



CLEVELAND HEIGHTS

MINUTES OF THE COUNCIL MEETING OF MONDAY, OCTOBER 17, 2005

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:28 p.m.

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Downey, 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 7:21 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:33 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Wednesday, October 5, 2005 were approved and signed by Mayor Kelley along with the ordinance and resolutions passed at that meeting.

"My name is Jim O'Brien. I live at 1130 Haselton Road, Cleveland Heights."

Mayor Kelley added, "Welcome, Mr. O'Brien, and before you start, if I could, I wanted just to say we're very sorry for the unfortunate circumstances that you and your wife suffered through last week and I want to let you know that the full resources of our police department are seeking that individual who invaded your house. But, please go ahead, Mr. O'Brien."

Mr. O'Brien continued, "Within the past few months there have been some unfortunate occurrences in our neighborhood. At 1132 Haselton Road, the house next to us, an unlocked SUV was stolen sometime after 10:30 p.m. by high school students who live near by. Both the SUV and another car in the same driveway were damaged. Then, at 1130 Haselton Road, at my house, a cell phone was taken out of my car sometime between midnight and six in the morning and I'll have to tell you my car was unlocked. That's all that was taken, but that's maybe two weeks ago. And then Thursday evening, a young man accosted my wife in our house using a pistol. He left with \$41.00. This occurred about 8:30 or 9:00 p.m. When I say he accosted her, he never touched her, but she was plenty scared. These questions arise - is there anyway the police can deal with these, "after dark crimes"? Is this isolated to Haselton Road only? How many vehicles have been stolen in the area recently? Why isn't the stealing of a SUV publicized? As far as I know there has been no publicity about my neighbor's car being stolen. How do high school students perform in class after being on the street after midnight? Where are the parents of these students after midnight? And what is creating this criminal culture? These are all questions that come to my mind when something like this happens. We have lived at 1130 Haselton for 38 years.

When I became employed in Cleveland, I focused only on Cleveland Heights when looking for a home because I was aware that Heights High was outstanding and we had a family growing up and entering Heights High. Even though, most of my friends, where I worked, lived in the eastern suburbs, we still think Cleveland Heights is the cultural center of Northeast Ohio. Recently, I was discussing problems that have been publicized in the Plain Dealer about the Cleveland schools with a grammar school teacher who teaches at a school located on Martin Luther King Drive just south of Luke Easter Park. I don't remember the name of that school. Her emphatic comment was, "If you want to help the school system, volunteer to help the grammar school children learn how to read." This hit me like a ton of bricks. If a person winds up in high school without being able to comprehend writing, they will be virtually unemployable in today's world and will be excellent candidates for crime and drugs. That doesn't say that children raised with more rules and so forth don't take drugs also, but looking downstream at our future, Cleveland Heights has some persons growing up with poor reading comprehension. The entire community needs to address this. Our teaching profession needs the assistance of our community to reduce the number of marginal students. Forest Hill Presbyterian Church is doing something about that now. They have a one-on-one program for helping children learn how to read in the lower grades of grammar school at Boulevard School. There are more ways to improve the education and discipline of the young members of our community but it requires the effort of the entire community. I want Cleveland Heights to improve and not degrade. I hope our council members will give my remarks some thought so that we can continue to be proud of our city in the future, and that's it."

Mayor Kelley responded, "Thank you, Mr. O'Brien. Sorry about the events of last Thursday night, you have the full force of our police department working to solve that crime. I am going to ask Council Member Dietrich to comment a little bit about what we're doing with your civility group, with our members from the schools, and Heights Community Congress. I think it will be comforting to hear what's going on, has been going on since last September, maybe you could spend a few minutes on that, please."

Council Member Dietrich replied, "Sure. There is - - what I hope will be a successful effort that's beginning. Heights Community Congress and the school district, about a year ago, in response to the incident at CVS, where the Heights' kids looted the CVS on Lee Road, put together an ongoing group of people from all over the community called, "Forum on Youth Issues", and one of the committees that has resulted from that - - that's been meeting over the summer is the Civility Committee, [that's what] we're calling ourselves. Actually, the Reverend from Forest Hill Presbyterian is a very active part of that committee. Duluth, Minnesota did a community-wide civility project that apparently was very suc-

successful in turning around some of the emerging neighborhood problems. Three of us are going there on October 31st to talk to the people from Duluth to find out exactly how they did it. On December 2nd we're holding a - it's like a full morning - it's almost like a workshop to interest people in getting onboard with helping us do this civility-wide project. We're toying with slogans, if anyone has any great ideas, because all the ones that we seem to be able to come up with are too hokey for the kids to catch onto - like "Find the Courage to be Kind" and things like that. But, it worked in Duluth and we're very hopeful that we can make it successful here, but it is definitely an effort to address just those kind of problems that you're talking about, which we are taking very seriously and definitely realizing that they are emerging more and more here in Cleveland Heights. We're trying hard to address them. Your words were eloquent, and I think it's nice that you spoke them, so that everybody listening could hear - because we need everybody's help."

Mayor Kelley added, "Thank you, Council Member Dietrich. If you would like, Mr. O'Brien, either Council Member Dietrich or I will contact you when the next meeting is and we'd love you to join, if your schedule permits."

Council Member Dietrich interjected, "He might like to come on December 2nd."

Mayor Kelley continued, "Or December 2nd, but we'll let you know. We'd love for you to come if your schedule permits, because we certainly could use somebody with your talent, ability and background. Thirty-two years in Cleveland Heights, we certainly could use you at the table with us. Again, the full resources of our police department will solve this matter and hopefully put you and your wife at ease. Again, sorry for the incident of last Thursday."

Mr. O'Brien commented, "I will tell my wife."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have just one item this evening and that would be to request authority to advertise for bids for the purchase of strash bags and kraft bags."

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

Council Member Hicks requested that the City Manager be given the 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 three (3) 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 constructing and equipping a multi-level parking deck, and for the purpose of improving storm and sanitary sewers in the City. I request that this be made a matter of record."

Mayor Kelley made it a matter of record.

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. I have no legislation tonight, but a few announcements. On the second Friday of every month, there is a teen [night] for sixth and seventh grade and eighth grade too. That's a sixth, seventh and eighth grade event at the Community Center. It costs a dollar and there are all kinds of games. The dollar includes snacks. This past Friday 130 students came from the junior high schools, and I encourage all the students - but I assume the students aren't watching this, so that if parents are watching this or you have neighbors who are in sixth, seventh or eighth grade, this is a wonderful opportunity to come to the Community Center, see what's available. They play games. You can go ice skating - meet other kids, and when the common lament is, 'there's nothing to do', there really is something to do and we encourage you to come to the Community Center.

Also, at the Community Center, from the Heights Recreational Hockey Program, ages five to ten, boys and girls, there is a new inaugural, introductory program for children of that age. The Cleveland Heights Hockey League wants to introduce more boys and girls to the great sport of ice hockey at our 'State of the Art Cleveland Heights Community Center'. This program will help your child participate and will pay for the city registration fee and the equipment rental fee. This is a once in a lifetime opportunity. Try hockey. It's wonderful fun, it's good exercise. They don't skate anymore at five in the morning since we have two [skating rinks] - that used to be what happened when my children were that age. They don't do that anymore at five in the morning. So we encourage you to get your children involved.

You know, one of the concerns for children these days is obesity. This is a great way to get some exercise - a wonderful team experience and it also happens to be wonderful for the parents. So I encourage you to find out more about it. Call the Community Center. The number to call at the Community Center - it's Chris Kendal, who is the manager of this program at 691-7347.

Last, this is a bigger issue. This may be the last time we're going to talk to you before the election - and the election is November 8th. One of the wonderful responsibilities and rights as a citizen is to vote. You have a great opportunity about voting this November 8th - not only do you get to vote for three school board members and four city council members, but there are also seven issues on the ballot. These issues really do matter. If you don't know about the issues - haven't begun to read about them, the League of Women Voters has put out a wonderful guide. It's free. It is at every public library. If you come to the League of Women Voters' sponsored Candidates Night, where you can hear the candidates in person, it is this coming Thursday at 7:00 at the Community Center and Future Heights is having a Candidates Night the following Thursday night at Forest Hill Presbyterian Church. They are both at 7:00. This issue [holding guide up] is all about the candidates that are running for the various offices and the issues. It's really important to find out about the issues. There are five state issues and two Cuyahoga County issues. One is for Cuyahoga Community College and the other (Issues 7) is for the Cuyahoga County Community Mental Retardation And Developmental Disabilities Issue. So, I encourage you to find out about them, so that you can be an informed voter and most of all - remember to vote. As we're getting closer to the end of this political time for this year, I encourage us to continue to remain civil. Civility is really a nice things. Stealing signs is really incivility and it's not a nice thing to be doing. Respect everybody's rights to our freedom of speech and exercise your right to freedom of speech and go vote."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are four pieces of legislation from the Finance Committee tonight. The first two involve issuance of debt to finance the new parking garage on Lee Road, which is being built in connection with the Domain on Lee project. Several meetings ago, we authorized the City Manager to seek bids for construction of this parking deck and tonight we will authorize the legislation for the financing of the garage. Ordinance No. 134- 2005(F), to provide for the issuance of not to exceed \$5,300,000 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.

This legislation will provide for the issuance of tax exempt notes for this parking deck and the Fiscal Officer, has estimated the useful life of the project to be at least five (5) years and the maximum maturity of the bonds is twenty-five (25) years and the maximum maturity of the notes authorized to be twenty (20) years. This Ordinance then provides for the issuance of not to exceed \$5,300,000 in bonds, which would be dated November 1, 2006, but in anticipation of those bonds, to issue notes at this time, and again in an amount not to exceed \$5,300,000 with interest not to exceed ten percent (10%) that's what the legislation reads - we would expect that interest rate to be somewhere around three and a half percent (3 1/2%). The notes would mature between nine months and one year from the date they're issued and they would be issued with other notes in a single issue noted as Various Purpose General Obligation Bond Anticipation Notes, Series 2005-2.

I won't read the entire legislation, but just summarize some of the terms of the notes, that they will be in book-entry form. They will be sold at a private sale. We would anticipate an official statement would be prepared for their sale. There will be tax-exempt covenants of the City to maintain both the tax-exempt nature of the bonds and maintain the arbitrage covenants required by the Internal Revenue Code. These are bank qualified notes because the City is not anticipating to issue more than \$10,000,000 worth of notes this year. There are continuing disclosure obligations by the City and finally these are General Obligation Notes of the City. I offer Ordinance No. 134- 2005(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 134-2005(F).

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

Nays: None

Ordinance passed

Council Member Wilcox stated, "I have Ordinance No. 135-2005(F), to provide for the issuance of not to exceed \$1,500,000 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.

Essentially, these notes have the same terms and conditions as the prior Ordinance except these are taxable notes and therefor the covenants and terms that would be applicable to tax-exempt notes would not apply to these particular notes. These would be sold as Parking Deck Taxable General Obligation Bond Anticipation Notes, Series 2005-B. I offer Ordinance No. 135-2005(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 135-2005(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, "Next, I have Ordinance No. 136-2005(F), to provide for the issuance of not to exceed \$460,000 notes in anticipation of the issuance of bonds for the purpose of improving storm and sanitary sewers in the City, and declaring an emergency.

I'm sure you're all aware that we've undergone some major rehabilitation projects in the city this year, including Meadowbrook Boulevard and Euclid Heights Boulevard and in the course of performing that work we've found that we needed to do more work than we planned, especially on Meadowbrook where a new storm sewer needed to be added to that project. In addition, we had a new culvert on Euclid Heights Boulevard, that we needed to finance. This will take care of the need to finance these projects.

This is an Ordinance to provide for the issuance of not to exceed \$460,000 in notes and again, the same terms and conditions in the prior ordinances that I read except that this one again, is a tax- exempt note and will be issued as part of the Various Purpose General Obligation Bond Anticipation Notes, Series 2005-2, that I mentioned previously. I offer Ordinance No. 136-2005(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 136-2005(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, "Thank you, your Honor. The last piece of legislation is dealing with our Year 32 application for block grant funding from the federal government. As we do every year we get an allocation from the federal government for community programs that can be funded and in the past years we've received quite a bit more funding than we are this year. This year the federal government anticipates cutting our funding by six percent (6%). This has made the job a little bit more challenging because we always get far more number of applications for funds than we have funds available. Before I read the legislation I did want to thank our city staff and particularly Karen Knittel for the excellent work she always does. She is a great asset to this city and I want to thank her for her hard work and also to thank our Citizens Advisory Committee for their hard work and the insight they provided to Council through their recommendations. Citizen participation is not always to the level it is in Cleveland Heights. In other cities, a lot of times, the community development block grant funding is just basically decided by Council or other groups, but here in Cleveland Heights we really do have citizen participation and input into this funding.

I have Resolution No. 137-2005(F), authorizing the City Manager to submit the Community Development Block Grant entitlement application for the year beginning January 1, 2006; and declaring an emergency. As mentioned, the City has participated, and does now participate, in the Community Development Block Grant funding and the funds have 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 thirty-second year of such program. Section 1 of this Resolution authorizes the City Manager to file with the Department of Housing and Urban Development the required review agencies, for the program year beginning January 1, 2006. The Community Development Block Grant entitlement submittal, which is on file with the Clerk of Council, and which has been reviewed by members of Council. Attached to this Resolution is a summary of the allocation for 2006, the application.

I just wanted to review that briefly. There are a number of objectives to be obtained through this funding. The first one is to preserve and maintain the housing stock and create housing opportunities. In this application we are recommending \$817,739 for various programs through our Housing Preservation Office, Home Repair and Resource Center, and CDBG Administration and Finance. Another objective is to encourage integration of population groups within the community and promote an increase in the diversity and vitality of neighborhoods. These programs totaling \$82,000 include our Heights Community Congress, Cleveland Tenants Organization, Fair Housing Testing, and Real Estate Programs. Next, we have the goal of maximizing the independence of targeted population groups by providing services which expand choices. These programs total \$60,647 and in this application it involves our Office on Aging and the Jewish Community Center Afternoon Out Program. The next goal to be funded in this application is to maintain safe, functional and healthy neighborhoods by providing services which improve the physical environment, especially in low and moderate income areas. These programs, which are primarily street rehabilitation and infrastructure is \$487,723. Next, is our programs which support youth and identifiable low and moderate income groups in the community. These programs, in the application, total \$149,493. These include the Center for Families & Children, Heights Parent Center, Heights Emergency Food Center, and Open Doors. Finally, we have programs to alleviate physical and economic distress and create viable commercial areas through the prevention of the deterioration of commercial areas and those are split up by \$183,000 for the Noble Nela Merchants Association, and our Storefront Renovation Rebate Program and Mixed Use Renovation Program. Finally, the economic development administration amount (\$27,650). The total of all these requests are \$1,811,147. Last year we had almost two million dollars to work with, so you can see the difficulty with the cuts in the funding this year. I offer Resolution No. 137-2005(F) for passage tonight."

Mayor Kelley accepted Resolution No. 137-2005(F).

Council Member Hicks commented, "Thank you, your Honor. I, too want to honor the CAC and Councilman Wilcox for their work putting together this budget and also the number here for streets is higher than it was recommended by CAC. I want them to know that we still value their advice. That's all that I have."

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

Nays: None

Resolution passed

Council Member Wilcox concluded, "Thank you, your Honor. I just wanted to make a couple comments. One is a report back to the community. Several meetings ago, we had authorized an additional audit of Adelpia's franchise fees for the years in 2004 and in 2005. Previously, we had authorized an audit for 2002 and 2003. I am pleased to report that the city has received a check from Adelpia for the short fall in the audit from 2002 and 2003 in the amount of \$19,003. We are happy to receive that money.

Finally, I wanted to just echo Councilwoman Caplan's comment about the importance of voting on November 8th. Again, it's something that sometimes I think we take for granted when we see some of the voter turnouts in the recent mayoral primary in the City of Cleveland. It's a little bit discouraging when you compare it to what we've read in the paper and seen on the news in the last couple of days and the turnout in Iraq for their constitution. Whatever you think about the war or why we're over there, it's a little discouraging to see voter turnouts 60 - 80% in some of the regions - Iraq - and then we struggle to get 50% voter turnout. So, I would just encourage people to get to the poles. I think it does make a difference. Obviously, all of us sitting up here think that. Again, I just encourage you to get out and vote. Thank you."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have no legislation this evening, but I do want to report that a few meetings ago we authorized the City Manager to enter into an agreement for our aggregation program for gas. And just to let you know that 5,454 letters went out for those notices and 4 people opted not to get into our gas aggregation program and just to let you know how good our program is, if, when you get your gas bill, you'll look at the section where it has mcf and mcf is the unit used to measure natural gas usage. Over the years it has been five dollars - eight dollars - eight dollars was high. Our program now is \$11.84 per mcf. The rates that are coming about now because of Hurricane Katrina and all the high gas prices range from 13.22, 16.80 and so the gas aggregation program that the City Manager entered into an agreement on, is 11.84. We are not taking any new customers into that program, but there is a variable program at Cleveland Heights that residents can get into now. But those 5,451 residents were able to take advantage of that [fixed rate] program. That's all that I have. Thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is no legislation from this committee, but I would also like to speak to a theme that Councilwoman Caplan began in relation to the voting. There are five state issues on the ballot and I hope that the voters will strongly consider voting - first of all, and voting yes on each of those issues. The first, which is Issue 1 is another renewal of a bond infrastructure program. It is literally one of a kind from the state to help cities take care of their infrastructure and it would provide 1.3 billion dollars through the lending process in an objectively measured series of grants to municipalities to take care of infrastructure. We speak so much about urban sprawl and the need to reinvest in these vital assets. Here is an opportunity to do that. There is also kind of a son of Third Frontier program that is tacked on to it, simply because the infrastructure portion of Issue 1 is so popular and does such a great job. The other four issues which are 2, 3, 4, and 5 relate to basic - I think we can say basic non-partisan voting reforms in a sense that it simply addresses our basic democratic issues around voting. It provides, in Issue 2, to allow earlier voting. At Issue 3, it plugs a few of the loopholes, political contributions and there will always be more loopholes as long as they keep inventing humans, but this will go quite far in limiting the dollars that are really a corrupting influence in our political process. Issue 4 takes from the majority politicians, and in Ohio the majority party can be a D or an R in our lifetime. It goes back and forth and puts the redistricting process into the hands of an independent bi-partisan or non-partisan commission. I think this would be long overdue. One of the candidates for governor is a congressman whose district runs from just outside Youngstown in a snake-like fashion down to and along the Ohio River. Now what rational reason would there ever be for creating a district like that? I think we can rid ourselves of this kind of gerrymandering for both the positive or negative impact. And finally, Issue 5 takes from the secretary of state the overseeing of elections, takes out any appearance of partisanship as we've read about it over the past couple of years and provides that to an independent election administration. All of these issues I've given you have pros and cons, again, as the League of Women Voters has well-pointed out, but I think you will find that most thinking people really will give you a yes vote on all of these issues and I hope you'll consider this. With that, that concludes the report of this committee."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Resolution No. 138-2005(PSH), authorizing the City Manager to accept a grant from the Federal Emergency Management Agency on behalf of the City of Cleveland Heights Fire Department; providing compensation therefor; and declaring an emergency. FEMA has awarded a grant under the 2005 Assistance to Firefighters

Grant Program in the amount of Forty-nine Thousand One Hundred Eighty- six Dollars (\$49,186.00) to assist in the acquisition of a high pressure rescue air bag system and up to five portable generators and the replacement of a stationary generator and a hydraulic rescue tools system. Acceptance of said grant will be of benefit to the City and its residents. The City Manger, in Section 1, will be authorized to execute an agreement with FEMA on behalf of our city's fire department for a grant for specified emergency and rescue equipment, and to take all actions necessary for acceptance of said grant, including the provision of twenty percent (20%) matching funds in the sum of Twelve Thousand Two Hundred Ninety-six Dollars (\$12,296.00). The agreement and all related documents shall be approved as to form by the Director of Law. I'd like to present Resolution No. 138-2005(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 138-2005(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Next, is Resolution No. 139-2005(PSH), joining with the National Conference of Mayors and communities throughout the nation in proclaiming October, 2005 as National Breast Cancer Awareness Month and October 21, 2005 as National Mammography Day; and declaring an emergency. An estimated 211,000 new cases of breast cancer will be diagnosed in 2005 and approximately 40,000 will die from the disease. Early detection and prompt treatment can significantly reduce suffering and deaths caused by this disease. Mammography, an "x-ray" of the breast, is recognized as the single most effective method of detecting breast changes that may be cancer, long before physical symptoms can be seen or felt. Therefore, be it resolved by the City of Cleveland Heights that this Council hereby proclaims October, 2005 as National Breast Cancer Awareness Month and October 21, 2005 as National Mammography Day, and urges women in the community of all ages to obtain and utilize information about screening and mammography and to seek appropriate services. I'd like to present Resolution No. 139-2005(PSH) for passage."

Mayor Kelley accepted Resolution No. 139-2005(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Next is Resolution No. 140-2005(PSH), declaring the property at 2062-2064 South Taylor Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. The City Manager and the Certified Building Official have reported to this Council that the commercial property known as 2062-2064 South Taylor Road owned by Benjamin Zigdon and Linda Zigdon has not been maintained for a number of years and is in a state of severe disrepair. The City Manager and Certified Building Official have further reported that the owners of the subject property have been cited by the Building Department for numerous building code violations on the property over the past two (2) years and that little progress has been made toward correction of the violations. The City Manager and Certified Building Official have further reported that the property has deteriorated over the years to the point that it is a hazard to the health, safety and welfare of potential occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property and negatively impacting the Cedar-Taylor Business District. It has been found and determined by this Council, pursuant to Chapter 553 of the Codified Ordinances, that the premises owned by the Zigdons known as 2062- 2064 South Taylor Road is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and is

hereby declared to be a public nuisance. I'd like to submit Resolution No. 140-2005(PSH) for passage."

Mayor Kelley accepted Resolution No. 140-2005(PSH).

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

Nays: None

Resolution passed

Council Member Evans concluded, "In our fall edition of the Focus there were about three pages talking about preparedness, emergency preparedness. I'm sure there are some of you that may have misplaced this. The information in that article is really great, it can really be beneficial to all of us. In the event that you might have missed it or you can't quite find your Focus magazine, it is now on the city's website. So, be sure to look for it, read it, think about it, have your plan ready for your family so that you'll know what to do.

The other thing, our Community Relations department has received a number of calls about those pesky little flying insects and the health department wants to insure you, that there is nothing to be fearful of, they're just pesky. That concludes my report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. There is no legislation from this committee tonight. I do want to tell you about a wonderful event that I went to last night that was sponsored by Future Heights. They did a "Best of Cleveland Heights Award". They have this process going - I think it's mostly on-line, where you could vote for the best restaurant, the best bar, the best art gallery. There were about twenty categories, and last night they had a party to announce the winners. I was proud that Cleveland Heights won the Best of Cleveland Heights Live Performance venue - it was Cain Park. So Cain Park came in first place as the live performance venue followed in second place by Nighttown and third place was the Grog Shop. So, we're in good mixed company. Seitz- Agin was voted the best business in Cleveland Heights and I wish I had printed out the entire list of winners but I'm sure it will be publicized by Future Heights. This was such a spirited celebration of Cleveland Heights. It really was an uplifting event and encouraged us to shop and patronize our small establishments. I have a feeling that interest in this is going to grow next year. Since this was its first year, I don't know how many people participated in the voting, but whatever it was, I think there will be many more people excited to get in on it next year. I just wanted to point out that the logo on the award says, "Buy it in Cleveland Heights, Your Money Stays Home". So that's the message that Future Heights is trying to get out and I think it's a good one.

My voting reminder is about absentee ballots. Sometimes people forget that absentee ballots require a two-step process. You have to first fill out an application for an absentee ballot and that has to be signed by the person who wants to vote absentee. Mail that in to the Board of Elections and then they will mail the absentee ballot to the person. You can't just do it in a couple of days. Now is the time. If you have college students or you're going to be away on business that day or whatever, now is the time to call the Board of Elections and request an absentee ballot application. They'll mail it to you and then you will have time to mail it back and get your actual absentee ballot and mail that back in time for November 8th. I know this is something that people remember too late, too often. Just make sure you do it this week. That's all that I have."

REPORT OF THE MAYOR

Mayor Kelley stated, "There will be no Mayor's Report tonight. Our next meeting will be Monday, November 7, 2005. Our meeting is adjourned at 8:20 p.m. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc