



# CLEVELAND HEIGHTS

## MINUTES OF THE COUNCIL MEETING OF MONDAY, OCTOBER 20, 2003

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

Edward Kelley, presiding

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

Council Members absent: None

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

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

Council Member Caplan moved to adjourn into Executive Session at 6:20 p.m. Second by Council Member Wilcox.

Edward Kelley, presiding

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

Council Members absent: None

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

Topic of discussion was litigation.

Executive Session concluded at 7:00 p.m. and reconvened to Committee of the Whole adjourning at 7:31 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:40 p.m.

Edward Kelley, presiding

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

Council Members absent: Caplan

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

Mayor Kelley excused the absence of Council Member Caplan.

The minutes of the Public Hearing held Tuesday, October 7, 2003 were signed by Vice Mayor Montlack.

The minutes of the regular Council meeting of Tuesday, October 7, 2003 were signed by Mayor Kelley with correction noted along with the ordinances and resolutions passed at that meeting.

My name is Cheyenne Toole. I live at 950 Nelaview Road and my zip code is 44112. What brought me here today was I heard you on the tv program, Channel 23 one Sunday - looking for my favorite religious station. I'm here because I have a concern that I need to have addressed or at least have some direction in which to channel this information to have it corrected and deal with it properly. I wrote you a letter - back in - I'll tell you in just a minute - because I have a copy of the letter with me, that's why I said I wrote you a letter and it's dated for March 4, 2003, which is this year. Now, I've only been living in Cleveland Heights eleven months. Come December 18<sup>th</sup>, I'll be there a year. I'm dealing with a problem when I used to live in Cleveland [sic] I lived next door to some neighbors who had obnoxious kids and they got besides themselves one evening and I called the police and he told me to take them to juvenile to solve my problem. Well I took them to juvenile and the judge talked to them, to the parents about keeping their kids under control. The situation sort of got a little worse because then the parents sort of took on revenge and the way this revenge came out was in the form of loud music, no matter where I go - when I'm at home in the evenings, they are up and down the street - just this loud music. When I call the police they disappear. When the police leave they come back. Then they took it one step further, they said, okay we'll just make this woman a villain, so every time I go to the store there is one of them that follows me and they tell people I steal."

Mayor Kelley asked, "You're the lady at the Wal-Mart. You wrote me the letter about when you go shopping at Wal-Mart -"

Ms. Toole said, "Yes. Wal-Mart."

Mayor Kelley said, "I tried to call you back and your phone just rang and rang."

Ms. Toole said, "Okay. I have a son who is a disability person and he's home during the day and he doesn't answer the phone, so I put my work number down there, because my work number is the best number to try to contact me at."

Mayor Kelley asked, "That's a 443 number, right?"

Ms. Toole replied, "Right. 443-5333."

Mayor Kelley continued, "I also tried to call you at work and nobody answered the work [number] also."

Ms. Toole said, "We have a lot of young folks there."

Mayor Kelley said, "You must work at a county job."

Ms. Toole said, "Child support."

Mayor Kelley said, "Right, because I work in divorce court, because I knew your numbers. I've

tried to reach you at numerous times and the phone just rings and rings. Please go ahead and share your story with us.”

Ms. Toole said, “It’s gotten to the point now that they get their kicks out of going to the police and making them aware that this is all I do. I’m like a villain, a bad person in the neighborhood, all I want to do is steal and little things like that and it’s very aggravating because I have to deal with the helicopters *[sic]*, little small planes they follow me. Now they’ve gotten to the point they are over the house every morning when I leave like the moon, different phases of the moon and [they] follow me to the bus stop and they’ve even followed me all the way downtown until I get to –”

Mayor Kelley interjected, “18<sup>th</sup> and Superior, there. Right?”

Ms. Toole said, “Right! Right! Right! And so I’m trying to say, why are they doing this and what are they telling them that it’s so convincing that they’re doing it? I mind my own business. I work, I go to school, I don’t have time. I have a handicapped child at home and I have my youngest child that’s going to Tri C and she’s living at home. So, I’m a busy person myself. I say to myself why? It’s becoming very annoying because I’m just trying to figure out why they keep doing this? It’s gotten to the point where there are two neighbors on the street, one lives next door to me and the other one lives at 960 and they get their kicks out of - just pulling out of the driveway, they pull up to where I live at - blast the music and pull on back going where they’re going. I say to myself, I don’t know these people. I’ve only met one neighbor on the street. She’s a very nice lady, she lives on the opposite side of me, Mrs. Crews. I can’t figure it out. I mean this situation, like I said, started in Cleveland. I went to Euclid to live, because at the time I had to give up my house because I was laid off and bankruptcy. Then I left Euclid between the flood and fire in two different apartments and I told my kids that next time I’ll buy a house. So I bought one here in Cleveland Heights.”

Mayor Kelley said, “Let’s do this, since we are finally getting the chance to meet and I made a number of attempts. If you could stick around about 35 minutes, I’d love to sit down with you after the meeting and try to steer you in the right direction if you can give me that time?”

Ms. Toole said, “Oh, yes I will.”

Mayor Kelley said, “I’d love to conduct the business of Council. I’d love if you’d just have a seat next to Marianna there, I’ll give you some time after the Council meeting and sit down with you.”

Marianna mentioned she had a cold.

Mayor Kelley said, “Well, don’t sit down next to Marianna, why don’t you sit down next to Mr. Wittenberg there and we’ll be more than happy to give you some time after the meeting. We should be done about twenty after eight.”

Ms. Toole said, “Okay. I appreciate that.”

Mayor Kelley continued, “Glad for a chance to meet you, but I did try to call you both at your home and I knew that was a county number.”

Ms. Toole said, “My son doesn’t answer the phone because of the medicine that he takes.”

Mayor Kelley said, “That’s understandable. Grab a seat and let me get on with the business of Council. More than happy to try to steer you in the right direction.”

Ms. Toole again said, "Okay, I appreciate that very much."

Mayor Kelley said, "Thank you for coming tonight."

Ms. Toole said, "Thanks for listening to my concern."

Mayor Kelley said, "Sure, absolutely. Thank you."

### **REPORT OF THE CITY MANAGER**

Mr. Downey stated, "Thank you very much, your Honor. I have just one item this evening. In your packet you received copies of the bid tabulation and the award of contract for Bid Document No. 2003-23, the televising of storm and sanitary sewers, the lowest and best bidder is AKE Laboratory in the amount of \$15,400.00. Your Honor, I would request that the bid tabulation and award of contract be made a matter of record."

Mayor Kelley made it a matter of record.

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

Mr. Malone said, "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: Myron's Beverage, Inc., d.b.a. Myron's Deli, transfer C1 and C2 permits from Maroun B. Ayna, premises 2256 Lee Road, 44118. I request you make this a matter of record."

Mayor Kelley made it a matter of record and referred it to the Public Safety and Health Committee, the City Manager, and the Director of Law.

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

Council Member Wilcox stated, "Thank you, your Honor. There is one piece of legislation from the Finance Committee tonight. Ordinance No. 155-2003(F), authorizing the City Manager to enter into agreements with Meritech and Dollar Leasing Corp. for the leasing and financing of City Hall departmental copiers; providing compensation therefor; and declaring an emergency.

This legislation takes advantage of a new provision under the Ohio Department of Administrative Services Cooperative Purchasing Program which actually now allows leasing of equipment and by doing this the city will actually be saving money and buying new equipment at the same time.

So the legislation provides that the lease of the City Hall departmental copiers is due to conclude next month. After reviewing various vendors' proposals, the City's Management Information Systems Department has recommended a lease with Meritech for thirteen copiers; previously we were leasing fifteen, but new copiers are actually more efficient. Ohio Revised Code Section 125.04 authorizes municipal corporations and other governmental entities to purchase supplies, equipment and services through the Ohio Department of Administrative Services Cooperative Purchasing Program without obtaining competitive bids. Council has previously authorized participation in this program. The City Manager has determined that the selected copiers may be leased through the State Cooperative Purchasing Program at a lower price than could be obtained through bidding, and that it would be in the City's best interests to do so. The financing will be done through Dollar Leasing Corporation. Section 1 of this ordinance authorizes the City Manager to execute any and all agreements for the lease of

thirteen departmental copiers for City Hall from Meritech, through the Department of Administrative Services Cooperative Purchasing Program. The agreement is for thirty-six (36) months, with an option to renew for an additional one year term, and shall provide for charges in the sum of Two Thousand Four Hundred Eighty-nine Dollars and Forty-three Cents (\$2,489.43) per month for the basic lease plus overage, if applicable, in an amount not to exceed Three Thousand Dollars (\$3,000.00) per year. Financing shall be provided by Dollar Leasing Corp. I offer Ordinance No. 155-2003(F) for passage tonight.”

Mayor Kelley accepted Ordinance No. 155-2003(F).

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

Nays: None

**Ordinance passed**

Council Member Wilcox concluded, “Thank you. I have a couple comments I want to make. First I want to thank our merchants on Coventry for their patience during our road construction project and if you’ve noticed, and I’m sure others will mention it, the road is open without orange barrels on it now and the city is providing free parking on Coventry through the end of November, so hopefully it will be an opportunity for folks to rediscover Coventry in the next six weeks and give our merchants a little bit of a boost to get ready with the new road.

Finally, I just wanted to make a comment about the school levy. Our schools have obviously been a topic of discussion in our community for the past several months. I believe that by now voters should recognize that the choice for school board candidates is separate from the decision of whether or not to support the levy. Whoever governs the schools will need money to operate them effectively and deliver quality education to our children. It is a fact that Ohio public education is funded principally by voter-approved property tax levies every three years or so since the amount of money generated from the last levy remains fixed. These levies are and will continue to be requested of all communities in the future as long as Ohio’s educational funding system remains the same. So why should we support this levy? To those with children in the schools the choice should be obvious. Most parents that I speak to believe that their children are getting a good education. Our system has much to offer, not just academically but with respect to the wide variety of extracurricular activities not to mention multi-cultural and a diverse learning environment it offers. Cutting academic programs, increasing class size and eliminating extracurricular activities will make it more difficult to provide a quality learning experience. To those of us who sent our children to the public schools and believe our children received an excellent education, the choice should also be obvious. We should not have the attitude that we no longer need the schools because our children have graduated. Every student deserves the same opportunities as our children did. We have a special obligation to make sure our schools are adequately funded in the future.

Finally, to those without children who do not or did not send their children to the public schools, I could appeal to the fact that the property values stay strong with strong schools and the community as a whole only stays strong with strong public education. I could also appeal to the civic obligation that we all have to support public education. However, more to the point is the following observation that was made to me that sums up why we should continue to support our schools. Although our children only make up approximately 20% of our population, they are 100% of our future. I urge you to support the future of our community by voting for the school levy on November 4<sup>th</sup>. That concludes the report of the Finance Committee.”

## REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have no legislation but I do have a few comments that I would like to make. One, on the heels of Councilman Wilcox's comments about the school levy, I too will be supporting the school levy and I too believe that if anyone has a problem with the school board then they need to vote their choices of school board candidates, but not vote down the school levy. I have three children in the school system and I have one that will be going next year and I am not interested in a school system that would be - well, not interested to have a school system - cut 9 million dollars from the budget if this doesn't pass. I know there are people who believe that, 'let's wait until we get a new governing board or new council people and then look at a school levy', but the reality is that if the levy does not pass in November, then the school system, even if it passes a levy in March would have to wait until 2005. If the levy passes in 2004 they would have to wait until 2005 to get the money. If the levy passes in November we can get the money in January of 2004 and that's very important. We need this money in January, 2004. We don't need to wait until we elect a new school board or two new members of the school board or until this election is over to decide whether or not we need the money. We need the money right now and we need to vote yes for the school levy. So please, everyone, go out and vote yes for the school levy.

On another issue that's going to be on the ballot is Issue No. 35. I'm urging everybody to vote no on Issue 35. I did get a copy of the ballot language that we're going to have in November in order to vote on this issue. Of course, it was such a long document that everything could not be on, and so the only thing that is on is pretty much - is Section 1 - the criteria for establishing a domestic partnership. In Section 1, there is an A through F, but in the ballot language only A through E appear and F is not on, and also on here, the last paragraph is a little confusing. Because it says that within 90 days of dissolution of the resolution either party may terminate the domestic partnership registration by giving notice of termination to the Cleveland Heights City Manager. And then it says the City shall charge the person filing for a declaration of domestic partnership to pay for the cost of processing these forms. However, that's misleading because I would imagine that it's talking to the forms of establishing the domestic partnership, but that comes after it talks about terminating the domestic partnership and there is no fee for terminating a domestic partnership according to the language that was presented for the domestic partner registry. And so I just want everyone to be aware that this - when they read the ballot language - it is not the domestic partner registry in its entirety and so it leaves out a lot. The Sun Press did include, back in the October 9<sup>th</sup> Sun Press, it did include the entire language for the domestic partnership registry and if anyone needs a copy of that, again, I believe, that there are copies on file here - well, there are copies on file here at City Hall and also again Sun Press had it in their October 9<sup>th</sup> issue that you can get a copy of. My reasons, and I read them before, but I will read them again for asking you to vote no on the domestic partner registry which is Issue No. 35. I believe that a low fee has been promised or at least insinuated, depending upon who you talk to, for this service and there will not be a fee to terminate the partnerships. That the proposed ordinance were adopted and legally challenged, the City would be named as a party-defendant in the lawsuit and be required to defend the ordinance at taxpayer expense. The proposed ordinance would not be limited to Cleveland Heights' residents, but would be for anyone anywhere in the country who do not pay taxes in the city. The proposed ordinance, Issue No. 35, states that two committed adults will declare that they share a life together, but then be allowed for the termination of one partnership and the creation of another every ninety days. Furthermore, one partner is not even required to notify the other at the time of termination that the partnership has been terminated, thus again leaving the city open to a lawsuit. The proposed ordinance would have you believe that any two people who declare themselves committed should have the same rights and privileges as those who have married. Sociological data, as well as traditional values, have made it clear that the most stable and productive family structure is one with a husband and wife. Why should our government give consideration to ninety day commitments coming from anywhere in the country or the United

States for that matter? And also, to be legally valid, an ordinance of the city must be directly related to the health, safety and welfare of the City of Cleveland Heights or to a significant number of its residents and this Issue No. 35 is not. As a matter of fact, at the Sun Press endorsement meeting, David Caldwell who is the leader of the group who is putting out Issue No. 35 stated that based on the census data, there were 500 couples who checked off the domestic partnership selection in terms of their family, which would equate to 1,000 residents. And so he believes that the benefit to 1,000 residents in Cleveland Heights is more important than the 49,000 who are not in a domestic registry partnership. Again, it has to be directly related to the health, safety and welfare of the City of Cleveland Heights or to a significant number of its residents and by his number, it is not. If this proposed ordinance confers legally recognized status on a domestic partnership of those signing the registry it will be in conflict with the state's marriage laws, but again this paper, if it goes into effect, would not confer any legal status. And so the only status would be something someone would assume that the paper was giving them, but this paper will not give anyone any legal status. As a matter of fact, we were told again at that endorsement meeting that this was just another layer to legitimize the homosexual relationship. It is not the duty of a municipal government to legitimize any relationship. That's what Issue 35 will do. Also to note, that to this date there hasn't been any endorsements from any senior citizen groups, ARRP, Gray Panthers, any senior citizen group that would come out to say that they are behind Issue No. 35 and that this is something that senior citizens want. However, when going door to door, people promoting Issue 35 were pushing the fact that this is for senior citizens and they're pushing that this is for couples who are opposite sex but want to live together. There hasn't been any opposite sex groups banding together to promote this legislation. There have just been groups that have been formed to promote the homosexual agenda that are pushing Issue No. 35. I would urge you to vote no for Issue No. 35 on November 4<sup>th</sup>. I thank you, your Honor. That's all I have."

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

Vice Mayor Montlack stated, "Thank you, your Honor. There are a few pieces of legislation tonight. The first is Resolution No. 126-2003(PD), declaring the necessity of implementing a public services plan for the Cedar Fairmount Special Improvement District, Inc.; and declaring an emergency.

You've heard us talk about SID's for a while. Two pieces of legislation represent the next step tonight in getting the SID's; in this case Cedar Fairmount, in the next case Lee Road to get those SID's up and running. Each of these pieces of legislation is identical in certain respects. They each indicate all of the parcel numbers that are located in the SID's and I will spare reading a bunch of numbers which won't mean anything to most folks. In each case there is a plan of services that the petitioners who have submitted the plan for the SID have presented as the Plan of Services. It relates to a whole variety of self-services that the owners and really the merchants, also, will be doing to maintain and improve matters of each of the SID districts. In each case, there is an assessment which translates into a dollar amount per \$100,000 of market value, that is to say, value as established by the County Auditor. In the case of Resolution No. 126-2003(PD) for the Cedar Fairmount District, that is \$321.18 per \$100,000 of market value. This is a five-year plan. Each of the pieces of legislation has a map attached that indicates all of those parcels that are included in the SID. The bottom line is that here we have another situation where property owners are willing in effect tax themselves, submit their properties to this Special Assessment so that together they can equally share the responsibilities of taking care of their commercial districts and also of advancing the marketable of the districts and the attractiveness to all of us.

Resolution No. 126-2003(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 126-2003(PD) for passage.

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

Nays: None

**Resolution passed**

Vice Mayor Montlack continued, "Resolution No. 127-2003(PD), declaring the necessity of implementing a public service plan for the Cedar Lee Special Improvement District, Inc; and declaring an emergency.

Most of the aspects of this, that I indicated, applied to both pieces of legislation, need not be repeated. It is called the Cedar Lee Special Improvement District, Inc., but in fact it extends well north and south of Cedar Road along Lee Road on that corridor. It has a plan of services and in the case of assessments that plan calls for a budget requiring an assessment of \$409.05 per \$100,000 of market value of property. This also is for a five-year term and the properties involved are also described in the map attached to the resolution. Resolution No. 127-2003(PD) is presented on first reading tonight."

Mayor Kelley accepted Resolution No. 127-2003(PD) for passage.

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

Nays: None

**Resolution passed**

Vice Mayor Montlack continued, "The next legislation is Ordinance No. 141-2003(PD). This legislation has been read on first reading. It proposes a zoning change and for that reason has been referred to the Planning Commission which has reported back its approval of the proposed legislation. Of course, it was also subject to a Council public hearing and now is on for second reading and hopefully passage. This is an ordinance amending Sections 1103.03(b)(92)(B)(9), 1163.06(f)(1)(B), 1163.06(f)(2), and 1163.06(f)(6) of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to permit "for rent" signs in residential neighborhoods under specified conditions.

I will not go through the entire ordinance because we have discussed it in several venues before, but the bottom line is with this passage well-designed "for rent" signs will be permitted in the neighborhood subject to various provisions that are set forth here in the ordinance. Essentially, "for rent" signs will be permitted along the same lines as "for sale" signs are now permitted. I will not go through the other aspects of it, but any landlord, anyone seeking to post a sign for any dwelling, any unit, would be well-advised to make sure ahead of time, if for no other reason before going out and spending money on a sign or putting in the effort and work to make sure you understand the ordinance to call City Hall if there's a question and it will be explained to you or call any council person.

Ordinance No. 141-2003(PD), Second Reading is presented for passage tonight."

Mayor Kelley accepted Ordinance No. 141-2003(PD), Second Reading for passage.

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

Nays: None

**Ordinance passed**

Vice Mayor Montlack continued, "To state the obvious, when you post that "for rent" sign and you get a prospect that simply gets the prospect to your phone or to your door, it doesn't make up for bad investment, it doesn't make up for property that doesn't meet needs or hasn't been well-maintained, it's only part of that process. It's not a magic pill and we all know that the next steps are the important ones.

The next piece of legislation is Ordinance No. 156-2003(PD), authorizing the City Manager to enter into an agreement with Le Madre, LLC for the lease of City-owned property at 1807 Coventry Road for the operation of an Italian market and eatery; and declaring an emergency. The space involved is retail space that was designed as part of the city parking deck in the Coventry Commercial District and formerly was occupied by the Food Co-op.

Now, through the excellent work of our Planning Department and certainly Kim Steigerwald, a prime tenant has been secured. And when I say prime tenant, I'm referring to a merchant that offers services that ought to be great for the Coventry Commercial District, the neighborhood and the community.

That tenant, Le Madre, LLC, has proposed to lease the space and the authorization provided by this ordinance is in relation to a lease for a ten (10) year term, with two (2) optional five (5) year renewal terms, at the option of the tenant. Rental payments for the property shall be for the initial Twelve Dollars (\$12.00) per square foot for years one through three of the lease; Thirteen Dollars (\$13.00) per square foot for years four through six; Fourteen Dollars (\$14.00) per square foot for years seven and eight; and Fifteen Dollars (\$15.00) per square foot for years nine and ten. In the option period, if exercised and allowed to be exercised by the tenant, the rent would be Sixteen Dollars Fifty Cents (\$16.50) per square foot for the first renewal term of five (5) years; and Eighteen Dollars Twenty-five Cents (\$18.25) per square foot for the second five (5) year renewal term. It provides also that the tenant will pay an annual fee of Three Thousand Dollars (\$3,000.00) to the Coventry Village Special Improvement District.

This will provide a boost for the Coventry SID. The prospective tenant has indicated an investment of \$450,000 to build out the space, upgrade it, make it useable, for the operation is going to be invested and we anticipate that the result will be an Italian market and café offering fresh meats, produce, cheese, bread, bakery and gelato and the café will allow patrons to enjoy one of the prepared Italian dishes or pizza as well. There will be a maximum of seventy-five (75) seats inside and during the appropriate months perhaps nine tables outdoors along with full liquor service. I'm sure all of us wait with anticipation to the time, after some months, when this becomes built-out and open for service and again, congratulations to the staff. Ordinance No. 156-2003(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 156-2003(PD) for passage.

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

Nays: None

**Ordinance passed**

Vice Mayor Montlack continued, "I hate to interrupt this pre-election angst with all this good news but maybe we can handle one more brief comment. The Cleveland Heights Board of Control today heard and passed on to the Planning Commission the application of Enterprise Building Company Ltd., for renovation, rehab, upgrade, building of condominiums and townhomes at what we call the old Kaiser site, essentially next door and directly to the east of City Hall along the Ring Road, now almost completed in its construction. The plans look fine. A number of questions were asked, a number of conditions imposed or recommended and with that the matter now comes back to City Council after a number of those conditions as indicated are fulfilled. It is a very exciting potential plan.

Finally, in terms of the vote. I don't think I'm going to tell anybody how to vote on any issue, even Council races, but I would urge you to exercise that precious right to vote. And before doing that it might even make sense to read a little bit, discuss each of the matters. There are a number of candida-

cies that are on the ballot - keep them separate one from another. Most of us in most cases don't belong to one or the other proponents or opponents, most of the time we are trying to figure out what's right for the community and just follow that and whatever you do, get out there and vote on election day. That concludes this report."

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

Council Member Evans stated, "Thank you, your Honor. I'd like to present Ordinance No. 157-2003(PSH), authorizing the renewal of an agreement with the Cuyahoga County General Health District for public health services; providing compensation therefor; and declaring an emergency. Ohio Revised Code Section 3709.08 authorizes cities to enter into contracts with general health districts for public health services; and in previous years, (I think it's been about eight years now that we've had a contract with the County Health Department for these services) and we believe it would be in the best interest of the City and its residents to renew this agreement for the calendar year 2004. Section 1 reads that the City Manager is authorized and directed to enter into an agreement with the Cuyahoga County General Health District for the provision of certain public health services to the City and its residents which are required to be provided under State law, including, without limitation, school health services, community health services, family health services and environmental health and sanitation services. The agreement shall be for a period of one year, commencing January 1, 2004. The fee for the basic mandated services shall be the sum of One Hundred Fifty-four Thousand Eight Hundred Seventy Dollars (\$154,870.00), (which is exactly the same amount - I don't know if it's exactly the same amount, but we pay \$3.10 per resident last year so it has not increased based on the fee). The agreement shall further include an addendum which authorizes the City Manager to request certain additional, non-mandated health services to be provided by the District at its standard rates for such services, with the cost of such services not to exceed Seventy Thousand Dollars (\$70,000.00) without further authorization from this Council. Section 2 is notice of passage and Section 3 will allow this to be passed as an emergency measure. I'd like to submit Ordinance No. 157-2003(PSH) for passage this evening."

Mayor Kelley accepted Ordinance No. 157-2003(PSH) for passage.

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

Nays: None

**Ordinance passed**

Council Member Evans continued, "Resolution No. 158-2003(PSH), declaring the property at 2712 Scarborough Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. It has been reported to Council that the residential property known as 2712 Scarborough Road owned by the estate of Franklin S. Wearn II and the estate of Deane McNeal Wearn has not been maintained for a number of years and is in a state of severe disrepair. It's been reported that the property has had numerous violations over many, many years and that very little progress has been made toward correcting these violations.

As you know, from time to time other properties in the City have been declared as nuisance abatement properties. What we do, if we've need heard from the property owner in thirty days, the City goes ahead and proceeds with making the exterior corrections to the properties, keeping in mind that the cost of these corrections will be attached to the tax duplicate. Therefore, when the property is sold those dollars will come back to the City. We feel that this is really a great way for us to maintain properties on a street and it really helps build the morale of the neighbors.

In Section 1 it states that it has been determined by this Council, pursuant to Chapter 553 of the

Codified Ordinances of the City of Cleveland Heights, that the premises owned by the estate of Franklin S. Wearn II and the estate of Deane McNeal Wearn known as 2712 Scarborough 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 would like to submit Resolution No. 158-2003(PSH) for passage this evening.”

Mayor Kelley accepted Resolution No. 158-2003(PSH) for passage.

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

Nays: None

**Resolution passed**

Council Member Evans continued, “Ordinance No. 159-2003(PSH), amending Section 1317.07, “Proof of Competency,” of Chapter 1317, “Licensing of Contractors,” of the Codified Ordinances of the City of Cleveland Heights to reflect changes in State law; and declaring an emergency. The State of Ohio now conducts all licensing examinations for plumbers, electricians, HVAC contractors, refrigeration contractors, hydronics contractors, and fire suppression and fire alarm contractors. It is necessary to amend City Ordinances regarding licensing of contractors to reflect this change in State law. Our previous ordinance, the specifications have been overruled by the State and therefore we find it necessary to amend Section 1317.07, titled “Proof of Competency,” which will now read: *The Building Commissioner shall not issue a registration certificate to a plumber, electrician, HVAC contractor, refrigeration contractor, hydronics contractor, or fire suppression or fire alarm contractor without satisfactory proof that the applicant is reasonably qualified by experience and training and reputation to engage in the work for which he or she is making application, as evidenced by a license issued by the Ohio Construction Industry Examination Board.* Section 2 is notice of passage and Section 3 declares this ordinance to be passed as an emergency measure. I’d like to submit Ordinance No. 159-2003(PSH) for passage this evening.”

Mayor Kelley accepted Ordinance No. 159-2003(PSH) for passage.

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

Nays: None

**Ordinance passed**

Council Member Evans concluded, “I, too, would just like to urge voters to remember to go to the polls on November 4<sup>th</sup> and vote as intelligently as you can, keeping in mind that we should all keep in mind and do and vote for the people you feel can continue to make this city the best that it can be. That concludes my report.”

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

Council Member Dietrich stated, “Thank you. There is no Administrative Services legislation, but I, too, would like to say a few things about the upcoming election. I would like to say a brief word about the Domestic Partner Registry, Issue 35. I will be supporting Issue 35 because as I’ve said before it does take a step towards equal treatment for gay and lesbian families and I do that as a positive. Even though there are a couple particulars about this initiative I have already said I don’t agree with, the general result that it would have of treating people equally is more overriding to me. That’s the important part and so I do hope that Cleveland Heights’ residents will vote in support of the partner registry. I want to wish the best of luck to my three Council colleagues in their bid to returning to Council, but I wanted to save my most urgent plea for the school levy.

To me, it is of utmost importance that everybody get out there and vote for the school levy. This may seem like doom and gloom, but I am afraid for the future of Cleveland Heights if we fail to support our public school system. Even if you choose a private or parochial education for your own children, even if you are disheartened by recent school board actions, it's important to keep in mind the kind of community you want to live in. A public school system that is supported is a necessary component of that kind of community. I do think that if we withhold support from the school levy because we want to send a message to the school board that we end up only punishing ourselves. It's costly to provide an education for such a diverse population. We have kids moving here from places where they're not quite as well-prepared as the kids who have been here all along. Often, they need remediation, at the same time the schools have to try to provide challenging enough programs for the kids who've been here all along. This is costly, but it is necessary if we're going to provide the kind of education that people with choices will choose for their children and the kind of education that I think we want for our community. I spend time, weekly in Coventry Elementary, and I want to attest to the remarkable energy and creativity that goes into addressing the challenges. I think that our public schools need our support as much now as ever and I know I've said this before, but I think we cannot afford to turn our backs on public education. Thank you."

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

Council Member Hicks stated, "Thank you, your Honor. I have a couple of comments that I'd like to make for Councilwoman Caplan. The next two middle school teen nights will be on November 14<sup>th</sup> and December 12<sup>th</sup>. The last teen night was a success. I know she's put a lot of work into that program, so if you are looking somewhere for your teens to be on Friday nights, send them there or take them there to our new Community Center and see what we have for them on Friday, November 14<sup>th</sup> and Friday, December 12<sup>th</sup>.

Also, the parks and recreation board, sorry to say that Kevin Starrett has resigned because of work and family demands and he has been a good member of the Parks and Recreation Advisory Board. He was the member who had the idea for the youth scholarship program that began and has been giving out scholarships for over - I would say for over five years now. And just to note that we have four youths who have received scholarships in the past week, if you want your children to participate in recreation programs but funds are a little low (all away around the past couple years) there is a scholarship program that you can call the city or you can call the community center and see if you are eligible or your young people are eligible for it.

The other comment I wanted to make is I stand behind our Police Chief Lentz and his use of the Amber Alert. I know that he has been receiving flack from throughout the Greater Cleveland area but the result was that the child was found. The circumstances behind it - we found out after the child was found - and so again, I support him and the decision making that went into issuing that Amber Alert and I hope that our police department never hesitates when they have a gut feeling to use that Amber Alert. Thank you, your Honor, that's all that I have."

### **REPORT OF THE MAYOR**

Mayor Kelley stated, "I, too, support our police department and using the Amber Alert as I did when the City of Lakewood and the City of Maple Heights did it. It's been used three times in this area and three times successfully and I don't think we have to apologize to anybody or defend ourselves. It was the appropriate thing to do. This young girl was returned to her home by 5:00 before darkness set in and if anybody remembers that night it was a cold, rainy night and lord knows where she may have ended up or what would have happened to her. I don't even want to go down that road, so certainly we

made the right decision. We're not going to apologize to anybody for doing it and the police know they have our support.

We are in the political season. In the last week to ten days I have received about a half a dozen calls from people that have called me to complain that their signs are being torn down or removed or replaced or taken from locations, replaced by their opponents - signs or what have you. Now, I can't do a heck of a lot about it, but I have alerted our police department, specifically Chief Lentz, and I realize we're new to signs in Cleveland Heights, even "for rent" signs are now coming on the table, but I realize that the candidates have a duty and a responsibility to maintain their campaign workers in a professional and courteous matter. However, you will be interested to know, whether you're here tonight or listening or you're out there and I've talked to some of you about it - it works both ways, but if you do go on somebody else's property to remove one of your opponents' signs or an issue sign of the other side you are trespassing and if you are caught in the act or doing something you shouldn't be doing you will be prosecuted to the fullest extent of the law in the City of Cleveland Heights. Unfortunately, I have to say this, but I don't have a race so I'm one guy that can sit back. Also, you are guilty of theft of one's personal property, because once that sign is put on one person's property it becomes their personal property. So, again, I realize we might have some overzealous campaigning going around these issues and/or the candidates in the school board races, but I think when six or seven different candidates and issue-related people call me with actually locations and signs and stuff like that we're getting a little carried away fifteen days before the election. It's a little sad that even though we're just in our sixth year of signs in Cleveland Heights that really three or four weeks before the campaign, that people are going willy-nilly and ripping people's signs off of tree lawns. We have the right to express ourselves here in Cleveland Heights more so than anywhere else. So if you are getting a little crazy and can't control your campaign workers - innocently or not, let's end the nonsense now and let's be the great community that we've always been known to be and let's cut the nonsense of stealing other signs or replacing your sign for your opponents's signs. It just doesn't cut it and we just don't need it in Cleveland Heights, whether it's a campaign sign for a particular person or whether it's issue-related, for or against, yes or no, up or down - let's just cut it out, otherwise the Chief of Police has been fully notified by me. I've relayed the concerns of the people that have called me and if you are caught doing something you shouldn't be doing or your campaign worker, as I said, we're talking about trespassing, because you are on personal property and theft of one's personal property and you will be prosecuted to the fullest extent of the law. So let you know - you are on notice.

That concludes my report. We are adjourned at 8:43 p.m. Our next meeting will be the eve of election day, Monday, November 3, 2003. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc