



CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF MONDAY, APRIL 19, 2010

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

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Czaga, Downey, Gibbon, Malone, Mannarino,
Niermann O'Neil, R. Wagner, Wong

Topic of discussion included general information pertaining to the City Manager's weekly memorandum. (Councilwoman Stephens arrives at 7:20 p.m.)

Committee of the Whole adjourned at 7:38 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:50 p.m.

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Czaga, Downey, Gibbon, Malone, Mannarino,
Niermann O'Neil, R. Wagner, Wong

Peggy Spaeth stated, "Thank you for inviting Heights Arts back. Actually 2010 is our tenth anniversary. I can't believe we've been doing art in Cleveland Heights for ten years already. I always like to use our opportunity in April which is National Poetry Month, which is why we are here to update you on a few projects that we are doing in the city. Soon, probably within the next couple weeks, we'll be receiving the Cedar-Fairmount signs that you approved, that we had designed. They're very unique - we're replacing, as you know - the green and white street signs in the Cedar-Fairmount District, with very unique iconic emblems of that district, so that when you go through the district - the signage will be integrated with the architecture. I think that this is really going to put Cedar-Fairmount on the map, and make it an even more unique destination, and other communities are probably going to look to us as leaders in doing that, so I'm very excited about that.

Also, the Knitscape Project, which is the very colorful parking meters, is slated to come down this May, some Heights High students are interning with us again. They will be out on the streets

taking them down, it was a temporary project and the yarn isn't meant to last forever - although, I have to pass on a message. The nice gentleman who is in charge of the parking meters - well we had several conversations with him - didn't we Susanna - about doing this to the parking meters, he was kind of reluctant to let us do it, well he came into the gallery the other day and said "make sure you tell Susanna - I want you to leave that yarn on the parking meters in the parking lot because nobody has knocked down the ones on the ends this year" and usually they have to replace them about six times, so he's all for them - now, so that's exciting.

Last but not least, we're here tonight - also, we would like you to re-appoint Gail Bellamy as poet laureate, she's been an amazing resource for our community this past year. Our fourth poet laureate, and each one that we've had has had a community project, in order to bring poetry to our community, and Gail's concept was poetography which was an opportunity for ten poets and ten photographers to work together in pairs, and the subject they chose was Coventry Village. I'd like to present to Mayor Kelley an autographed copy of the book put together. If you would like a copy you can purchase them at Mac's Backs Books or Heights Arts Gallery, and in conjunction with the book, each one of the full page spreads is reproduced on posters, which ten of them are hanging in Tommy's Restaurant right now and a duplicate set which are in some storefronts in Coventry. We've been able to bring poets and photographers together to respond to some really significant things going on at Coventry. The poems range from love and loss to the closing of Vidstar Video, to imagining what Coventry was like in the 1930's. We had a wonderful reception and opening at Mac's Backs, with over 75 people listening to the poets and the photographers tell their story. I hope you stop by for a milk shake at Tommy's and look at the exhibit. At this point, I'd like to introduce Gail Bellamy."

Mayor Kelley stated, "If you would hold on just for a second. I would like to personally, on behalf of Council, thank you for all that you do for the City. Heights Arts - ten years, it's been a great run - looking forward to many, many more years, and we're going to have to figure out a way where one of us or some of us can come to your board meetings or do something for you at Cain Park to recognize the ten years, because you've really progressed the City immensely and we really do appreciate, so maybe let's put our heads together and figure out a way we can get together and really recognize you. I know the Sun Press will have a front page headline story about this on Thursday."

Ms. Spaeth continued, "Just so you know, we are going to have an anniversary party on 10/10/10 - which is a Sunday and with music - (Mayor Kelley interjected, "Just let us know what we can do to help with that venture.") well maybe - we were thinking - we're trying to find something fun to do at 10:10 on 10/10/10 - so if somebody wants to jump out of a cake [laughter from the audience] don't all offer at once. At this point I would like to introduce Gail Bellamy."

Mayor Kelley mentioned, "Gail, please - back for a second year run. Congratulations! Welcome, Gail."

Gail Bellamy stated, "Thank you and thanks for having me here. I have been truly honored to serve as the City of Cleveland Heights poet laureate and I'm doubly honored to be serving a second term and which also coincides with my 2010 Creative Workforce Fellowship in literature, which I received from Cuyahoga County's Community Partnership for the Arts in Culture. During the past year I've had the pleasure of going out in the community, meeting new people and speaking to new organizations, new groups and for myself - I've been able to learn probably what all of us knows on an intellectual level - which is that Cleveland Heights is a very welcoming community, it embraces the arts and celebrates its diversity - and I have truly enjoyed it.

As Peggy mentioned, as part of my poet laureate duties, we had the Poetography Project

and that was produced by Heights Arts and Heights Writes but it also is an interdisciplinary and collaborative project that required the participation and support, hard work and talent of many people, there were many sponsors who are mentioned in that book as well, and Peggy and John Panza, the board president and the committee really did a lot to facilitate the project. Margo Brown found the printer and Greg Donley has volunteered to produce that book and did the beautiful cover. As Peggy mentioned, the project depended on ten poets and ten photographers who donated their time and talent to commemorate some aspect of Coventry and we know there are many streets, many neighborhoods that we could have focused on - the committee felt that for this project, it would be good to narrow the focus so that is why we chose Coventry and what happened for the project, the poets and the photographers were paired at random and then each pair was asked to come up with a single topic and then go off and work individually and create either a poem or photograph that was inspired by their subject. The result was as Peggy mentioned on April 10th at Mac's Backs. This is really a project that celebrates our community and the talent of the artists that participated on the tenth anniversary of Heights Arts which has contributed so much and enriched our lives during its first decade. I have a brief poem and the title of it is "Let's Hear It for Pedestrians".

My Cleveland Heights neighbor looks up from reading a magazine on her front porch, shakes her head and asks "How can people live where there aren't any sidewalks?" It's a good question. You would miss the sound and shuffle of boots, you'd never make the connection between Eubie Blake's walking baseline and the Doppler Effect medley of sidewalk conversations, advancing, passing, retreating. You wouldn't catch a whiff of pedestrians blowing by and trade-winds sense of lunch hour falafel, cologne that smells like cocktails. You'd be without benefit of clues like mothballs, hair conditioner, self tanning gel, hinting at where everybody has been or where they'd like to be. Pedestrians of the past placed walking wagers, they performed famous feats of foot travel, but today - unless you live somewhere with sidewalks it is impossible to go with the flow. How could you join streams of people, dribbling out onto sidewalks after the theaters closed if there weren't any sidewalks? Sidewalks convert pipers to pedestrians, strangers into a bout of butterfly blurs in colors that stride out like paint store samples in search of walls, jay walkers in search of crosswalks. What happens I'd like to know to foot traffic, tricycles, street fairs - if you live where there aren't any sidewalks?

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have several items this evening. The first of which would be to request authority to advertise for bids for the Cleveland Heights Boulevard waterline repair project, the 2010 street resurfacing program and for the purchase of a dump trailer."

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

Council Member Caplan moved that the City Manager be given the authority as requested.

Second by Vice Mayor Evans.

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

Nays: None _____ **Motion passed**

Mr. Downey continued, "Thank you very much, your Honor. In your packet you received a copy of Bid Document No. 2010-04 utility billing services, lowest and best bidder is Bridgestone-Firestone Company, in the amount of \$128,000.00. You also received Bid Document No. 2010-05 catch basin and inlets cleaning, the lowest and best bidder is RVI, Inc. in the amount of \$63,700.00; also Bid Document

No. 2010-06 televising of storm and sanitary sewers, lowest and best bidder is AAA Pipe Cleaning Company in the amount of \$11,000.00.”

Mayor Kelley made them a matter of record.

Mr. Downey concluded, “Lastly, Pursuant to Ordinance No. 65-2009, which authorizes the City Manager to purchase vacant, abandoned and foreclosed homes for the purposes of demolition or rehab and sale to an owner-occupant, I would like to report and make a matter of record that the City has entered into an agreement for the purchase of property at 1003 Greyton Road for the sum of \$4,000.00 plus closing costs.

Mayor Kelley made it a matter of record.

REPORT OF THE FINANCE DIRECTOR/CLERK OF COUNCIL

Mr. Malone stated, “Thank you, your Honor. I have no report.”

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Vice Mayor Evans stated, “Thank you, your Honor. There is no legislation this evening and no report.”

REPORT OF THE FINANCE COMMITTEE

Councilman Tumeo stated, “Thank you, your Honor. There is one piece of legislation from this committee. I’d like to introduce Ordinance No. 38-2010(F) amending Subsection (d) of Section 171.02, “Competitive Bidding and Advertisement; Exceptions” of Part One, “Administrative Code”, of the Codified Ordinances of the City of Cleveland Heights to decrease the minimum price for improvements performed with a construction manager from one million dollars (\$1,000,000.00) to seventy-five thousand dollars (\$75,000.00) and to clarify that the provisions of sections 171.02 and 171.06 through 171.09 apply to improvements constructed on a design-build basis; and declaring an emergency.

In short what this does, within the engineering community in general, there is a movement to move more towards our traditional way of doing business in the State, and that is you want to get a project built, you hire an engineer, you go out for bid, the engineer designs the project and then gives you the design and then the City then goes out for bids for the construction. So, you have a double bid process and each entity that bids puts its price on it. With the design-build contract, you go to an engineering firm which also acts as a construction manager. So this entity will bid, say it is the City, we will design and build this building, facility, whatever it is for X amount. They give you a flat bid, so then they have to design it, they go out and get the contractors and sub-contractors, we don’t have to do all that, and then they have to meet the price that they propose, as a general rule this saves the City money. We’ve built into this ordinance - we’ve had this ordinance for awhile and as you heard it was at one million dollars that we could do this. What’s built into the ordinance are all the protections that we value in terms of contracting, including fair wage and all of the requirements that the workers are treated appropriately and all these other requirements of the law.

This ordinance allows us to reduce the amount of the contract for which we can use this exception to the double bid process that the State has, so this will allow us to do it for any project that is \$75,000.00 or more. This is an exception, it’s not the general rule for the way we do business, but it gives us a little more flexibility in those instances where it is appropriate and can save us money, we would like the

ability to use that, so that is the purpose of the ordinance. I would like to introduce Ordinance No. 38-2010(F) for passage tonight.”

Mayor Kelley accepted Ordinance No. 38-2010(F).

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

Nays: None _____ **Ordinance passed**

Councilman Tumeo concluded, “Thank you, your Honor. I have nothing further other than to say “Go Cavs!”

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Councilwoman Caplan stated, “Thank you. I have no legislation this evening and only a brief reminder that we will have a shredding day on Saturday, May 22nd from 9 a.m. until 2 p.m., it will be here at City Hall. You drive up with your vehicle and your boxes and you can have up to ten boxes and those boxes will be put into whatever the machinery is, that shreds it at the time - it’s not going to be taken away, it will be shredded on site. So, if you have boxes in your attic that you’re reluctant to put out on the tree lawn for recycling because it’s got tax information, your social security number - whatever, do feel comfortable in bringing it here on May 22nd and that is all I have. Thank you.”

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Councilman Wilcox stated, “Thank you. There are seven pieces of legislation, but we also have a Board of Zoning Appeals resolution that is left over from our last meeting. Councilwoman Stephens is going to read that.”

Councilwoman Stephens stated, “Thank you. The Board of Zoning Appeals Calendar No. 3213 is being presented tonight for review and approval by Council. The following resolution was adopted by the Board of Zoning Appeals whereas, Allan and Tanita Taub, their property located at 3663 Bendemeer Road, in an ‘A’ single-family district, hereinafter referred to as the “applicants,” have made formal application requesting a variance from the accessory use regulations of the Zoning Code, to permit installation of an air-conditioning condenser west of the house and 1’-10” from the property line. The applicable provisions of the zoning code are contained in Sections 1121.08 and 1121.12(a), which require air conditioning condensers not be located within the required 5’ side yard.

Whereas, the public hearing to present this application was held on Wednesday, March 17th at 7:30 p.m. and whereas in the opinion of the Board of Zoning Appeals, the applicant clearly demonstrated there were special conditions and circumstances resulting in practical difficulty in complying with the Zoning Code, and that the variance was in harmony with the general purpose and intent of the Zoning Code, and that the public health, safety, and general welfare were safeguarded and substantial justice had been done.

Therefore, be it resolved by the Board of Zoning Appeals of the City of Cleveland Heights, that the applicant will suffer practical difficulty if the variance is not granted, would not work properly if installed at the rear of the house because air conditioning lines greater than 50’ can result in pressure drops, that we have found due to research that there is an alternative way to place this and with research from the staff, the issuance of the special permit is authorized except that the condenser shall be placed further back in the side yard rather than in the rear behind the house that is shown in the

floor plans submitted to the Board so that the refrigerant line is no shorter than 50' as approved by the Director of Planning. The applicant is required to obtain a building permit prior to construction, air conditioning unit shall be screened according to the code, all construction which is the subject of this application shall be completed within 12 months of the date of approval of this Resolution by City Council. Therefore, Mr. Mayor I would request that this be approved by my colleagues."

Mayor Kelley accepted BZA Calendar No. 3213.

Councilman Tumeo commented, "You need to move the amendment."

Law Director John Gibbon interjected, "What I was going to point out - is that the resolution as read by Councilwoman Stephens is actually an amended resolution. It's amended from the resolution that was approved by the Board of Zoning Appeals, so Councilwoman Stephens if you could point out to City Council please, exactly what that - and the public, what that amendment is and then we can have a vote on the resolution as amended."

Councilwoman Stephens commented, "The second item requiring approval is amended at the end of the first sentence, to include the exception clause. So the first one was that they will suffer practical difficulty, the second one is the issuance of a permit as authorized with the exception for the location and the distance of the refrigerant line which is changed from the plans that were submitted and the third is that they are required to obtain a building permit."

Councilman Tumeo commented, "So, Section 2 is amended to require that?"

Councilwoman Stephens stated, "There is an exception to the plans as submitted that allows for the condenser to be placed in a side yard at least - in the side yard that is shown in the plans submitted to the Board so that the refrigerant line is no shorter than 50' so it might move it back 15' because there is a diagonal to the HVAC unit."

Mr. Gibbon commented, "I think that when Councilwoman Stephens, when she read the resolution as amended, read the full language."

Second, As Amended by Councilman Tumeo.

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

Nays: None _____ **Resolution confirmed As Amended**

Councilman Wilcox stated, "Thank you. First I have Ordinance No. 35-2010(PD) this is also an ordinance we read at the last meeting but did not consider at that time. This is an Ordinance authorizing the City Manager to enter into an agreement with Solar Impact LLC for design-build services relative to the construction of solar bus shelters at the intersections of Mayfield and Coventry Roads and Mayfield and Warrensville Center Roads; and declaring an emergency. As you might recall that Council did accept a grant from RTA of \$100,000.00, federal funding for solar bus shelters and landscaping at the intersections noted and because this is a unique type of construction project, this is one where we are going to take an opportunity from our newly passed legislation to use design-build services. We believe it be in the best interests of the City to select a general contractor to construct the solar bus shelters at a design-build basis at a fixed price. This will expedite the selection and coordination of contractors and of the work. The city previously sent out qualifications, Request for Qualifications to media and trade groups and the City Manager and the Director of Planning and Development have recommended

the contract be awarded to Solar Impact LLC to design and construct the solar bus shelters. So, this ordinance authorizes the City Manager to enter into a design-build services contract with Solar Impact LLC for the bus shelters I've described and that is in accordance with their submission on March 29, 2010, which is on file with the Clerk of Council. The design plans will be approved by the Director of Planning and Development prior to construction and all work shall be performed in accordance with applicable laws and the compensation for the project shall not exceed \$100,000.00 which is the amount of the grant the City received.

Section 2, this ordinance provides that Council finds that it is the best interests of the City and cost-effective to the City to select a construction manager to construct said shelters on a design-build basis and selection of the construction manager shall expedite the selection and coordination of other qualified contractors or sub-contractors and the performance of the work and completion of the shelters on an expedited basis. So, I offer Ordinance No. 35-2010(PD) for passage tonight."

Mayor Kelley accepted Ordinance No. 35-2010(PD).

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

Nays: None _____ **Ordinance passed**

Councilman Wilcox continued, "Thank you. Next I have Resolution No. 36-2010(PD) this is again an ordinance, a resolution that was deferred from our last meeting and it has to do with more outdoor dining on Lee Road. This is a Resolution authorizing an agreement with Kerry, LLC dba Cedar Lee Pub & Grill for the use of a portion of City-owned property known as Permanent Parcel No. 687-06-096; and declaring an emergency. Kerry, LLC dba Cedar Lee Pub & Grill ("Pub") is operating a restaurant at 2191 Lee Road and they have requested permission to expand their outdoor dining. They already have outdoor dining in the back of their restaurant, they would like to expand that onto city-owned property as described, and this will allow them to place tables and chairs in that city space and it will enhance the city-owned property, which was previously used for parking purposes and it will not obstruct the access of the Pub and the neighboring businesses to their dumpsters in the back of that building.

So, the proposed license agreement is deemed to be in the best interest of the city and this resolution authorizes the City Manager to enter into an agreement with the Pub for the use of a portion of the City-owned property as described for placement of outdoor dining tables and chairs and the agreement will provide for the placement on a diagram which is attached to this ordinance, provides for a maximum of 45 seats between the hours of 11:30 a.m. and 2:00 a.m., seven days a week, from May 1, 2010 through November 1, 2010, the agreement also allows serving of alcohol in compliance with State laws and Ohio Department of Liquor Control regulations, and also requires the restaurant owner to hold the City harmless from any claims resulting from that use and also provide insurance as requested by the Law Director and the City Manager. This agreement will also be automatically renewed every May 1st through November 1st unless either party terminates it. Also, the City may terminate this at any time in its sole discretion through the City Manager if it determines that the use is creating a nuisance or interfering with the use of public right-of-way or that the property is needed for municipal purposes. I offer Resolution No. 36-2010(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 36-2010(PD).

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

Nays: None _____ **Resolution passed**

Councilman Wilcox continued, "Thank you. Next I have Resolution No. 39-2010(PD). This resolution and the next five pieces of legislation are all legislation that deal with incentives to assist our housing in the City. This is a resolution authorizing an agreement with the Cuyahoga County Board of Commissioners for continued funding for the Owner-Occupant Down Payment Assistance Program for purchasers of one- to four-family homes and condominiums in the City of Cleveland Heights; amending Resolution No. 126-2009 which established the Program to reduce the maximum award to most home buyers and to change the loan-forgiveness terms; and declaring an emergency. Previously, the City did establish the Owner-occupant Down payment Assistance Program for owner-occupancy of one to four family homes and condominiums in the City and that is funded through federal funds under the Home Investment Partnership Program ("HOME") through the Cuyahoga Housing Consortium.

So far we've been successful in getting 28 families to purchase their homes using this program and in order to make more effective use of the funds we're going to change the maximum award amount from \$15,000.00 to \$10,000.00, except for the properties in the BlueStone Development and the East Derbyshire Community Reinvestment areas, where that amount is going to stay at \$20,000.00. Money is available for this program for the time period of May 1, 2010 through December 31, 2012 and this resolution authorizes City Manager to enter into an agreement whereby the terms of the program are amended so that the applicants are eligible if their income does not exceed 80% of the area median income as determined by HUD, which is the current program and the assistance will be \$20,000.00 for those in the CRA areas I mentioned and it will be lowered to \$10,000.00 for all others. This program does provide that the owners continue to occupy the homes as their primary residence and it's secured by a second mortgage which is forgiven at the rate of 1/60 per month, commencing in the sixth year of owner-occupancy. So, again the City Manager is hereby authorized to execute an agreement to continue this program and modify it. The total funding would be Two Hundred Thirty-six Thousand Five Dollars and 69/100 (\$236,005.69). I offer Resolution No. 39-2010(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 39-2010(PD).

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

Nays: None _____ **Resolution passed**

_____ Councilman Wilcox commented, "Thank you. This is a continuing effort that we've had throughout our City again to get new home-buyers into our city. The next two resolutions are similar in that regard. The first one is Resolution 40-2010(PD) amending Section (2) of Resolution No. 97-2008 to extend the deadline for filing applications for exemption from real property taxation for properties in the Expanded Severance Community Reinvestment Area from July 7, 2010 to July 7, 2013; and declaring an emergency.

Previously, Council established Community Reinvestment Areas for the Severance area and then expanded that to include the area right across from Severance, that is to accommodate a number of housing projects, including the BlueStone Severance Place and help me on the third one - Courtyards of Severance - I'm sorry. So, those three programs are subject to this last. We visited this in 2008 because of the housing market being somewhat depressed, we changed the tax abatement for these projects to a seven year 100% tax abatement and that was to be in place for two years, and as we look at our housing situation right now, things haven't improved as much as we would've liked in the last two years, so what we're going to do is extend this program for these projects for another three years, from

July 7, 2010 to July 7, 2013 and again that will be for seven years at 100% tax abatement for persons that purchase properties in these new housing developments. I offer Resolution No. 40-2010(PD) for passage tonight.”

Mayor Kelley accepted Resolution No. 40-2010(PD).

Councilman Tumeo stated, “I want to comment on this. This is probably one of the more controversial things that we hear from whenever we talk about tax abatement and I want to make it clear so that people understand. The people that buy these condos do pay some property tax, the property had value when the developer was developing it - that value is taxed and it remains taxed. So, it’s not like they’re not paying any property tax, that this program which we’ve used very sparingly in this community has brought in many new residents which pay income tax and in fact many of these purchases are now coming off the tax abatement and the increased value of those properties will be fully taxed, so we’ve increased income tax and we are increasing property taxes, we’re delaying the increase a bit so that we can encourage these sales and we all know that encouraging sales right now, is a very big thing. So, I want to stress that we’re not decreasing any money that is going to the property taxes which goes to the schools, we’re delaying a bit of the increase to encourage people to come in, so I just want to make that very clear - it’s not that we’re saying to these people - don’t pay taxes - they do pay taxes, they’re just not paying on the increased value right now, but they will in seven years.”

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

Nays: None _____ **Resolution passed**

Councilman Wilcox continued, “Thank you and thank you for those comments from Councilman Tumeo. I’d also point out that before considering to extend these tax abatement programs for another three years, we did look at the impact of changing the tax abatement that applied to them over the last two years and we did see, in 2009 there was actually an increase in sales in these properties and hopefully, partly as a result of those incentives that we put in place two years ago.

So the next resolution I have is Resolution No. 41-2010(PD) amending Section (3) of Resolution No. 98-2008 to extend the deadline for filing applications for exemption from real property taxation for properties in the Boulevard Community Reinvestment Area from July 7, 2010 to July 7, 2013; and declaring an emergency. This impacts the community reinvestment area fronting Euclid Heights Boulevard and Lee Road and basically we’re making the same modifications as we did before in 2008. We modified the City’s tax abatement program to provide for 100% for seven years in those areas as well and this resolution will change that or extend that for another three years, from July 7th through July 7, 2013. So I offer Resolution No. 41-2010(PD).”

Mayor Kelley accepted Resolution No. 41-2010(PD).

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

Nays: None _____ **Resolution passed**

Councilman Wilcox continued, “Next I have Resolution No. 42-2010(PD), amending Resolution No. 107-2007 initiating and creating the East Derbyshire Neighborhood Improvement Program to change the program terms to permit participation by owner-occupants of two-family structures; and declaring an emergency. Previously, Council initiated and created the East Derbyshire Neighborhood Improvement Program to encourage property improvements and owner-occupancy of the area in the

area of Lee Road and Cottage Grove Drive. This is an area that is primarily very large two-family homes, there are just a few single family homes on this block, but mostly two-family homes. So, the program provided for a grant of \$15,000.00 per unit for interior and exterior renovations to owners who agree to convert their properties to owner-occupied condominiums or owner-occupied single family attached structures. This program also authorized the City to purchase and renovate two-family properties for condominium conversion and the City has acquired three properties for this purpose. The housing market continues to be a challenge and has made it difficult to sell the participating properties under the structure and it is now recommended that these be allowed to be sold as two-family properties as long as one or both units have owner-occupancy. Section 1 of this resolution amends the prior resolution that authorized this program to provide that owners of two-family properties in the East Derbyshire area be eligible for grants in the sum of \$15,000.00 and also that the City Manager is further authorized to market and sell the existing City-owned properties in this area as two-family homes with the requirement that at least one of the units be an owner-occupied unit.

I should point out that all the activities performed under this program are funded with Community Development Block Grant funds. These are federal funds given to the City. We're really back to where we started on East Derbyshire, when these houses were built many years ago, and that is that we will have at least one owner-occupant in one side of the unit and potentially a renter in the other as they were intended to be when they were built, and that has been the incentive for this program. I offer Resolution No. 42-2010(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 42-2010(PD).

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

Nays: None _____ **Resolution passed**

Councilman Wilcox continued, "Next I have Resolution No. 43-2010(PD) amending Section (2) of Resolution No. 34-2008 establishing the East Derbyshire Community Reinvestment Area to permit owners of owner-occupied two family dwellings to apply for tax abatement for said properties; and declaring an emergency. Previously the Council established a Community Reinvestment Area for specific properties fronting on East Derbyshire Road to encourage renovation and conversion of two-family properties in owner-occupied condominiums or owner-occupied attached single family homes. It's the best interest of the City to extend the benefits of tax abatement on the improvements authorized to owners of two-family properties who occupy at least one of the two units. This is somewhat in follow up to the prior legislation to make that tax abatement extend to someone that is renovating a two-family unit or housing unit and living in one of the sides. This is again, a use of tax abatement and should be pointed out that the current value of the home will still be in the tax rolls and the individuals will still be paying that amount of taxes, this is just on renovation to the project that is deemed an improvement substantial enough and by the County Auditor that will increase the value, and that increase in value is what is being abated by this program. This is tax abatement for those new improvements in this reinvestment area would be 100% for ten years. I offer Resolution NO. 43-2010(PD) for passage tonight."

Mayor Kelley accepted Resolution No. 43-2010(PD).

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

Nays: None _____ **Resolution passed**

Councilman Wilcox concluded, "That's it for this committee tonight."

Mayor Kelley commented, "If you have any questions, feel free to call Councilman Wilcox direct."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Councilman Montlack stated, "Thank you. There is one piece of legislation from this committee, on for second reading and passage is Ordinance No. 37-2010(PSH) amending Section 355.07, "Fees and Rental Periods," of Part Three, "Traffic Code," of the Codified Ordinances of the City of Cleveland Heights to raise the fees for parking permits and replacement permits. This relates generally to our municipal parking lots. The last time these fees were raised was 2004, the costs of maintaining, repairing the lots has increased somewhat since then and by this ordinance the City Council is increasing the three month permit fee from \$90.00 to \$100.00 or \$3.33 a month, each of those permits is sold for a three month period, which expires March 31, June 30, September 30 and December 31 in any year, permits purchased in between then are prorated. The legislation also increases the fee for replacement of a permit that is misplaced or the transfer of a permit from \$5.00 to \$10.00. I spoke about this ordinance at some length at our last meeting. I won't repeat all my thoughts. Ordinance No. 37-2010(PSH) is presented on second reading for passage tonight."

Mayor Kelley accepted Ordinance No. 37-2010(PSH).

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

Nays: None _____ **Ordinance passed**

Councilman Montlack continued, "Thank you. During the past week our daily newspaper in this county spoke unkindly of the practice in Cleveland Heights of giving tickets for headlight beams. The Cleveland Heights traffic code mirrors the State law which has been in effect almost since the automobile came to Ohio roads. It requires that these headlight beams be so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The officers on traffic patrol are duty-bound to enforce our traffic laws. So, we ask the question - if we are giving too many tickets or violations? Which laws should not be enforced? Which laws should - sort of be enforced from time to time? And is this the community that you want to live in, where you have that kind of law enforcement or where we pick and choose the violations that we think ought to be enforced, or should we have reverse quotas - whereby officers are told, directly or indirectly - you can write a ticket for this violation or that violation, but you have to stop at X number of tickets, and not enforce that law any further for the rest of the week or the rest of the month. Now, every one of us understands that a ticket can ruin your whole day. We don't like the law *[end of tape]* more importantly, if we think the law is unnecessary, unreasonable or unconstitutional it ought to be rescinded. My own feeling is that this law, in the positive sense meets all those tests. So, again, while we don't like getting tickets for any reason, enforcing laws in my opinion, benefits our community and in every sense benefits all of us. I hope that we keep that in mind, even though none of us ever wants to get a ticket. That completes this report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Councilwoman Stephens stated, "I have no substantive comments to make this evening, except that I am so glad that the baseball season is here. So in reflection to my colleague's comments, Go Tribe!"

REPORT OF THE MAYOR

Mayor Kelley stated, "There is no Mayor's Report tonight. We are adjourned at 8:40 p.m. By now the Cavalier's are probably up about 11 points in the middle of the second quarter - 22 would be good too, they're up ten. The next time we see you the Cavs will be finishing the second round of the playoffs, an opponent to be named. Our next meeting will be Monday, May 3, 2010. We're adjourned at 8:40 p.m."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/jh