benefit all of us and vote with our hearts, leave them to believe at best. That concludes my report."

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

Council Member Dietrich, stated, "Thank you, your Honor. I think that I am going to sound very [much] like Vice Mayor Montlack for a few minutes tonight because I want to report on a forum that I attended last week. It was relative, very interesting, part of the First Thursday Series that the League of Women Voters is sponsoring and the topic was Smart Growth. The speaker was Parris Glendening who is the former Governor of Maryland and during his tenure as governor he instituted a smart growth plan, state-wide in Maryland. Smart Growth is a term tossed around and sometimes we don't all mean the same thing. He defined it as redirecting economic energy back into existing community. What that means is very much like what Mayor Kelley and Vice Mayor Montlack and Councilwoman Caplan were just commenting on, Smart Growth is the redevelopment of core cities and first-ring suburbs rather than this constant building of new further and further out. As a state, unlike Maryland, Ohio does not encourage Smart Growth. Our state policies are tax laws, etc., make it much easier and much more profitable for a developer to say go and build new homes or a new mall out in Geauga County than to

do something like what we're doing here on Lee Road, which entails tearing down something that is already there - cleaning up what then becomes a Brownfield and then getting somebody to want to build on it. It's much more expensive. What Glendening talked about is how more and more gets used up by the same number of people. The same number of people taking up more and more space and that the core city and the inner-suburbs become abandoned and it's sort of that old hole in the donut thing. A point that he was making that this is actually becoming a crisis and it is negatively affecting quality of life throughout Ohio. He used examples like people having to be caught in traffic for longer and longer commutes to do their jobs which are in places like Twinsburg. The fact that kids are getting more obese because so many communities are built with no sidewalks that the kids never think that they could walk to their friend's house or walk to school. He talked about people paying higher and higher taxes to build all the new highways and the utilities. It just made me think about this trend to ever moving out and what an uphill battle it creates for a city like Cleveland Heights. I think that we really are making it. I think we're winning the battle because we're doing so much of what he talked about - is what we need to do to combat sprawl. Just as we were just talking about with this Lee Road thing, our staff is convincing developers to come and build new townhouses where there might have been a tired old store front that had to get torn down. Our staff is working out how to put together various monies so that we can make Coventry more pedestrian friendly; narrow the street, widen the sidewalks, put more trees, more benches. Our mayor has convinced the RTA to do a circulator route here in Cleveland Heights. Of course, we keep on working with the First Suburbs Consortium to change state policies, to make them more favorable to all this. Although, Smart Growth is an ongoing challenge to us, I think that it is one that we are addressing pro-actively and I just wanted to say that I appreciate our staff and I appreciate my colleagues for the hard work and the hard thinking on this issue and for keeping us headed in the direction of Smart Growth here in Cleveland Heights."

## **REPORT OF THE MAYOR**

Mayor Kelley said, "As we move to the Mayor's Report and I have a little bit of everything. First off, I want to make an announcement that Reaching Heights will be putting on a community forum next Tuesday night, October 14 at 7:00 p.m. at Forest Hill Presbyterian Church which will be moderated by Steve Minter, who is retired from the Cleveland Foundation, about the role of school boards - effective school boards. It is a very good program. It will bring in some national people and some people from Columbus just to have a community forum to talk about school boards. It is non-partisan. There is no political agenda here, but it's very timely. It would be timely probably in any year, but again that will be next Tuesday night, sponsored by Reaching Heights. It will be at 7:00 p.m. at Forest Hill Presbyterian Church which is located at Monticello and Lee Road right down the road there just from our community center. I'm jumping around here. On October 25<sup>th</sup>, I believe, at our community center, there will be a Halloween party which will be open to our residents, our younger children. Call 691-7373 for details.

I'm proud to announce and we're working out the details so stay tuned. Coventry Road will be open and ready to go for business very, very soon. This City Council, in their wisdom, is working out an arrangement with the Coventry Merchants to have free parking, probably for a month or so after its opening, so stay tuned for the details. I'm sure it will be a big splash. It will be publicized probably in the Sun Newspaper and in some of the merchant's storefronts where we will actually help to grow back the businesses and kind of get involved in the festive celebration there. We will actually offer free parking on the street and the lots, seven days a week, 24 hours a day, probably somewhere after the opening. Probably about a week or so from now. Probably up to the Thanksgiving weekend. Somewhere around there. So stay tuned for the details, but it will be a very healthy way to bring back the business [and] to help the merchants there to recapture some of the business that may have wandered off elsewhere during the construction and all the rain and all the unsavory weather, but it is a good way to get people back on Coventry. We still want to have our police department working with people to

kind of move them around and to make sure the workers there aren't taking advantage of the free spaces and clogging up there or the people in the apartments aren't staying and parking three to four nights at a time there. The real idea is for the people to come and shop there and use the spaces. We will be working that out with the merchants, so stay tuned for more details on that.

The other thing, we've heard a little bit about the election. The election, yes indeed, is November 4<sup>th</sup>. I would encourage you to vote absentee if you are unable to vote. The easiest way is to call 216-443-3200 and ask for an absentee ballot application. They will mail that to you, you fill it out, you send it back, they will mail the actual ballot to you. It's a very painless and easy way to vote if you are over 62, if you are out of the county on that day, you have health issues, there are a variety of ways and means to vote. This is a very interesting election year in our town. We have three of my colleagues up for election on that day. We have a school board race where we have seven (7) people looking for the two (2) seats. We do have a school tax levy issue on that ballot and we do have a registry issue, so it would be a very interesting and good time to exercise your right to vote. So do it. Don't sit on the sidelines. For those of you who have been following the school issue over the summer you should get out and vote because you've been discussing it, it's been a topic of discussion, so I would encourage you again. There are seven people running for the school board seats. There is a school levy issue on the ballot, so you can do it a variety of ways. Again, the election will be on Tuesday, November 4. The polls will be open from 6:30 in the morning to 7:30 at night, so I would encourage you to get out and vote.

Our next meeting will be Monday, October 20, 2003 at 7:30 p.m. This meeting is adjourned at 8:42 p.m. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc