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## **MEMORANDUM**

TO: Members of Council  
FROM: Tanisha R. Briley, City Manager  
DATE: April 29, 2016  
RE: May 2, 2016

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## **MEETINGS & REMINDERS**

Monday, May 2 - 6:15 p.m. - Committee of the Whole  
- 7:30 p.m. - City Council

Monday, May 16 - Financial Disclosure deadline for anyone serving in an elected office in 2015 or 2016. Filing can be done at [disclosure.ethics.ohio.gov](http://disclosure.ethics.ohio.gov).

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## **LEGISLATION**

1. Second reading - Legislation has been prepared for the water service agreement with the City of Cleveland.
  2. Second reading - Legislation has been prepared for Joint Dispatch.
  3. First reading - Legislation has been prepared for an agreement with SAFEbuilt.
  4. Legislation has been prepared to establish an Economic Development Advisory Committee.
  5. May is Bike Month. May 4 is Bike to School Day. May 20 is Bike to Work Day.
  6. May is National Preservation Month.
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## **GENERAL INFORMATION**

1. Enclosed are the Council Update and Agenda.
2. Enclosed is a Community Outreach update from the Vice City Manager.
3. Enclosed is an update from the Public Works Director.
4. Enclosed is the weekly water report from the Utilities Commissioner.
5. Enclosed is an update from the Planning and Development Director.
6. Enclosed is an update from the Housing Director.
7. Enclosed is an update from the Parks and Recreation Director.
8. Enclosed is the weekly activity report from the Fire Chief.
9. Enclosed is the weekly activity report from the Police Chief.
10. Enclosed is the weekly report from the Building Department.
11. Enclosed are minutes and an agenda for the Landmark Commission.
12. Enclosed is a letter regarding proposed GCRTA Service Cuts.
13. Enclosed are the Board of Zoning Appeals resolutions.
14. Enclosed are minutes from the April 18 Council meeting.

TRB/jkw  
Enclosures



## COUNCIL UPDATE

APRIL 29, 2016

### 1. LEGISLATION

- Transfer of Water Utility to Cleveland Water (Second Reading). This ordinance authorizes the transfer of water and water related services to Cleveland by way of execution of four documents: a Transition Agreement, a Restatement for the Water Service Agreement for Direct Service, an Asset Transfer Agreement, and a Municipal Utility District Agreement with the City of Cleveland.
- Joint Dispatch Agreement (Second Reading). This ordinance authorizes the City Manager to execute a regional Council of Governments (COG) agreement with cities of Cleveland Heights, Shaker Heights, South Euclid and University Heights to form the Heights-Hillcrest Communications Center (HHCC). The HHCC will establish and operate a joint Police, Fire, and Emergency Medical Services ("EMS") communications system for the dispatch of Police, Fire, and EMS services in and for the Cities. The COG agreement outlines the authority and responsibilities of the Board which oversee the operation of the HHCC. The HHCC will be open to other communities that may later join.
- Bike Month. This resolution proclaims (i) May 2016, Bike Month, (ii) May 4, 2016, *Bike to School Day*, and (iii) May 20, 2016, *Bike to Work Day*, in the City of Cleveland Heights.
- National Preservation Month. This resolution declares May 2016 National Preservation Month.
- \*Economic Development Advisory Committee. This legislation creates a special committee of Council, the Economic Development Advisory Committee, as authorized by Section 111.111 of the Cleveland Heights Codified Ordinances.
- \*SAFEbuilt (First Reading). This legislation authorizes the City Manager to enter into agreement with SAFEbuilt OHIO, LLC to provide building department services in accordance with state law. This is the first reading only. The draft

agreement is enclosed and will be substantively the same as the final version which is expected prior to the second reading.

\*This legislation has been added since the last Committee of the Whole meeting.

## **2. JOINT DISPATCH UPDATE**

- By way of update, the Shaker Heights City Council passed the Council of Governments (COG) agreement on Monday, April 25<sup>th</sup>. South Euclid's Safety Committee moved it out of committee with a recommendation for passage and the South Euclid City Council is expected to decide on the agreement at their May 9<sup>th</sup> meeting. University Heights' City Council tabled the matter after a second reading on April 18<sup>th</sup>. This action was followed by a public hearing that same evening. A second public hearing is scheduled for Monday, May 2<sup>nd</sup>.
- The County Shared Services Committee is expected to review our application for \$1 million in funding for the new center on May 11<sup>th</sup>.

## **3. CHECKS BETWEEN \$10,000 - \$50,000**

- Badger Meter, Inc. - \$11,997.93: M25 HRE w/Transponder
- City of Lyndhurst - \$17,000.00: 1999 Mack Truck Packer purchased from City of Lyndhurst

**PROFESSIONAL SERVICES AGREEMENT  
BETWEEN THE CITY OF CLEVELAND HEIGHTS  
AND SAFEbuilt OHIO, LLC**

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This Professional Services Agreement (“Agreement”), is entered into by and between the City of Cleveland Heights, (“Municipality”) and SAFEbuilt Ohio, LLC, (“Consultant”). The Municipality and the Consultant shall be jointly referred to as the “Parties”.

RECITALS

WHEREAS, the Municipality is seeking a consultant to perform services listed in Exhibit A – List of Services, (“Services”);

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Municipality and Consultant agree as follows:

1. SCOPE OF SERVICES

Consultant will provide “Services” to the Municipality using qualified professionals as directed by the Municipality. Consultant will perform services in accordance with State of Ohio adopted codes and Municipality adopted amendments and ordinances. The professionals employed by the Consultant will maintain current certifications, certificates, licenses as required by the State of Ohio for the services that they provide to the Municipality. Consultant is not obligated to perform services beyond what is contemplated by this Agreement. Consultant will perform work at a level of competency in accordance with industry standards.

2. CHANGES TO SCOPE OF SERVICES

Any changes to Services that are mutually agreed upon between the Municipality and Consultant shall be made in writing which shall specifically designate any changes in compensation for the Services and be made as a signed and fully executed amendment to the Agreement.

3. FEE STRUCTURE

In consideration of the Consultant providing services, the Municipality shall pay the Consultant for the Services performed in accordance with Exhibit B – Fee Schedule for Services.

4. INVOICE & PAYMENT STRUCTURE

Consultant will invoice the Municipality on a monthly basis and provide all supporting documentation. All payments are due to Consultant within 30 days of invoice date. The Municipality may request additional information before approving the invoice. When additional information is requested the Municipality will identify specific disputed item(s) and give specific reasons for any request. If additional information is requested, Municipality will submit payment within thirty (30) days of resolution of the dispute.

5. TERM

This Agreement shall be effective on the latest date on which the Agreement is fully executed by both Parties (“Effective Date”). Agreement shall have a tentative service start date of July 01, 2016, or an eight (8) week transition period after Agreement is executed; whichever is later. The initial term of this Agreement shall be three (3) years, subsequently, the Agreement shall automatically renew for a twelve (12) month term; unless prior notification is delivered to either party 120 days in advance of the renewal date of this agreement. In the absence of written documentation, this Agreement will continue in force until such time as either party notifies the other of their desire to terminate this Agreement.

6. TERMINATION

Twelve (12) months after the Effective Date, Municipality shall have the right to termination with or without cause with 120 days' notice. In case of such termination, Consultant shall be entitled to receive payment for work completed up to and including the date of termination within 30 days of the termination.

All structures that have had inspections made but are not completed at the time of termination may be completed through final inspection at the agreed fee rate if the Municipality so requests and if the Consultant agrees to do so, provided that the work to reach such completion and finalization does not exceed 90 days.

7. FISCAL NON-APPROPRIATION CLAUSE

Financial obligations of the Municipality payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available in accordance with the rules, regulations, and resolutions of Municipality, and other applicable law. Upon the failure to appropriate such funds, this Agreement shall be terminated.

8. MUNICIPALITY OBLIGATIONS

The Municipality shall timely provide all data information, plans, specifications and other documentation required by Consultant to perform Services.

9. PERFORMANCE STANDARDS

Consultant shall use that degree of care, skill, and professionalism ordinarily exercised under similar circumstances by members of the same profession practicing or performing the substantially same or similar services. Consultant represents to the Municipality and retains employees that possess the skills, knowledge, and abilities to competently, timely, and professionally perform the Services in accordance with this Agreement.

10. INDEMNIFICATION

To the fullest extent permitted by law, Consultant shall be liable for and shall defend, save, indemnify, and hold harmless the Municipality, its elected and appointed officials, employees and volunteers and others working on behalf of the Municipality, from and against any and all claims, demands, suits, costs (including reasonable legal costs), expenses, and liabilities by reason of personal injury, including bodily injury or death and/or property damage to the extent that any such injury, loss or damage is caused by the negligence or breach of duty of Consultant or any officer, employee, representative, or agent of Consultant.

11. ASSIGNMENT

Neither party shall assign all or part of the rights, duties, obligations, responsibilities, nor benefits set forth in this Agreement to another entity without written approval of both parties; consent shall not be unreasonably withheld. Consultant is permitted to subcontract portions of the services to be provided. Consultant remains responsible for any subcontractor's performance. Subcontractors will be subject to the same performance criteria expected of Consultant. Performances clauses will be included in agreements with all subcontractors to assure quality levels and agreed upon schedules are met.

12. INSURANCE

- A. Consultant agrees to procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands, and other obligations assumed by the Consultant pursuant to this Agreement. Such insurance shall be in addition to any other insurance requirements imposed by law.
- B. At a minimum, the Consultant shall procure and maintain, and shall cause any subcontractor of the Consultant to procure and maintain, the minimum insurance coverage's listed below. Such coverage's shall be procured and maintained with forms and insurers acceptable to the Municipality. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.

- C. Worker's compensation insurance to cover obligations imposed by applicable law for any employee engaged in the performance of work under this Agreement, and Employer's Liability insurance with minimum limits of two million dollars (\$2,000,000) bodily injury each accident, two million dollars (\$2,000,000) bodily injury by disease – policy limit, and two million dollars (\$2,000,000) bodily injury by disease – each employee. Evidence of qualified self-insured status may be substituted for the worker's compensation requirements of this paragraph.
- D. Commercial general liability insurance with minimum combined single limits of one million dollars (\$1,000,000) each occurrence and two million dollars (\$2,000,000) general aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage, personal injury (including coverage for contractual and employee acts), blanket contractual, independent Consultant's, products, and completed operations. The policy shall contain a severability of interest provision, and shall be endorsed to include the Municipality and the Municipality's officers, employees, and consultants as additional insureds. No additional insured endorsement shall contain any exclusion for bodily injury or property damage arising from completed operations.
- E. Professional liability insurance with minimum limits of five million dollars (\$5,000,000) each claim and five million dollars (\$5,000,000) general aggregate.
- F. The Municipality shall be named as an additional insured on Consultant's insurance coverage.
- G. Prior to commencement of the Services, Consultant shall submit certificates of insurance acceptable to the Municipality.

13. INDEPENDENT CONTRACTOR

The Consultant is an independent contractor, and neither the Consultant, nor any employee or agent thereof, shall be deemed for any reason to be an employee or agent of the Municipality. As the Consultant is an independent contractor, the Municipality shall have no liability or responsibility for any direct payment of any salaries, wages, payroll taxes, or any and all other forms or types of compensation or benefits to any personnel performing services for the Municipality under this Agreement. The Consultant shall be solely responsible for all compensation, benefits, insurance and employment-related rights of any person providing Services hereunder during the course of or arising or accruing as a result of any employment, whether past or present, with the Consultant, as well as all legal costs including attorney's fees incurred in the defense of any conflict or legal action resulting from such employment or related to the corporate amenities of such employment.

14. THIRD PARTY RELIANCE

This Agreement is intended for the mutual benefit of the parties hereto and no third party rights are intended or implied.

15. OWNERSHIP OF DOCUMENTS

The Municipality shall retain ownership of all work product and deliverables created by Consultant pursuant to this Agreement. All records, documents, notes, data and other materials required for or resulting from the performance of the Services hereunder shall not be used by the Consultant for any purpose other than the performance of the Services hereunder without the express prior written consent of the Municipality. All such records, documents, notes, data and other materials shall become the exclusive property of the Municipality when the Consultant has been compensated for the same as set forth herein, and the Municipality shall thereafter retain sole and exclusive rights to receive and use such materials in such manner and for such purposes as determined by it. If this Agreement expires or is terminated for any reason, all records, documents, notes, data and other materials maintained or stored in Consultant's secure proprietary software pertaining to the Municipality will be exported into a CSV file and become property of the Municipality.

The Municipality and its duly authorized representatives shall have access to any books, documents, papers and records of the Consultant that are related to this Agreement for the purposes of audit or examination, other than the Consultant's financial records, and may make excerpts and transcriptions of the same.

Consultant acknowledges that it and the Municipality are subject to the Ohio Public Records Act concerning all services provided pursuant to this Agreement and further acknowledges that it may be required under that Act to respond to public records request.

16. SEVERABILITY

If any part of this Agreement shall be held to be invalid for any reason, the remainder of this Agreement shall be valid to the fullest extent permitted by law.

17. DISCRIMINATION & ADA COMPLIANCE

Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, disability, national origin, sexual orientation, or gender identity or expression. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity laws.

Consultant shall comply with the appropriate provisions of the Americans with Disabilities Act (the "ADA"), as enacted and as from time to time amended, and any other applicable federal regulations. A signed certificate confirming compliance with the ADA may be requested by the Municipality at any time during the term of this Agreement.

18. PROHIBITION AGAINST EMPLOYING ILLEGAL ALIENS:

Consultant shall not knowingly employ or contract with an illegal alien to perform work under this Agreement and will verify immigration status to confirm employment eligibility. Consultant shall not enter into an agreement with a subcontractor that fails to certify to the Consultant that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement. Consultant is prohibited from using the program or the Department program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

Consultant is registered with and is authorized to use and uses the federal work authorization program commonly known as E-Verify. Consultant's federal work authorization user identification number is 254821; authorization date of September 23, 2009.

19. SOLICITATION/HIRING OF CONSULTANT'S EMPLOYEES

During the term of this Agreement and for one year thereafter, Municipality shall not solicit, recruit or hire, or attempt to solicit, recruit or hire, any employee or former employee of Consultant who provided services to Municipality pursuant to this Agreement ("Service Providers"), or who interacted with Municipality in connection with the provision of such services (including but not limited to supervisors or managers of Service Providers, customer relations personnel, accounting personnel, and other support personnel of Consultant). The parties agree that this provision is reasonable and necessary in order to preserve and protect Consultant's trade secrets and other confidential information, its investment in the training of its employees, the stability of its workforce, and its ability to provide competitive building department programs in this market. If any provision of this section is found by a court or arbitrator to be overly broad, unreasonable in scope or otherwise unenforceable, the parties agree that such court or arbitrator shall modify such provision to the minimum extent necessary to render this section enforceable.

20. NOTICES

Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail, addressed as follows:

If to the Municipality: Tanisha Briley, City Manager City of Cleveland Heights 40 Severance Circle Cleveland Heights, OH 44118 Email: <a href="mailto:tbriley@clvhts.com">tbriley@clvhts.com</a>	If to the Consultant: Greg Toth, President SAFEbuilt, LLC 3755 Precision Drive, Suite 140 Loveland, CO 80538 Email: <a href="mailto:gtoth@safebuilt.com">gtoth@safebuilt.com</a>
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21. DISPUTE RESOLUTION

In the event a dispute arises out of or relates to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by mediation, before resorting to arbitration, litigation, or some other dispute resolution procedure.

22. GOVERNING LAW

This Agreement shall be construed under and governed by the laws of the State of Ohio and all services to be provided will be provided in accordance with applicable federal, state and local law. This Agreement constitutes the complete, entire and final agreement of the parties hereto with respect to the subject matter hereof, and shall supersede any and all previous communications, representations, whether oral or written, with respect to the subject matter hereof.

23. COUNTERPARTS

This Agreement and any amendments may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. For purposes of executing this Agreement, scanned signatures shall be as valid as the original.

This Agreement, along with attached exhibits, constitutes the complete, entire and final agreement of the parties hereto with respect to the subject matter hereof, and shall supersede any and all previous communications, representations, whether oral or written, with respect to the subject matter hereof. Invalidation of any of the provisions of this Agreement or any paragraph sentence, clause, phrase, or word herein or the application thereof in any given circumstance shall not affect the validity of any other provision of this Agreement.

IN WITNESS HEREOF, the undersigned have caused this Agreement to be executed in their respective names on the dates hereinafter enumerated.

City of Cleveland Heights, Ohio

SAFEbuilt Ohio, LLC

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## EXHIBIT A – LIST OF SERVICES

### 1. LIST OF SERVICES

#### Public Record Request Services

Consultant acknowledges that it and the Municipality are subject to the Ohio Public Records Act concerning all services provided pursuant to this Agreement and further acknowledges that it may be required under that Act to respond to public records request.

#### Building Official Services

- ✓ Provide a dedicated Building Official; in Cleveland Heights eight (8) hours a day – five (5) days a week, Monday through Friday, excluding Municipal holidays
- ✓ Manage and help administer the department and report to the Municipalities designated official
- ✓ Be a resource for Consultant team members, Municipal staff, and applicants
- ✓ Help guide citizens through the complexities of the codes in order to obtain compliance
- ✓ Monitor changes to the codes including state or local requirements and determine how they may impact projects in the area
- ✓ Oversee our quality assurance program and will make sure that we are meeting our agreed upon performance measurements and your expectations
- ✓ Provide training for our inspectors on Municipality adopted codes and local amendments as needed
- ✓ Make recommendations regarding local amendments
- ✓ Coordinate with other Municipal departments
- ✓ Oversee certificate of occupancy issuance to prevent issuance without code compliance of all applicable departments/divisions
- ✓ Attend staff and council meetings as mutually agreed upon
- ✓ Responsible for reporting for the Municipality – frequency and content to be mutually agreed upon
- ✓ Responsible for required reporting to the State of Ohio
- ✓ Responsible for client and applicant satisfaction
- ✓ Work with Municipal staff to establish and/or refine building department processes
- ✓ Provide Building Code interpretations for final approval
- ✓ Be the main point of contact from Consultant for the Municipality

#### Building, Plumbing, Mechanical and Electrical Inspection Services

Our inspection staff recognize that an educational, informative approach is the most effective way to improve the customer's experience.

- ✓ Perform consistent code compliant inspections to determine that construction complies with approved plans and/or applicable codes and ordinances
- ✓ Enter results of inspections into the Municipalities permitting system - Franklin
- ✓ Meet or exceed agreed upon performance metrics regarding inspections
- ✓ Provide onsite inspection consultations to citizens and contractors while performing inspections
- ✓ Return calls and emails from permit holders in reference to code and inspection concerns
- ✓ Identify and document any areas of non-compliance
- ✓ Leave a copy of the inspection ticket
- ✓ Discuss inspection results with site personnel

### Professional Plan Review Services

- ✓ Provide plan review services electronically or in the traditional paper format
- ✓ Review all plans, ensuring they meet adopted building codes and local amendments and/or ordinances
- ✓ Be a resource to applicants on submittal requirements and be available throughout the process
- ✓ Work with other departments on the concurrent review process
- ✓ Be available for pre-submittal meetings as warranted
- ✓ Be a resource for team members and provide support to field inspectors as questions arise in the field
- ✓ Determine type of construction, use, and occupancy classification and determine plans comply with applicable codes and ordinances using State of Ohio certified plans examiner
- ✓ Coordinate plan review tracking, reporting, and interaction with applicable departments
- ✓ Provide feedback to keep plan review process on schedule
- ✓ Interpret legal requirements and recommend compliance procedures as well as address any issues by documented comment and correction notices
- ✓ Return a set of finalized plans and all supporting documentation
- ✓ Provide ongoing support including review of all plans/plan revisions and be available to the applicant after the review is complete

### Permit Technician / Administrative Services

- ✓ Provide qualified individual to perform the functions of this position
- ✓ Facilitate the permitting process from initial permit intake to final issuance of permit
- ✓ Answer questions at the counter or over the phone as needed
- ✓ Determine and collect fees, if so desired
- ✓ Ensure that submittal documents are complete
- ✓ Administer the contractor registration program
- ✓ Work with the City to facilitate public records requests
- ✓ Provide inspection scheduling and tracking to ensure code compliance
- ✓ Provide input, tracking and reporting utilizing Municipality software – Franklin Systems

### Reporting Services

We will work to develop a reporting schedule and format that meets your needs. We anticipate providing weekly, quarterly, and annual reports summarizing activity levels; adherence to our performance metrics; and other items that are of special interest to you.

### Other Services

We will provide the opportunity for two open houses to educate the public and the building community about the services being provided and the SAFEbuilt approach. One open house during transition and one within first two months of service start date.

We will work in concert and partnership with Home Repair Resource Center to put on one Homeowner Workshop per contract year.

## 2. MUNICIPAL OBLIGATIONS

- ✓ Office space, desk, desk chairs, file cabinets, local phone service, internet, use of photocopier and fax machine
- ✓ Franklin permitting system – SAFEbuilt will evaluate this system and recommend upgrades to City Manager during transition period and on an ongoing basis.

3. TIME OF PERFORMANCE

Consultant will perform Services commencing upon execution of the agreement.

- ✓ Building Department will be staffed by SAFEbuilt and will be open whenever City Hall is open
  - 8:30 am to 5:00 pm, Monday through Friday excluding Municipal Holidays

Deliverables			
<b>INSPECTION SERVICES</b>	Perform 100% of inspections called in by 4:00pm the next business day		
<b>TWO HOUR INSPECTION WINDOW</b>	We will provide, upon request, a two hour window of time that the permit holder can expect to have their inspection performed		
<b>MOBILE RESULTING</b>	Provide our inspectors with field devices to enter results immediately if the Franklin System can provide this capability		
<b>PRE-SUBMITTAL MEETINGS</b>	Provide pre-submittal meetings to applicants		
<b>PLAN REVIEW TURNAROUND TIMES</b>	Provide comments within the following timeframes 100% of the time:		
	<u>Project Type:</u>	<u>First Comments</u>	<u>Second Comments</u>
	✓ Single-family within	5 business days	3 business days or less
	✓ Multi-family within	10 business days	5 business days or less
	✓ Small commercial within (under \$5M in valuation)	10 business days	5 business days or less
	✓ Large commercial within	15 business days	10 business days or less
<b>APPLICANT SATISFACTION</b>	Put a survey in place that allows applicants to provide feedback on their experience throughout the process. We will survey all applicants.		

## EXHIBIT B – FEE SCHEDULE FOR SERVICES

### 1. FEE STRUCTURE

The fees will apply as follows and will be collected outside the Building Department in the Accounting office as is the current practice.

<b>Existing Permits</b>	
Inspections	\$48.00 per inspection
Plan Review Revisions to Previously Approved Plans	\$80.00 per hour – one (1) hour minimum
<b>Ongoing/Building Department Services</b>	
Plans Examination Fee	71% of City of Cleveland Heights Fee (\$80.00 per hour)
Work Without a Permit Fee	71% of City of Cleveland Heights Fee
Re-Inspection Fee	71% of City of Cleveland Heights Fee
Building Permit Fee	71% of City of Cleveland Heights Fee
Electrical Permit Fee	71% of City of Cleveland Heights Fee
Plumbing Permit Fee	71% of City of Cleveland Heights Fee
Heating Permit Fee	71% of City of Cleveland Heights Fee
Ventilating Permit Fee	71% of City of Cleveland Heights Fee
Interior Alteration Fee	71% of City of Cleveland Heights Fee
Demolition Fee	71% of City of Cleveland Heights Fee
Other Alteration Fee	71% of City of Cleveland Heights Fee
Swimming Pool Fee	71% of City of Cleveland Heights Fee
Commercial Refrigeration/Air Conditioner Fee	71% of City of Cleveland Heights Fee
Central Unit Residential Air Conditioner Fee	71% of City of Cleveland Heights Fee
Plumbing Alteration Fee	71% of City of Cleveland Heights Fee
Electrical Alteration Fee	71% of City of Cleveland Heights Fee
Heating/Ventilation Alteration Fee	71% of City of Cleveland Heights Fee
Contractor Licensing/Registration Fee	71% of City of Cleveland Heights Fee
Large Project Fee – over \$10M in valuation	68% of City of Cleveland Heights Fee
City Owned Project Fee	50% of City of Cleveland Heights Fee

### 2. INVOICE & PAYMENT STRUCTURE

Consultant will invoice the Municipality on a monthly basis and provide all supporting documentation. All payments are due to Consultant within 30 days of invoice date. The Municipality may request additional information before approving the invoice. When additional information is requested the Municipality will identify specific disputed item(s) and give specific reasons for any request. If additional information is requested, Municipality will submit payment within thirty (30) days of resolution of the dispute.



# CLEVELAND HEIGHTS

## **Committee of the Whole**

**May 2, 2016**

### **Agenda**

1. Mayor's Update
2. Staff Updates
3. Legislation Overview
4. Executive Sessions: 1) To discuss, with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim; 2) To consider the appointment of a public official

**TO: TANISHA R. BRILEY, CITY MANAGER**

**FROM: SUSANNA NIERMANN O'NEIL, ASSISTANT CITY MANAGER**

**RE: COMMUNITY OUTREACH UPDATE**

**DATE: APRIL 29, 2016**

**COMMUNITY RELATIONS:**

- Staff attended the Howard Hanna weekly staff meeting and discussed the coordination of our Relocation materials that they mail to clients and also have available at Sunday open houses. The agents were very positive about the strength of our housing market both rising prices and demand. There will be a realtor update meeting scheduled for the Fall with all agents who work in our community.
- Reminder – The Library's 100<sup>th</sup> Birthday celebration is Sunday May 1<sup>st</sup> at 2:00pm at the Coventry Library. Library staff let us know that the entire event will be inside and the time capsule will be buried at a later day. The weather is the cause for changing the agenda.
- Staff provided the Monticello Middle School principal and 8<sup>th</sup> grade English teachers with the Memorial Day essay contest information. The topic is "As an American , what does Memorial Day mean to you?". Only Monticello students are eligible for the contest as an acknowledgment to the Noble/Oxford neighborhoods that held the Memorial Day celebration at Denison in years past.
- The Arbor Day ceremony was held today at Noble Library. The Library staff planted the tree with the assistance of our Forestry crew. The photos of the event are posted on the City's Facebook page.

**PUBLIC RELATIONS:**

- Staff will be working with the Cedar Lee SID and Public Works to create a website page regarding the Cedar Lee Streetscape. The project is scheduled to begin mid-May. Weekly updates will also be posted and we will make use of email blasts. Materials will be provided for the merchants to post notices on their businesses that explain the progress of the streetscape.
- An explanation regarding the Mayfield Road signalization project will be posted on the website Monday.



# MEMORANDUM

**TO:** Tanisha Briley-City Manager  
**FROM:** Alex Mannarino-Public Works Director  
**DATE:** April 29, 2016  
**RE:** Weekly Update

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## **Lee Road Streetscape**

Our team along with members from GPD, S.E.T., Inc., Cleveland Heights Police attended a public information meeting at the Lee Road Library yesterday at 3:30. We addressed business owner concerns, and assured them that we will do everything within our powers to minimize business and pedestrian impact, and to ensure that this project goes as seamlessly as possible.

Construction is tentatively scheduled to begin the second week of May.

## **Construction Project Updates**

### **2016 Traffic Signal Reconstruction**

Greenwich electric has been working on the signal at Lee Road and North Park Boulevard. There have been no setbacks with the job.

### **Mayfield Signalization**

Our office has been fielding inquiries from residents about the traffic signals that have been put on flash as part of the Mayfield signal warrant study. We have put together a fact sheet about the project to better inform the public. **PLEASE SEE ATTACHED**

### **Blanche Avenue Waterline**

Terrace construction has finished the installation of the water main. The line needs to be pressurized and chlorinated before the residential connections can be made.

### **Dominion East Ohio**

Restoration work continued for the following projects:

- 1256 Fairmount Boulevard
- 1270 Euclid Heights Boulevard

Construction on projects 1591 and 1589 continue without any further complications.

## **Service Department**

The Forestry Department is planting a tree at Noble Road Library today in honor of National Arbor Day.

All other public works operations continued as normal.

## **Mayfield Road Signalization Project Fact Sheet**

### **Background**

The Mayfield Road Signalization Project involves all of the signalized intersections along the Mayfield Road corridor between Kenilworth Road and Warrensville Center Road. The City has been awarded funding in the amount of \$3,084,770 for the reconstruction of the traffic signals, including new signal supports, vehicular and pedestrian signal heads, pedestrian pushbuttons, emergency preemption, video detection, and fiber optic interconnectivity. New curb ramps conforming to ADA standards will also be constructed at each of the project intersections.

The new signal equipment will provide better vehicle progression through the corridor and reduce overall intersection delays. In order for the funding to be applied to the project, the Ohio Department of Transportation (ODOT) requires a traffic signal warrant analysis be performed to ensure all of the existing signals are warranted and eligible for the project funding.

### **Warrant Analysis**

A traffic signal warrant analysis was performed for the signalized intersections along the corridor. The results of the analysis found that four (4) of the existing traffic signals were not warranted. The following intersections did not meet warrant status:

1. Mayfield Road/Eddington Road
2. Mayfield Road/Ivydale Road
3. Mayfield Road/Cleveland Heights Boulevard
4. Mayfield Road/Middleton Road/Ardoon Street

It was determined during the study that both the Mayfield Road/Ivydale Road and Mayfield Road/Middleton Road/Ardoon Street intersections were located in close proximity to local schools. Manual traffic counts recording both vehicles and pedestrians were conducted several times to obtain accurate data for the study. Although the intersections provide established school crossings, neither intersection satisfied the minimum thresholds for the number of schoolchildren utilizing the crossings to warrant a traffic signal.

It was determined that the Mayfield Road/Eddington Road intersection had an inadequate sight distance issue, and as a result the signal was proposed for replacement.

### **Signal Removal Study/90-Day Flash Operation**

The traffic signal removal process requires that unwarranted signals be placed on flash for a period of 90 days in order to evaluate operations under an alternative traffic control

scheme. All of the above signals (except Mayfield Road/Eddington Road) are currently in their 90 day flash observation period. Signs have been erected at the Mayfield Road/Cleveland Heights Boulevard and Mayfield Road/Middleton Road/Ardoon Street intersections directing pedestrians to the next closest crosswalk.

Further analysis for the three (3) remaining intersections will be performed once the 90 day flash period concludes, and the final recommendations for signal removal or retention will be determined.

Date: April 29, 2016

To: Tanisha Briley, City Manager

From: Collette Clinkscale, Utilities Commissioner

Subject: Water and Sewer Department Weekly Update

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#### Water

- Repaired broken water main at 2840 Washington
- Made water tap at new construction 2593 Fairmount
- Replaced service line at 2870 Corydon
- Investigated Coventry area for leaks
- Repaired tree lawns on Fairmount, Overlook, Selwyn and Compton Roads
- Turned off 95 accounts for delinquency
- Marked water mains and service connections on Lee Road
- Marked water lines for Dominion in the Hampshire area
- Working with contractors on temporary water hook ups at Cleveland Heights High School construction site.
- Leak survey in progress

#### Sewer

- Ran sewer machine on Bradford, Euclid Heights Blvd., Meadowbrook, Hampsted, Bendemere, Janette, and Washington Roads
- Flushed sanitary main on Kirkwood
- Saw cut and poured concrete in road holes on Superior, Washington, and Lee Roads
- Installed trench drain at Cain Park
- Replaced catch basin at Derbyshire and Norfolk Roads (Publicstuff complaint)
- Flushed boxes for turn offs
- Checked overflows

#### Other

- Attended sewer-related meeting

## MEMORANDUM

**To: Tanisha Briley, City Manager**

**From: Richard Wong, Director of Planning and Development**

**Date: April 29, 2016**

**Subject: Weekly Update**

### **Landmark Commission**

Next week, members review Westlake Reed Leskosky architects' plans for restoration of the Garfield Monument in Lake View Cemetery. A multi-phased project has started with basement structural repairs and tuckpointing. Approval is sought for masonry cleaning, tuckpointing, rebuilding stone around the terrace and new roofing. A special on-site meeting occurred last week for Cleveland Heights Landmark Commission and Cleveland Landmarks Commission members as the Monument was built right on the border.



### **May Planning Commission Cancelled**

The May 11 meeting was cancelled for lack of submissions.



### **2420 Derbyshire Road**

Many questions have been fielded from prospective buyers about this foreclosed and neglected but distinctively designed house. Cleveland Restoration Society staff have encouraged its preservation. Landmark Commission is again discussing an ordinance that requires a review before a demo permit can be issued. We will look into the implications of this from a staffing perspective.

### **Transportation Advisory Committee and RTA**

RTA's proposed service cuts and fare hikes were discussed at-length. Kathy Petrey prepared a clear-sighted letter for City Council outlining disparities such as needing to take two buses to go from Cleveland Heights to downtown. The letter (presently still being edited) will be transmitted from the TAC to City Council by Mary Dunbar. RTA's Board was to make a decision at their 9:00 AM meeting on Tuesday, May 10 but that will be delayed until a June 7 Board meeting so that a Waterfront Line service cut can receive public input on May 16 at noon.



Co-Chair Howard Maier had a great suggestion to put a story about the Mayfield Road signal project on the City's website. Alex's weekly will include such information that will be adapted for such a purpose.

### **Black Box Fix's Eric Rogers' Next Project**

Pleased with the success at Lee and Silsby, he's planning to take on another venture down the street at the space that had been Joey's. This will be in his words "an entrée- spirits- and entertainment- driven concept" which should allow his creativity and cooking skills to be more fully appreciated.



# MEMORANDUM

TO: Housing Staff  
FROM: Rick Wagner, Housing Director  
Date: April 29, 2016  
RE: Housing Update

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## Lead – Safe

We met with the Board of Health for an update on the progress of our new contract. Our contract calls for the completion of 48 units by November, 2018. We currently have 12 projects in process, well ahead of the benchmarks established by the Board of Health.

We will also use our enforcement tools to partner with the Board of Health to force compliance on properties with identified elevated blood levels that do not respond to the Board of Health's initial efforts to work with the property owner. Allan Butler sat in with me to be brought up to speed and continue this worthwhile partnership.

John Soboleski of the Board of Health has offered to attend a Council Meeting to update members on the program as well as their effort to seek funding on the next N.O.F.F A., if they desire.

# Memorandum

To: Tanisha Briley, City Manager

From: Joseph P. McRae, Parks and Recreation Director

Subject: Parks and Recreation Department Update

Date: April 29, 2016

Please find a brief summary of the Parks and Recreation Department announcements and activities attached for your review:

## General Announcements

- Summer recreation programs registration begins Monday, May 2.
- Cain Park summer rehearsals in the Senior Center start Monday, May 2.
- The Red Cross will hold a blood drive on Monday, May 2 in the South Atrium from 2-7 pm.
- Congresswoman Marcia Fudge will hold a meeting in the Senior Center on Thursday, May 5 from 12-4 pm.

## Ice Programs

- The Spring Ice Show, *Viva Las Vegas*, will take place on Saturday, May 7 at 7pm and Sunday, May 8 at 2pm. See flyer attached.

## Sports Programs

- Rec Youth Baseball/Softball practices start on Monday, May 2. A total of 30 teams are participating in 9 divisions.
- The Adult Coed Softball League began season play Monday, April 25. Games are played Monday evenings at the Larry Shaw Softball Complex on fields #5, #6 and #7 in Forest Hill Park. The Coed League has 15 teams broken down into three 5-team divisions (D-I, D-II and D-III).
- Men's Softball League began season play Wednesday, April 27. Games are played Wednesday and Friday evenings at the Larry Shaw Softball Complex on Fields #5 and #6 in Forest Hill Park. The Men's League has 9 teams playing in one division.

## Senior Activity Center

Activities included:

- Heights Library taught a computer class, Windows 2
- CHPD held its monthly session of Senior Safety
- AARP held its monthly meeting

- 10 seniors traveled on the senior center van to attend the Friday morning concert series at Severance Hall
- Artists taking classes at the senior center hung a new display of original work on the senior center walls

The Pavilion Skating Club &  
The City of Cleveland Heights  
Presents:

# VIVA LAS VEGAS

Spring Ice Show

at the Cleveland Heights Community Center

Saturday, May 7th-7:00 pm

Sunday, May 8th-2:00 pm

**Featuring**

US Championships

Competitor

Katie McBeath

**Admission:** \$10 for Adults

\$5 for Seniors and children 10 & under,

Free for children 2 & under

On-Ice Tables start at \$100 (seats 6)

*quantities limited*





# Cleveland Heights Fire Department

## Weekly Activity Report

Total Emergency Calls Year To Date	1,962
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Total Emergency Calls for Period	94
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Report Date Period: 04/22/2016 - 04/29/2016

### Fire Data

	<u>Current Period</u>	<u>Year to Date</u>	<u>Last Year to Date</u>	<u>Current Year % of Run Count</u>
Emergency Fire Run Count	16	365	388	19.22 %
Emergency Structure Fire Count	1	20	27	
Emergency Non Structure Fire Count	14	337	357	
Emergency Vehicle Fire Count	1	8	4	

### Emergency Medical Data

Total Emergency Run Count	78	1,597	1,544	80.78 %
Emergency Medical Run Count	74	1,545	1,486	
Automobile Accident Run Count	4	52	58	
Advanced Life Support Run Count	30	430	447	
Basic Life Support Run Count	47	1,161	1,079	
Total EMS Transports	59	1,055	1,007	
Total EMS Non Transports	14	473	473	

## Mutual Aid Run Count to Date

<b>Mutual aid received</b>	SEFD A - 15 SHFD A - 17 ECFD A - 8 UHFD A - 10
<b>Mutual aid given</b>	SEFD A - 10 SHFD A - 9 ECFD A - 6 UHFD A - 4
<b>Automatic aid received</b>	SEFD A - 1 SHFD A - 7 ECFD A - 0 UHFD A - 2
<b>Automatic aid given</b>	SEFD A - 0 SHFD A - 2 ECFD A - 0 UHFD A - 5

<u><b>Fire Prevention Bureau</b></u>	<u><b>Current Period</b></u>	<u><b>Year to Date</b></u>
Total Completed Fire Inspections	29	201
Company Fire Inspections	1	7
Fire Prevention Fire Inspections	2	27
Fire Alarm Test Inspections		1
Kitchen Supression Test Inspections		6
Sprinkler Test Inspections		1
Other Inspections	26	159
Smoke Detectors Distributed	8	53

# Fire Prevention Public Education

Date of Activity

Hours of Activity

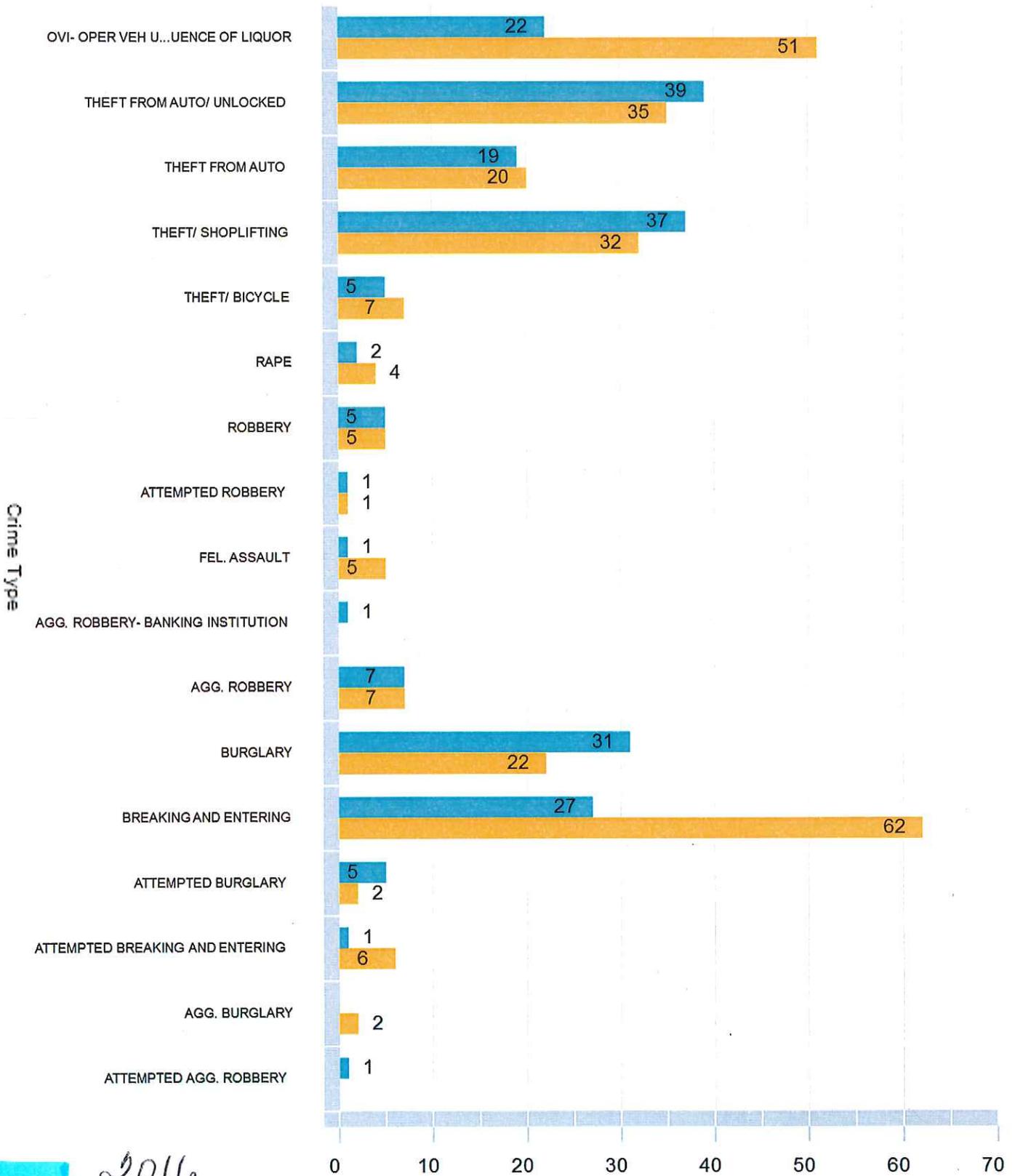
04/23/2016

2.00

The Welcome Hub who is the group that assists the Nepalese refugees with citizenship and learning english was requested a fire safety talk at the Noble Road Library. 9 people attended the fire safety talk. The following topics were covered during the class: dangers of smoking, using space heaters appropriately, extention cord and power strip use, kitchen safety and what to do in the event of a grease fire. Stop drop and roll, smoke detectors and CO detectors. I also made a blank demographic sheet that they would take home and fill out for each one of their family members. This information would then be given to EMS to help facilitate communication. There was an interpreter present and she was very helpful in filling in the details. There are many cultural differences and the group had many questions. The class was very productive and information was given to the group to talk home and teach their children.

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Dashboard Tab



 2016  
 2015

Friday, January 01, 2016 to Thursday, April 28, 2016 COMPARED TO Thursday, January 01, 2015 to Tuesday, April 28, 2015

# MEMO



**To:** Tanisha Briley, City Manager  
**From:** Randi Ferritto, Administrative Assistant  
**Subject:** Weekly Report - Building Department - New Submissions  
**Date:** April 29, 2016

We had a total of 22 Commercial/Residential Building permits issued this past week. There were 38 additional permits issued consisting of Apron/Driveway/Sidewalk, Electrical, Plumbing, Mechanical & Sign Permits, a total of 60 Permits.

The following is a list of the substantial Commercial/Residential Plan Reviews for the past week:

<u>ADDRESS</u>	<u>OWNER</u>	<u>TYPE OF PROJECT</u>
3077 Mayfield Road	Motorcars Mobility	Fire Suppression

Attached is a copy of the Building Department's weekly report. It details department activity from April 22, 2016 through April 28, 2016. It compares the same week recorded during the last 2 years. Also included are Permit Statistics for April 22, 2015 through April 28, 2015, April 22, 2014 through April 28, 2014 and the cumulative year to date totals, with a list of the Commercial/Residential activity for the past week as well.

The Building Department had 17 Contractors register totaling \$2800.00 in fees.

*rf*

**PERMITS ISSUED & ESTIMATED VALUATION OF CONSTRUCTION**

*4-22-14 --4-28-14, 4-22-15 --4-28-15 and 4-22-16 -- 4-28-16 AND A COMPARISON OF YEAR TO DATE TOTALS.*

PERMITS	2014	2015	2016	2014		YEAR TO DATE		
				INCREASE(+)	DECREASE(-)	2014	2015	2016
BUILDING (RESIDENTIAL)	26	34	21	- 13		214	218	222
BUILDING (COMMERCIAL)	3	3	1	- 2		27	33	28
PLUMBING	10	14	13	- 1		137	131	154
ELECTRICAL	9	9	5	- 4		145	119	123
MECHANICAL	8	6	6	0		132	112	120
ASPHALT/CONCRETE	19	13	14	+ 1		77	61	91
BILLIARDS	0	0	0	0		0	0	0
GAME MACHINE	0	0	0	0		15	3	2
CERTIFICATE OF USE	0	0	0	0		6	8	11
LINK DEPOSIT	0	0	0	0		8	19	0
MISCELLANEOUS	0	0	0	0		0	2	4
SIGN PERMIT	1	3	0	- 3		16	11	9
<b>TOTAL:</b>	<b>76</b>	<b>82</b>	<b>60</b>	<b>- 22</b>		<b>777</b>	<b>717</b>	<b>764</b>

**ESTIMATED VALUATION OF CONSTRUCTION**

TYPE OF CONSTRUCTION	2014	2015	2016	2014		YEAR TO DATE		
				INCREASE(+)	DECREASE(-)	2014	2015	2016
<b>RESIDENTIAL</b>								
BUILDING PERMIT	\$ 563,025	\$ 262,813	\$ 122,718	-\$ 140,095		\$4,117,205	\$2,857,120	\$2,884,183
<b>COMMERCIAL</b>								
BUILDING PERMITS	\$ 113,500	\$ 19,975	\$ 50,000	+\$ 30,025		\$1,596,117	\$1,265,525	\$3,087,519
<b>TOTAL:</b>	<b>\$ 676,525</b>	<b>\$ 282,788</b>	<b>\$ 172,718</b>	<b>-\$ 110,070</b>		<b>\$5,713,322</b>	<b>\$4,122,645</b>	<b>\$5,971,702</b>

rf

CLEVELAND HEIGHTS  
**COMMERCIAL PERMIT REPORT**

PRNTRES  
 04/29/2016  
 10:51 AM

TYPE: BUILDING PERMIT

04/22/2016 TO 04/28/2016

PERMIT # APP # PROJECT	PERMIT DT	ADDRESS OWNER	WORK DESCRIPTION CONTRACTOR DBA	ESTIMATED COST	STATUS	FEEES SQ FT
2016006971B 154206 TEAR/REROOF	4/27/2016	1823 LEE RD BEHNAMIE, BEN	TEAR/REROOF MCNULTY ROOFING CO.	\$50,000	OPEN	0.00  0
PERMIT COUNT = 1			TOTAL EST. COST =	\$50,000	TOT FEES =	\$0.00

CLEVELAND HEIGHTS  
**RESIDENTIAL PERMITS REPORT**

PRNTRES  
 04/29/2016  
 10:52 AM

TYPE: BUILDING PERMIT

04/22/2016 TO 04/28/2016

PERMIT # APP # PROJECT	PERMIT DT	ADDRESS OWNER	WORK DESCRIPTION CONTRACTOR DBA	ESTIMATED COST	STATUS	FEEES SQ FT
2016040801B 154172 DECK	4/25/2016	3583 WASHINGTON BLVD MAJIED, HAAD	DECK NORTHEAST OHIO FENCE & DECK, INC.	\$3,500	OPEN	0.00  0
2016040824B 154163 WINDOW REPLACEMENT	4/22/2016	2622 HAMPSHIRE RD KRITZER, HARVEY	WINDOW REPLACEMENT MANUFACTURER DIST.	\$5,200	OPEN	0.00  0
2016040825B 154162 WINDOW REPLACEMENT	4/22/2016	2619 HAMPSHIRE RD KRITZER, HARVEY & NANCY	WINDOW REPLACEMENT MANUFACTURER DIST.	\$5,000	OPEN	0.00  0
2016040826B 154171 GARAGE FLOOR ONLY	4/25/2016	890 HELMSDALE RD GAINER, ORVILLE	GARAGE FLOOR - ONLY WJ MASONRY	\$2,000	FINAL	0.00  0
2016040827B 154170 TEAR/REROOF	4/25/2016	2904 COLERIDGE RD KIAMBACH, LEWIS	TEAR/REROOF HEIGHTS ROOFING INC	\$7,500	OPEN	0.00  0
2016040828B 154169 WINDOW REPLACEMENT	4/25/2016	3553 SCARBOROUGH RD DUGGER, NADINE	WINDOW REPLACEMENT THD AT-HOME SERVICES	\$2,357	OPEN	0.00  0
2016040829B 154176 NEW GARAGE	4/25/2016	1089 WOODVIEW RD WALKER, TONY	GARAGE - NEW OWNER	\$1,656	OPEN	0.00  0
2016040830B 154177 WINDOW REPLACEMENT	4/25/2016	3266 FAIRFAX RD KIKEL, JASON/KATIE	WINDOW REPLACEMENT GREAT DAY IMPROVEMENTS	\$1,341	OPEN	0.00  0
2016040831B 154187 WINDOW REPLACEMENT	4/25/2016	2101 STILLMAN RD BULLIER, RICK	WINDOW REPLACEMENT HOME CORPORATION OF OHIO	\$4,000	OPEN	0.00  0

2016040832B	4/26/2016	3659 CUMMINGS RD 154189 LOWRY, MARTIN & DEBORAH	SIDING NORTHEAST OHIO RENOVATIONS	\$7,500 OPEN	0.00	
SIDING						
0						
2016040833B	4/26/2016	2721 COLCHESTER RD 154192 ANPERLE, ROB	RETAINING WALL REPAIR PLATFORM MASONRY	\$1,500 OPEN	0.00	
RETAINING WALL REPAIR						
0						
2016040834B	4/26/2016	3742 BAINBRIDGE RD 154191 BUSBY, RYAN	TEAR/REROOF TOP SHELF	\$3,000 OPEN	0.00	
TEAR/REROOF						
0						
2016040835B	4/26/2016	2640 EUCLID HTS BLVD 154190 XIAN MAO	SIDING NOVAK BROTHERS CONSTRUCTION	\$250 FINAL	0.00	
WOOD SIDING REPAIR						
0						
2016040836B	4/27/2016	877 NELAVIEW RD 154205 EPIC LIFESTYLE LLC	REMODEL - BATHROOM EPIC CONGLOMERATE, LLC	\$10,000 OPEN	0.00	
REMODEL BATHROOM/KITCHEN						
0						
2016040837B	4/27/2016	2700 BERKSHIRE RD 154207 TIGHE JR, WILLIAM	WINDOW REPLACEMENT CLEVELAND GLASS BLOCK	\$995 OPEN	0.00	
WINDOW REPLACEMENT						
0						
2016040838B	4/27/2016	2827 AVONDALE AVE 154208 LAWSON, ARTHUR	SIDING GARAGE OWNER	\$1,500 OPEN	0.00	
GARAGE SIDING						
0						
2016040839B	4/27/2016	3360 CHELSEA DR 154209 SMITH, ASHLEY	STEPS OWNER	\$100 OPEN	0.00	
STEPS						
0						
2016040840B	4/28/2016	3637 ATHERSTONE RD 154212 KING, MARY	GARAGE - DEMO B & D RESTORATIONR GARAGE REPAIRS	\$45,000 OPEN	0.00	
GARAGE DEMO/REPAIRS/FIRE DAMAGE						
0						
2016040841B	4/28/2016	3307 OVERLOOK RD 154213 HILL, MICHAEL	WINDOW REPLACEMENT EMPIRE WINDOW CO.	\$3,000 OPEN	0.00	
WINDOW REPLACEMENT						
0						
2016040842B	4/28/2016	3262 FAIRFAX RD 154217 INKA, SCOTT	WINDOW REPLACEMENT ROZEWSKI, PAUL	\$8,000 OPEN	0.00	
WINDOW REPLACEMENT						
0						
2016040843B	4/28/2016	16360 BREWSTER RD 154219 GRIMES, FRANCIS	ALTERATION BASEMENT GUYS	\$9,319 OPEN	0.00	
INTERIOR BASEMENT WATERPROOFING						
0						
-----						
PERMIT COUNT =	21	TOTAL EST. COST =		\$122,718	TOT FEES =	\$0.00
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**CITY OF CLEVELAND HEIGHTS  
LANDMARK COMMISSION**

40 Severance Circle  
Cleveland Heights, Ohio 44118

Minutes for the regular meeting of  
March 1, 2016

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At 5:30 p.m. on Tuesday, March 1, 2016, a regular meeting of the Landmark Commission was held in the Executive Conference Room of City Hall, 40 Severance Circle.

**MEMBERS PRESENT**

Mazie Adams  
Jim Edmonson  
Ken Goldberg  
Margaret Lann  
Thomas E. Veider

**MEMBERS ABSENT**

Marjorie Kitchell  
Mark Souther

**OTHERS PRESENT**

J. P. Ptacek, architect, St. Paul's

**STAFF PRESENT**

Kara Hamley O'Donnell, Historic Preservation Planner

**CALL TO ORDER**

The meeting was called to order at 5:37 p.m.

**NEW BUSINESS**

Signage at St. Paul's Church

- Mr. Ptacek stated that the existing sign was deteriorated and fell down due to rot and wind. They formed a committee and they are putting the sign in the location of the original sign. Limestone will be used for the pillars with blue sign and the shield to represent their congregation. The church times can be changed out as they change service hours during the summer. They would also like permission to install directional signage for the parking lot and administrative "Coventry house." The directional signs will be no larger than 10 s.f. and the large sign is 24 s.f.
- Mr. Ptacek noted they will shift the parking lot drive sign on the west side of driveway onto Fairmount to avoid an existing tree.
- Mr. Veider noted that this was much more attractive than the previous sign.
- Mr. Ptacek said that the former gold color was pretty but not easy to read so they were steering away from that.
- Mr. Veider noted that the LED lighting might be covered by snow in the winter months and make the sign hard to read at night.
- Mr. Ptacek said they may use reflective paint on the white directional sign that would catch the light in lieu of lighting the sign.
- Mr. Goldberg made a motion to approve the signs as presented. Seconded by Ms. Lann, it was approved 5-0.

## **STAFF REPORT**

Report under other items.

## **OLD BUSINESS**

### Potential Landmarks

#### 952 Woodview

- Ms. Hamley O'Donnell said she would look at the 1874 Atlas, as its build-date is unclear.
- Mr. Veider said it is interesting to see it built out of brick.
- Ms. Adams noted it was a substantial house and that Woodview was formerly called Noble Place.
- The Landmark Commission was intrigued by the house and would like to see additional historical research.

### Landmark Property updates

- There were no updates.

### Preservation Updates

- Ms. Adams updated on the proposed May Preservation Month lectures including: Porches--History, Design & Construction; Mayfield Heights Historic District Walking Tour; History of Cleveland Heights & University Heights Libraries, Schools and Civic Buildings; and Cleveland Heights Rocks & Waters Nine Mile Creek walking tour.

### Archives

--No updates.

### National Register of Historic Places updates

- Mr. Goldberg noted that Bill Hopkins is a Historical Society trustee. He is reviewing the area around the Coventry Cedar intersection as a National Register Historic District. Mr. Goldberg said there were about 6 tracts. The Coventry Land Co. developed some.
- Mr. Veider said he has a friend on Westminster, just south of Meadowbrook, who has an ad for development and he would try to get a copy.
- Mr. Goldberg said it was not particularly nicer than many of the existing historic districts, but would be worthy of designation.

### Development Updates

- Ms. Hamley O'Donnell noted that streetscapes for Cedar Lee and Cedar Fairmount were in the engineering phase for construction this year and next.
- Ms. Hamley O'Donnell reported that the City hoped to release a Request for Qualifications for development at Top of the Hill this spring.
- Ms. Hamley O'Donnell updated the Commission on the rezoning request for the Center Mayfield Theater by Circle K gas station. There was a rezoning request and a public meeting and Council would decide whether to rezone or not.
- Mr. Veider felt it would be a shame for the building to be torn down. The adjacent residents are focused on the rezoning of the houses but he felt a greater concern is that the historic building is retained.
- Mr. Goldberg said this was done often in the 1960s and they took down properties and expanded commercial districts.
- Ms. Adams said that a lot of the neighborhood issues have to do with the quality of life issues. It is only a block or two from a school.

- Mr. Edmonson noted that there are always environmental issues in gas stations.
- Ms. Adams noted that this is not a Landmark building but is a quality building with historic character and it would be good to preserve it.
- Mr. Veider said, if it were torn down, you would be able to see down all the way to Noble and Warrensville.
- Mr. Veider noted that the owner is trying to pair the site with a developer. He wondered if they could get creative and consider tax credits for mixed-use redevelopment.
- Mr. Veider said the LaSalle Theater on 185<sup>th</sup> is being rehabilitated and they uncovered Art Deco plasterwork; the original design of that building was done by the same architect who designed the Cedar Lee Theatre. The LaSalle was underutilized for many years and now it is opening as a party center and storefront retail and other businesses with apartments above. It is a Cleveland Landmark and is using tax credits to help fund the rehabilitation.
- Mr. Goldberg noted that Chagrin Falls and Shaker Heights at Fairmount Circle had both lost theaters.
- Ms. Adams asked if there was place for Landmark Commission to make a recommendation to Council. Can the Commission making comment about non-Landmark properties? She felt it was important to preserve the streetscape and support the retention of the historic building fabric in the less prime commercial districts.
- Ms. Hamley O'Donnell said that the Code chapter 143 lists promoting preservation and educating the people of Cleveland Heights as purposes, powers and duties of the Commission.
- Ms. Adams brought up that the Commission could and should advocate for a demolition ordinance. Can we do as a Commission or should we do as individual citizens? What role can the Landmark Commission take on this? What are the lines we can or can't cross?
- Mr. Veider noted that we are not advocating you cannot demolish, but that there is a demolition review.
- Ms. Lann added that the property owner should show what is going on the site before they are given permission to demolish.
- Mr. Veider said they should prove that there is no other development option. For example, could you maintain the front of the Center Mayfield building vs. the theater wing that is at the rear? The theater lobby and storefronts could be preserved. These should be investigated by the property owner.
- Ms. Adams said she would rather keep the storefront and lose the theater a the back to maintain the streetscape. She noted that there is a problem with too much retail in Cleveland.
- Mr. Veider noted that an art film theater will go to the new Pinecrest development in Orange and in the Cleveland Flats.
- Ms. Adams noted there is interest to be able to support as a group. She would like to see the Commission advocate for a demolition review within their powers as a Commission.
- Mr. Veider said they could group with FutureHeights, the Cleveland Heights Historical Society and others to have a unified voice.
- Ms. Adams noted that other communities, including Lakewood, have relatively recently passed anti-demolition ordinances.
- Ms. Adams noted the middle school planning. At least half of the plans show complete demolition of Roxboro and Monticello. At public meetings, there was some support for new, but some preferred preservation. Not one plan was based on the high school model, where façade and auditorium are

preserved. It was noted that some of the cost overruns at the high school have to do with preservation.

- Mr. Veider noted the increased the value of the neighborhood with the renovations. The Ohio Facilities Commission money helps to build but doesn't encourage preservation.
- Ms. Adams asked if the Landmark Commission could advocate for streetscape, scale and historic architecture and its importance.
- Mr. Veider said the City's master plan statements say the importance of preserving historic buildings.
- Ms. Lann shared a PowerPoint on the importance of Certified Local Government (CLG). Cleveland Restoration Society is sometimes hired as a third party to help with CLG projects. She reached out to CLG recipients (Shaker, Olmsted Falls) and asked about their projects and the benefits.
- Ms. Adams asked if they have seen any negatives.

#### **ADJOURNMENT**

There being no further business, the Commission adjourned their meeting at 7:04 p.m. The next regular meeting date will be Tuesday, May 3, 2016, at 5:30 p.m. in the Executive Conference Room at City Hall, 40 Severance Circle. [Meeting time and location may be subject to change due to Architectural Board of Review agenda.]

Respectfully submitted,

Approved,

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Kara Hamley O'Donnell, Secretary

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Mazie M. Adams, Chair

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**CITY OF CLEVELAND HEIGHTS  
LANDMARK COMMISSION**  
40 Severance Circle  
Cleveland Heights, Ohio 44118

Minutes for the special meeting of  
April 11, 2016

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At 5:30 p.m. on Monday, April 11, 2016, a regular meeting of the Landmark Commission was held at the Bramson House, 2837 E. Overlook Road.

**MEMBERS PRESENT**

Mazie Adams  
Jim Edmonson  
Ken Goldberg  
Margaret Lann  
Marjorie Kitchell  
Mark Souther

**MEMBERS ABSENT**

Thomas E. Veider

**OTHERS PRESENT**

Emily Mueller, property owner  
Brian Vagner, Vagner Masonry

**STAFF PRESENT**

Kara Hamley O'Donnell, Historic Preservation Planner

**CALL TO ORDER** The meeting was called to order at 5:30 p.m.

**Landmark Alteration**

- Mr. Vagner explained that the existing retaining wall to the east of the driveway had a shallow footer and looked to date from the 1970s or 1980s. It was long, flat sandstone that did not match the rubble stone of the house and property. The front of the garage was failing and the wall needed to be removed to shore up the corner and front of the garage. When they removed the existing wall, they found partial remains of a rubble wall on the east side of the driveway and would like to rebuild a rubble wall to match the exterior of the house. The new wall would have a Code-conforming foundation. The stone would be "river jacks" which would be of differing size and colors, similar to the home. The mortar would match the home's mortar as close as possible. They will repurpose the sandstone capstone on top of the wall
- Ms. Kitchell made a motion to approve the wall as described. Seconded by Mr. Souther, the motion passed 6-0.

**ADJOURNMENT**

There being no further business, the Commission adjourned their meeting at 5:37 p.m. The next regular meeting date will be Tuesday, May 3, 2016, at 5:30 p.m. in the Executive Conference Room at City Hall, 40 Severance Circle. [Meeting time and location may be subject to change due to Architectural Board of Review agenda.]

Respectfully submitted,

Approved,

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Kara Hamley O'Donnell, Secretary

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Mazie M. Adams, Chair

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**CITY OF CLEVELAND HEIGHTS  
LANDMARK COMMISSION**  
40 Severance Circle  
Cleveland Heights, Ohio 44118

Minutes for the special meeting of  
April 26, 2016

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At 1:30 p.m. on Tuesday, April 26, 2016, a regular meeting of the Landmark Commission was held at the Garfield Monument, Lake View Cemetery.

**MEMBERS PRESENT**

Mazie Adams  
Jim Edmonson  
Ken Goldberg  
Thomas E. Veider

**MEMBERS ABSENT**

Margaret Lann  
Marjorie Kitchell  
Mark Souther

**OTHERS PRESENT**

Todd Mayher, architect, Westlake, Reed, Leskosky  
Matt Jennings, architect, Westlake, Reed, Leskosky  
John Roush, architect, Westlake, Reed, Leskosky  
Members and staff of the Cleveland Landmarks Commission  
Staff of Lake View Cemetery  
Contractors associated with the Garfield Monument Rehabilitation

**STAFF PRESENT**

Kara Hamley O'Donnell, Historic Preservation Planner

**CALL TO ORDER** The meeting was called to order at 1:45 p.m.

**Landmark Alteration**

- The architects and contractors showed the Commission the condition of the monument and explained those items that would be addressed during the rehabilitation, phase one. Currently, they are working on basement work inside the building to address structural and moisture issues.
- Mr. Mayher noted that the original terrace was dirt and there are currently problems with drainage.
- Mr. Jennings noted that there are two proposals for the exterior terraces: one is to put a Soprema roofing on it that is scored to look like pavers and the other is to replace the existing roofing with Soprema and reinstall the concrete pavers over the roof. This looks more historic and is the direction they are most interested in at this point. The walls around the terraces will be repaired and cleaned before the new roof is installed. The copper flashing will be removed on the exterior wall and will not be put back if the stone is in good condition behind it. If the stone is damaged, copper flashing will be reinstalled.
- It was stated that the new roofing will drain to the existing drainage system in each zone.
- Mr. Goldberg asked about the original roofing material and it was reported that it originally had quarry tile. Mr. Goldberg asked if we knew the original size of the quarry tile and it was estimated it was about the size of the existing concrete pavers.
- It was noted that the roofing system has a 20 year warranty.

- When the pavers are put back down, some are broken and new pavers will be required. Those will be grouped together so that there is not a patchwork look to the pavement.
- Mr. Jennings showed samples of the cleaning of the stone. He noted that they will use Prosoco, water and hand scrubbing. There are some areas where the stone has been patched and it will be stained to match the color of the cleaned stone. The environment is substantially cleaner today so it is estimated it would take 20 times longer for the building to get this dirty.
- Mr. Jennings noted that mortar would be a softer mortar from England with glass fibers that allow water to drain. This is a popular approach in the preservation community and the color will match what they think is the original color.
- Mr. Jennings noted that some stones on the railing/outside wall around the terrace had moved so much that the mortar joints are very large. Stone will be removed, labeled and reset in original locations and pinning may be added, as needed, to prevent the movement in the future. All stones from the lower terrace wall up will be reset. A saw will grind a joint in the mortar joints and then hand tools will be used to remove the rest of the mortar. The building will be tuckpointed as needed, though the need is substantial, especially in the upper areas.
- Mr. Jennings explained that all steps will be reset and existing railings reinstalled. Steps will not be pinned but may be redressed and cleaned.
- Mr. Jennings explained that there are some vented openings in the basement area and that area needs to be secured and moisture kept out. There are new dehumidifiers there and tuckpointing so now the vents are not needed. They propose simple non-operable windows to be installed where the vents were.
- Mr. Jennings explained that the stone was being cleaned because pollution is acidic and speeds the deterioration of the stone. Cleaning will be conducted prior to tuckpointing.
- Mr. Jennings explained that the budget is limited and so this will be phased. It was decided to deal with the issues lower on the building first because there were structural and stability issues. Cleaning of upper stories will be a later phase but the lower stone and roofing will be protected at that time.
- A later phase will also include repair and restoration of the stained and leaded glass windows.
- NO ACTION TAKEN.

## **ADJOURNMENT**

There being no further business, the Commission adjourned their meeting at 2:50 p.m. The next regular meeting date will be Tuesday, May 3, 2016, at 5:30 p.m. in the Executive Conference Room at City Hall, 40 Severance Circle. [Meeting time and location may be subject to change due to Architectural Board of Review agenda.]

Respectfully submitted,

Approved,

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Kara Hamley O'Donnell, Secretary

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Mazie M. Adams, Chair

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## MEMORANDUM

TO: Landmark Commission Members, Staff and Interested Parties  
FROM: Kara Hamley O'Donnell, Historic Preservation Planner  
DATE: April 27, 2016  
RE: Notification for May meeting

A regular meeting of the Cleveland Heights Landmark Commission is scheduled for:

**Tuesday, May 3, 2016**  
**5:30 p.m.**  
**Executive Conference Room, Cleveland Heights City Hall**  
**40 Severance Circle, Cleveland Heights**

### A G E N D A

1. Call to order
2. New Business
  - Burdick House roof replacement/storm door
  - Garfield Monument rehabilitation
3. Minutes of the March 1, 2016 regular meeting  
Minutes of the April 11, 2016 special meeting  
Minutes of the April 27, 2016 special meeting
4. Review planned restoration of Garfield Monument, Westlake, Reed, Leskosky  
(Todd Mayher and John Roush)
5. Staff report
  - Cumberland Bathhouse maintenance update
6. Old Business
  - *Potential Landmarks*
    - 952 Woodview Road
  - M.M. Brown House/Crouse family
  - *Landmark properties update*
  - *Preservation activities & lectures*
  - *CH-UH Archives group/Cleveland Memory/Cleveland Historical*
  - *National Register of Historic Places, district updates*
  - *Development updates*
  - *Landmark Commission research/write-up on Landmarks/historic districts*
  - *CLG/Preservation Ordinance*
7. Adjournment

To: Cleveland Heights City Council Mayor, Vice Mayor and Fellow Members  
From: Mary Dunbar, Member, Cleveland Heights City Council and Council Liaison to the Transportation Advisory Committee  
Date: April 29, 2016  
Subject: Action Requested Regarding Proposed GCRTA Service Cuts Affecting Cleveland Heights Residents

Please see the attached report prepared by the Transportation Advisory Committee. The TAC requests that you review it, comment on it, make any necessary changes, and forward it to the GCRTA as a policy statement of the Cleveland Heights City Council. It could be formatted as a resolution or remain as is.

Please note that the GCRTA Board was originally scheduled to vote on the proposed service changes in May but is now scheduled to meet on May 16 at noon for further deliberations (especially related to the Waterfront Line – which may permit some reallocation of funds). I am looking into whether it would be possible to have someone high level (our mayor, city manager or maybe the head of MetroHealth) make a statement at the May 16 meeting, which might help to improve plans.

At this time, we anticipate the GCRTA Board will vote on the proposed service cuts and fare increases in June. The TAC and I are asking you for your earliest consideration of this matter because of its importance and the limited timeline to affect decisions.

Thank you for your consideration.

Re: Public Transportation in Cleveland Heights

Dear Cleveland Heights City Council members:

The Transportation Advisory Committee has spent much of its last two meetings reviewing the Greater Cleveland Regional Transportation Authority's (GCRTA) current proposal for service reductions and fare increases (detailed at <http://www.riderta.com/news/april-26-2016-board-meeting-highlights>) and discussing the impact of that proposal and other recent service cuts and fare changes on residents of Cleveland Heights.

Based on these discussions, we have identified significant disparities between the cost and availability of basic public transportation service to downtown Cleveland for residents of Cleveland Heights and other eastside communities. As outlined below, GCRTA'S proposed service cuts and fare increases will further limit public transit access from Cleveland Heights to primary destinations and will exacerbate existing cost and service disparities.

### **Proposed service cuts**

- The proposed elimination of the #7 bus route on Monticello east of Richmond Road and the #32 bus route east of David Myers Parkway will eliminate public transit access for residents of Cleveland Heights to east-side employment, medical and education centers such as those at Alpha and Beta Drive, Montefiore Home, Menorah Park and Ursuline College.
- The proposed elimination of the #37 route south of Severance Town Center affects an important feeder route from Cleveland Heights to the Shaker rapid lines – a particularly unfortunate result for the underserved Cleveland Heights residents living in the public transit desert south of Cedar Road, who will also lose service to Severance Town Center and Euclid Hospital.

### **Proposed Fare Increases**

- Under the current proposal, regular single-ride fares would increase from \$2.25 to \$2.50 in August 2016 and to \$2.75 in August 2018. Similar increases are proposed for senior/disabled fares. *Single-ride fares do not include transfer privileges.*
- *As a result of a series of service cuts implemented over the past few years, GCRTA does not offer any single-ride service to and from downtown for residents of Cleveland Heights.* To reach downtown from Cleveland Heights, one must transfer from a bus to the Red Line train at the University Circle or Little Italy stops or to the HealthLine at Euclid Avenue. Consequently, a Cleveland Heights regular single-fare ticket purchaser pays \$4.50 (\$5.00 in 2016/\$5.50 in 2018) to reach downtown by public transit and \$9.00 (\$10.00 in 2016/\$11.00 in 2018) for a round trip, to say nothing of the time and inconvenience of having to transfer.
- While transfer privileges are included in the all-day pass, 7-day pass and monthly pass, all of these are priced at premiums above the equivalent number of two single-ride fares. Transfer privileges are also included in the 5-ride card, which is priced without premium

or discount. All of these options require advance planning, additional cash outlay and, for the passes, additional cost in comparison to single-ride purchases.

### **East Side vs. West Side – Inequitable Single Ride Access to Downtown**

GCRTA's service guidelines set forth three basic categories of bus service, including (1) service along developed corridors to and from major centers such as the downtown business district ("local radial service"), (2) fast line-haul service to major destinations such as downtown under high peak-period rider conditions ("express/flyer service"), and (3) service used to link routes or route segments through transfers to bus or rail ("crosstown/feeder service"). GCRTA provides crosstown/feeder service only to Cleveland Heights and the other eastside communities located along Cedar, Mayfield and Monticello. In contrast, GCRTA provides local radial service, express/flyer service and crosstown/feeder service to numerous west side communities located along Clifton, Detroit, Pearl Road and Lorain Avenue.

Because of the disparity in allocation of local radial service, public transportation to downtown is more costly and substantially less convenient for residents of Cleveland Heights than residents of comparable west side communities.

The lack of convenient service to downtown is a disincentive for downtown workers to live in Cleveland Heights or neighboring eastside communities, particularly younger workers for whom the availability of public transit is an important amenity. The same is true for Cleveland State University students, for whom GCRTA student passes are included in their mandatory fees. Similarly, the lack of convenient service to Cleveland Heights from downtown is a disincentive for tourists and the growing number of downtown residents to visit and spend money at Cleveland Heights businesses.

We fully appreciate that GCRTA has limited resources and is facing significant budget challenges, but we think there is a reasonable basis for questioning whether those limited resources are being equitably allocated among inner ring suburban communities.

### **Conclusion and Proposed Remedy**

To summarize, the previous, recent elimination of single ride service to and from downtown via the #9 bus line, as well as the curtailment the #7 and #32 bus lines to the east, had already made public transit much less efficient and comfortable for a great number of Cleveland Heights and east side residents. The elimination of the #37 bus line south of Severance Center further exacerbates the problem. The change in fare structure eliminating a single ticket to downtown also makes transit substantially more expensive, even beyond the proposed fare increases. A lack of availability of transfers is a major issue regarding east vs west side service. As just one example, having to purchase a 5-ride pass to avoid paying double for a ride downtown is a burden for sporadic users of public transit, particularly those who are financially strapped.

We request that the GCRTA address the substantially disparate service between east side and west side by retaining service of the #37 bus from Severance Town Center to the Green Line

Rapid. We note that commuters in three of the census tracts on the west side of South Taylor Road south of Cedar Road and north of Fairmount Boulevard, served by the #37 bus, use transit at rates well above the average of 5 percent for Cuyahoga County. These include Census Block Group 390351407011 with 9.52 percent of commuters who use transit, Census Block Group 390351407013 with 8.13 percent of commuters who use transit, and Census Block Group 390351407021 with a whopping 18.09 percent of commuters who use transit! In short, the proposed changes in service affecting Cleveland Heights residents will create a financial hardship for many, create a disincentive to live on the east side and commute downtown, and undergird a growing inequity between the east and west side.

**City of Cleveland Heights  
Board of Zoning Appeals**

CALENDAR NO. 3395

Upon the motion being made and seconded, the following resolution was adopted:

RESOLUTION

WHEREAS, Don Kimble, 2540 Fairmount Boulevard, in an 'AA' single-family district, hereinafter referred to as the "applicant," has made formal application requesting a variance from the fence regulations of the Zoning Code, to permit two 69-inch-tall masonry columns, three 45-inch-tall garden gates, and one 39-inch-tall fence in the front yard; and

WHEREAS, the applicable provision of the Zoning Code is contained in Subsection 1121.12(i)(1), which requires a maximum fence height of 36 inches; and

WHEREAS, the public hearing to consider this application was held on Wednesday, April 20, 2016, at 7:00 p.m., pursuant to the requirements outlined in Sections 1109.06 and 1115.07 of the Zoning Code; and

WHEREAS, in the opinion of the Board of Zoning Appeals, the applicant clearly demonstrated that there were special conditions and circumstances resulting in a practical difficulty in complying with the requirements of the Zoning Code; the variance was in harmony with the general purpose and intent of the Zoning Code; and the public health, safety, and general welfare were safeguarded and substantial justice was done.

NOW, THEREFORE, be it resolved by the Board of Zoning Appeals of the City of Cleveland Heights, Ohio, that:

- (1) The applicant will suffer a practical difficulty if the variance is not granted because is an unusual and irregularly shaped property in terms of the area of the parcel and the scale and setback of the house: the height of structures are suitable to the dimensions of this particular house and yard; and there is no adverse effect on adjacent properties; and the applicant's predicament cannot be resolved without a variance.
- (2) The issuance of a special permit is hereby authorized to permit two 69-inch-tall masonry columns, three 45-inch-tall garden gates, and one 39-inch-tall fence in the front yard, as shown in the plan submitted to the Board.
- (3) The applicant is required to:
  1. Obtain approval of the Architectural Board of Review;
  2. Obtain applicable Building Department permits;

3. Uphold requirement to return to the Board of Zoning Appeals for another variance should the property owner consider modifications that would increase the height or length the fence, gates, or masonry columns; and
  4. Complete construction within 18 months of City Council's approval of this resolution
- (4) The Secretary is directed to forward to the Clerk of Council a copy of this resolution as required under Subsection 1115.07(i) of the Zoning Code for final disposition by City Council.

ROLL CALL:

Ayes: Bromley  
Hoen  
Zych

Nays: None

Motion carried  
adopted

I hereby certify that the above is a true and correct copy of the resolution passed by the Board of Zoning Appeals at its meeting held on Wednesday, April 20, 2016.



Vesta A. Gates, Secretary

A copy of this resolution was filed with the Clerk of Council on Friday, April 29, 2016.



Tom Raguz, Clerk of Council

**City of Cleveland Heights  
Board of Zoning Appeals**

CALENDAR NO. 3396

Upon the motion being made and seconded, the following resolution was adopted:

RESOLUTION

WHEREAS, Michael and Sharlene Warner, 2592 Princeton Road, in an 'A' single-family district, hereinafter referred to as the "applicants," have made formal application requesting a variance from the minimum yard requirements for accessory uses of the Zoning Code, to permit a rebuilt garage to be located 18 inches from the side property line; and

WHEREAS, the applicable provision of the Zoning Code is contained in Subsection 1121.12(a)(1), which requires a minimum side-yard setback of 36 inches; and

WHEREAS, the public hearing to consider this application was held on Wednesday, April 20, 2016, at 7:00 p.m., pursuant to the requirements outlined in Sections 1109.06 and 1115.07 of the Zoning Code; and

WHEREAS, in the opinion of the Board of Zoning Appeals, the applicants clearly demonstrated that there were special conditions and circumstances resulting in a practical difficulty in complying with the requirements of the Zoning Code; the variance was in harmony with the general purpose and intent of the Zoning Code; and the public health, safety, and general welfare were safeguarded and substantial justice was done.

NOW, THEREFORE, be it resolved by the Board of Zoning Appeals of the City of Cleveland Heights, Ohio, that:

- (1) The applicants will suffer a practical difficulty if the variance is not granted because this is not a substantial variance as the proposed garage's south wall will be in the same location as the current garage; the character of the neighborhood will not be adversely effected but rather the proposed new garage will enhance the character; the existing concrete driveway is in good repair and will provide access to the new garage; and maintaining the garage in the current location would result in the foliage not having to be moved; and the applicant's predicament cannot be resolved without a variance.
- (2) The issuance of a special permit is hereby authorized to permit a rebuilt garage to be located 18 inches from the side property line, as shown in the plan submitted to the Board.

- (3) The applicant is required to:
1. Approval of the Architectural Board of Review;
  2. Receipt of applicable Building Department permits; and
  3. Complete construction within 18 months of City Council's approval of this resolution.
- (4) The Secretary is directed to forward to the Clerk of Council a copy of this resolution as required under Subsection 1115.07(i) of the Zoning Code for final disposition by City Council.

ROLL CALL:

Ayes: Bromley  
Hoen  
Zych

Nays: None

Motion carried  
adopted

I hereby certify that the above is a true and correct copy of the resolution passed by the Board of Zoning Appeals at its meeting held on Wednesday, April 20, 2016.

  
\_\_\_\_\_  
Vesta A. Gates, Secretary

A copy of this resolution was filed with the Clerk of Council on Friday, April 29, 2016.

  
\_\_\_\_\_  
Tom Raguz, Clerk of Council



# CLEVELAND HEIGHTS

## **AGENDA (tentative) – CLEVELAND HEIGHTS CITY COUNCIL MEETING** **COUNCIL CHAMBERS**

**MONDAY, MAY 2, 2016**  
**Regular Meeting**  
**7:30 p.m.**

**Cleveland Heights City Hall**  
**40 Severance Circle**  
**Cleveland Heights, Ohio**

- 1) **Roll Call**
- 2) **Excuse absent members**
- 3) **Approval of the minutes of the regular Council meetings held on Monday, April 18, 2016**
- 4) **Personal communications from citizens**
- 5) **Report of the City Manager**
- 6) **Report of the Director of Finance/Clerk of Council**

Notify Council that two Resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and is requested by the following:

- BZA Cal. No. 3395: Don Kimble, 2540 Fairmount Boulevard, to permit two 69-inch-tall masonry columns, three 45-inch-tall garden gates, and one 39-inch tall fence in the front yard.
- BZA Cal. No. 3396: Michael and Sharlene Warner, 2592 Princeton Road, to permit a rebuilt garage to be located 18 inches from the side property line.

### **Matter of Record**

**Refer to:** Planning and Development Committee of Council

- 7) **Committee Reports**
  - a.) **FINANCE COMMITTEE**
  - b.) **MUNICIPAL SERVICES COMMITTEE**

**ORDINANCE NO. 27-2016 (MS), Second Reading. An Ordinance authorizing the City Manager to execute a Transition Agreement,**

**AGENDA (tentative) CITY OF CLEVELAND HEIGHTS  
MONDAY, MAY 2, 2016**

**Restatement for the Water Service Agreement for Direct Service, an Asset Transfer Agreement, and a Municipal Utility District Agreement with the City of Cleveland.**

**Introduced by Council Member \_\_\_\_\_**

**Vote \_\_\_\_\_  
For Against No. Reading**

**c.) PLANNING AND DEVELOPMENT COMMITTEE**

**d.) PUBLIC SAFETY AND HEALTH COMMITTEE**

**ORDINANCE NO. 31-2016 (PSH), Second Reading. An Ordinance authorizing an agreement creating a Regional Council of Governments, pursuant to Ohio law, which shall establish and operate a joint Police, Fire, and Emergency Medical Services (“EMS”) communications system for the dispatch of Police, Fire, and EMS services in and for the cities of Cleveland Heights, Shaker Heights, South Euclid, and University Heights, and other communities that may later join said Center.**

**Introduced by Council Member \_\_\_\_\_**

**Vote \_\_\_\_\_  
For Against No. Reading**

**RESOLUTION NO. 32-2016 (PSH), First Reading. A Resolution authorizing the City Manager to enter into an agreement with SAFEbuilt OHIO, LLC, on behalf of the City to maintain quality service within the City’s Building Department.**

**Introduced by Council Member \_\_\_\_\_**

**Vote \_\_\_\_\_  
For Against No. Reading**

**e.) ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 33-2016 (AS). A Resolution establishing an Economic Development Advisory Committee and prescribing the composition, duration, and purpose and duties of such Committee.**

**AGENDA (tentative) CITY OF CLEVELAND HEIGHTS  
MONDAY, MAY 2, 2016**

**Introduced by Council Member \_\_\_\_\_**  
**Vote** \_\_\_\_\_  
**For**                      **Against**                      **No. Reading**

**f.) COMMUNITY RELATIONS AND RECREATION COMMITTEE**

**RESOLUTION NO. 34-2016 (CRR). A Resolution proclaiming (i) May 2016, Bike Month, (ii) May 4, 2016, Bike to School Day, and (iii) May 20, 2016, Bike to Work Day, in the City of Cleveland Heights.**

**Introduced by Council Member \_\_\_\_\_**  
**Vote** \_\_\_\_\_  
**For**                      **Against**                      **No. Reading**

**RESOLUTION NO. 35-2016 (CRR). A Resolution declaring May 2016 *National Preservation Month.***

**Introduced by Council Member \_\_\_\_\_**  
**Vote** \_\_\_\_\_  
**For**                      **Against**                      **No. Reading**

- 8) Mayor's Report**
- 9) Adjournment**

(Council members and staff will stay following adjournment to discuss questions informally with citizens.)

**NEXT MEETING OF COUNCIL: MONDAY, MAY 16, 2016**

Proposed: 4/18/2016

ORDINANCE NO. 27-2016 (MS), *Second Reading*

By Council Member

An Ordinance authorizing the City Manager to execute a Transition Agreement, Restatement for the Water Service Agreement for Direct Service, an Asset Transfer Agreement, and a Municipal Utility District Agreement with the City of Cleveland; and declaring an emergency.

WHEREAS, this Council has determined it is in the best interest of the City and its residents to receive water and water related service directly from the City of Cleveland and terminate the City of Cleveland Heights' master meter agreement with Cleveland.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The City Manager be, and she is hereby, authorized and directed to execute a Transition Agreement, a Restatement for the Water Service Agreement for Direct Service, an Asset Transfer Agreement, and a Municipal Utility District Agreement with the City of Cleveland. All documents hereunder shall be substantively similar to the agreements on file with the Clerk of Council and approved as to form by the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to continue to provide residents with quality water and water related service. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

ORDINANCE NO. 27-2016 (MS)

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CHERYL L. STEPHENS, Mayor  
President of the Council

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TOM RAGUZ  
Clerk of Council

PASSED:

Proposed: 4/18/2016

ORDINANCE NO. 31-2016 (PSH), *Second  
Reading*

By Council Member

An Ordinance authorizing an agreement creating a Regional Council of Governments, pursuant to Ohio law, which shall establish and operate a joint Police, Fire, and Emergency Medical Services (“EMS”) communications system for the dispatch of Police, Fire, and EMS services in and for the cities of Cleveland Heights, Shaker Heights, South Euclid, and University Heights, and other communities that may later join said Center; and declaring an emergency.

WHEREAS, the cities of Cleveland Heights, Shaker Heights, South Euclid, and University Heights (the “Cities”) have reached agreement to form a Regional Council of Governments (“COG”), pursuant to Chapter 167 of the Ohio Revised Code, to be called the “Heights-Hillcrest Communications Center” (“HHCC”); and

WHEREAS, the HHCC will be formed to establish and operate a joint Police, Fire, and Emergency Medical Services (“EMS”) communications system for the dispatch of Police, Fire, and EMS services in and for the Cities, and such other communities as may later join the COG; and

WHEREAS, on March 17, 2016, the Cities entered into a Memorandum of Understanding by which they agreed to apply jointly for funding through the State of Ohio Local Government Safety Capital Grant Program in order to purchase necessary equipment to form a joint dispatch center; and

WHEREAS, this Council has determined that the formation of a COG to operate a joint dispatch center is in the interests of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The City Manager is hereby authorized to enter into an agreement creating a Regional Council of Governments, pursuant to Ohio law, which shall establish and operate a joint Police, Fire, and Emergency Medical Services (“EMS”) communications system for the dispatch of Police, Fire, and EMS services in and for the cities of Cleveland Heights, Shaker Heights, South Euclid, and University Heights, and such other communities as may later join the joint dispatch center. Said agreement shall be substantially in the form as the agreement on file with the Clerk of Council and shall be subject to approval as to form by the Director of Law.

SECTION 2. The City Manager is hereby authorized to apply for and accept such grants, and to enter into such agreements and contracts, including grant contracts, necessary to effectuate the establishment of the Regional Council of Governments and the formation, start-up, and operation of said joint dispatch center.

ORDINANCE NO. 31-2016 (PSH)

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to establish the joint dispatch center as soon as possible in order to be able to utilize grants such as the grant described in this Ordinance and to enable the current operation of the City emergency services. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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CHERYL L. STEPHENS, Mayor  
President of the Council

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TOM RAGUZ  
Clerk of Council

PASSED:

Proposed: 5/2/2016

RESOLUTION NO. 32-2016 (PSH), *First Reading*

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with SAFEbuilt OHIO, LLC, on behalf of the City to maintain quality service within the City's Building Department; and declaring an emergency.

WHEREAS, this Council has determined that it is in the best interests of the City and its residents to procure professional services to maintain quality service within the City's Building Department and to continue to meet state law requirements; and

WHEREAS, after conducting a request for qualifications ,the City Manager recommends the services offered by SAFEbuilt OHIO, LLC, to best meets the City's needs; and

WHEREAS, such services are professional services for which no bidding is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The City Manager be, and she is hereby, authorized to enter into a Professional Services Agreement with SAFEbuilt OHIO, LLC, to procure professional services to maintain quality service within the City's Building Department and to continue to meet state law requirements. The agreement shall be in substantively the same form as the draft on file with the Clerk of Council and shall be approved as to form by the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to continue to provide quality services within the City's Building Department and to continue to meet state law requirements. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 32-2016 (PSH)

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CHERYL L. STEPHENS, Mayor  
President of the Council

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TOM RAGUZ  
Clerk of Council

PASSED:

Proposed: 5/2/2016

RESOLUTION NO. 33-2016 (AS)

By Council Member

A Resolution establishing an Economic Development Advisory Committee and prescribing the composition, duration, and purpose and duties of such Committee; and declaring an emergency.

WHEREAS, Section 111.11 of the Cleveland Heights Codified Ordinances authorizes Council to create special committees by passage of a Resolution; and

WHEREAS, Council has identified the need to create a special Economic Development Advisory Committee to offer advice and recommendations concerning the City's economic development.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. There is hereby established a special committee called the "Economic Development Advisory Committee." Said Committee shall be composed of one (1) member of Council and seven (7) residents, appointed by Council. Unless otherwise authorized by Council, said Committee shall exist for a term of six (6) months from date of the appointment of all members of the Committee. The purpose of this committee shall be to advise Council about economic development matters as directed by Council.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to assist in the City's economic development without delay. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 33-2016 (AS)

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CHERYL L. STEPHENS, Mayor  
President of the Council

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TOM RAGUZ  
Clerk of Council

PASSED:

Proposed: 5/2/2016

RESOLUTION NO. 34-2016 (CRR)

By Councilmember

A Resolution proclaiming (i) May 2016, *Bike Month*, (ii) May 4, 2016, *Bike to School Day*, and (iii) May 20, 2016, *Bike to Work Day*, in the City of Cleveland Heights; and declaring an emergency.

WHEREAS, bicycling is a viable, environmentally-sound mode of transportation and an excellent form of fitness and recreation; and

WHEREAS, the United States Department of Transportation on March 11, 2010, adopted a policy to improve conditions and opportunities for walking and bicycling to the extent that “walking and bicycling are considered as equals with other transportation modes;” and

WHEREAS, the State of Ohio recognizes bicycles as valid vehicles for use on all Cleveland Heights roads; and

WHEREAS, Cleveland Heights streets and buildings are ideally arranged in a compact, well-connected pattern making it easy to walk and bike to businesses, schools, and recreational and cultural facilities; and

WHEREAS, Cleveland Heights continues to assess its transportation network within the City and its connections to other cities, finding grants for projects that improve the safety and comfort of bicyclists, such as the recently completed Lake to Lakes Trail and the upcoming buffered bike lanes on North Park Boulevard and Safe Routes to Schools improvements; and

WHEREAS, Cleveland Heights was recognized as a bronze-level, Bicycle Friendly Community by the League of American Bicyclists in 2013; and

WHEREAS, the League of American Bicyclists and transportation and fitness bicyclists in Cleveland Heights and other cities are promoting greater public awareness of cycling during the month of May through events such as *National Bike to School Day* on Wednesday, May 4, 2016, and the *Ride of Silence* on Wednesday, May 18, 2016, in which Cleveland Heights will participate with hundreds of other cities internationally to honor those killed or injured while riding on public streets and which, in the Heights area, will be routed from University Heights through Cleveland Heights to University Circle where Heights riders will join bicyclists from a Cleveland route; and

WHEREAS, the Heights Bicycle Coalition will provide free coffee and pastries for bicycle commuters during the morning rush hour on *Bike to Work Day*, Friday, May 20, 2016, next to the intersection of Edgehill and Overlook roads (one of the busiest bicycle routes in Northeast Ohio); and

RESOLUTION NO. 34-2016(CRR)

WHEREAS, educating cyclists on the proper and safe operation of bicycles and motorists on how to properly share roads with bicyclists (including our school children) is important to ensure the safety and well-being of all; and

WHEREAS, Heights Bicycle Coalition, the Canterbury principal, the PTA, Cleveland Heights Police Bike Unit, Cleveland Heights and University Heights are collaborating to present All Geared Up on May 14, 2016 hosted by the Canterbury School and the CH-UH School District from 9 a.m. to noon and will feature two-mile and four-mile rides, a bike rodeo, safety clinics, a sale of pre-owned children's and adult bicycles for low cost, and more.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council does hereby proclaim (i) May 2016, *Bike Month*, (ii) May 4, 2016, *Bike to School Day*, and (iii) May 20, 2016, *Bike to Work Day*, in the City of Cleveland Heights; and encourages all residents to review the laws and regulations governing bicycle safety and to use a bicycle for transportation to work and school, especially for trips within the City of Cleveland Heights.

SECTION 2. Notice of passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to join with the other communities in this celebration and the need to proclaim *Bike Month* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 34-2016(CRR)

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CHERYL L. STEPHENS, Mayor  
President of the Council

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TOM RAGUZ  
Clerk of Council

PASSED:

Proposed: 5/2/2016

RESOLUTION NO. 35-2016 (CRR)

By Councilmember

A Resolution declaring May 2016 *National Preservation Month*; and declaring an emergency.

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, in past years City staff has been involved in a wide variety of projects that help the City preserve and promote its historic resources including helping residents research their homes' histories; entering original building permit data into a database; providing on-site rehabilitation advice on topics such as paint color selection, paint removal, and window repair; sponsoring lectures to educate people about architecture, preservation, and Cleveland Heights history; assisting residents in researching and listing neighborhoods to the National Register of Historic Places and installing signs recognizing this designation; and funding improvements through the City's Storefront Renovation Program; and

WHEREAS, Cleveland Heights has shown a continued dedication to promoting the City's history, architecture, and historic preservation through partnerships with the Cleveland Restoration Society to administer the Heritage Home Loan Program, a program that allows owners of older homes access to low-interest loans and the technical assistance necessary to sensitively rehabilitate their older homes; and

WHEREAS Cleveland Heights operates the Cleveland Heights Historical Center at Superior Schoolhouse, which draws visitors and students for tours and research; and

WHEREAS, *National Preservation Month 2016* is cosponsored by the City of Cleveland Heights and the National Trust for Historic Preservation; and

WHEREAS, the City of Cleveland Heights has been hosting events to celebrate *National Preservation Month* since 2002; and

RESOLUTION NO. 35-2016(CRR)

WHEREAS, in Cleveland Heights, *National Preservation Month 2016* will be observed through the following five (5) events cosponsored by the City, Cleveland Heights Landmark Commission, Cleveland Heights Historical Society, Heights Libraries, and Noble Neighbors with tour preregistration required for no admission:

*Looking Back, Looking Forward: Coventry Village through the Decades*  
Wednesday, May 4, at 7 p.m.  
Coventry Village Branch Library, 1925 Coventry Road

*Porches: History, Design and Construction*  
Thursday, May 12, 7 p.m.  
Heights Main Library, 2345 Lee Road

*Mayfield Heights Historic District Walking Tour*  
Saturday, May 14, 10 a.m. – noonish (rain or shine)

*History of Cleveland Heights' & University Heights' Libraries, Schools and Civic Buildings*  
Wednesday, May 18, 7 p.m.  
Heights Main Library, 2345 Lee Road

*Cleveland Heights Rocks & Waters 2016: Nine Mile Creek*  
Saturday, May 21, 10 a.m. – noonish (rain or shine)  
Oxford Elementary School, 939 Quilliams Road.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council does hereby proclaim May 2016 *National Preservation Month* and calls upon the residents of the City of Cleveland Heights to join their fellow citizens across the United States in recognizing and participating in this special observance.

SECTION 2. Notice of passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to join with the other communities in this celebration and the need to proclaim *National Preservation Month* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 35-2016(CRR)

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CHERYL L. STEPHENS, Mayor  
President of the Council

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TOM RAGUZ  
Clerk of Council

PASSED:

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:26 p.m. to discuss the contents of the City Manager's memo and listen to a Bluestone Development presentation.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens

Excused: Yasinow

Staff present: Briley, Freeman, Juliano, Lambdin, Mannarino, McRae, Mecklenburg, Niermann O'Neil, Raguz, Wagner, Wong

Councilwoman Roe moved to enter into Executive Session to discuss the appointment of a public official at 7:02 p.m. The motion was seconded by Councilwoman Dunbar. Mayor Stephens presiding.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens

Excused: Yasinow

Executive Session concluded at 7:26 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:38 p.m., Mayor Stephens presiding.

Council Members present: Dunbar, Roe, Seren, Stein, Stephens

Staff present: Briley, Freeman, Juliano, Lambdin, Mannarino, McRae, Mecklenburg, Niermann O'Neil, Raguz, Wagner, Wong

Mayor Stephens stated, "Good evening and welcome to Cleveland Heights City Council meeting, Monday, April 18, 2016. Mr. Raguz, would you call the roll please?"

Roll Call: Dunbar, Roe, Seren, Stein, Stephens, Yasinow

Tom Raguz stated, "Five present, Your Honor."

Mayor Stephens stated, "Thank you. Ms. Yasinow had a loss in her family. Her maternal grandmother passed away this past week and so we will excuse her absence. With that, we have the joy and the honor of bringing a new member of Council onboard this evening and I would like to open the floor for nominations for the new member of Council. Vice Mayor Stein."

Vice Mayor Stein stated, "Thank you, Your Honor. I want to nominate a long-time committed resident of Cleveland Heights that has an extensive and impressive resume. Therefore, I'm excited to nominate Mike Ungar."

Mayor Stephens stated, "Thank you. We have a nomination. Do I have a second?"

Councilwoman Dunbar stated, "Second."

Mayor Stephens stated, "Thank you. Is there any discussion or any other nominations? At this time, I'd like to invite the person who I believe will be swearing Mr. Ungar in; that Sharon Sobol Jordan. Would you approach the microphone for us please?"

Councilwoman Dunbar stated, "Did you want to say something first?"

Sharon Sobol Jordan stated, "Thank you, Honorable Mayor and members of the Council. This is a very special night. Tonight Michael Ungar will take the oath of office and join you as a member of Council. As a long-time friend and colleague, I am honored to stand with him to represent his family, his friends and a grateful community. We are overjoyed by your selection of Michael Ungar. We know, however, that this was not an easy choice - that you had many outstanding candidates for this one post, but you have made an excellent choice in Michael Ungar. Michael is an accomplished attorney with the firm of Ulmer & Berne. He is the Chair of their Litigation Section and a member of the Management Committee. He has numerous national awards including being named the highest ranking attorney in Ohio for four consecutive years. That's number one out of 44,000. He has a proven track record of professional civic leadership including 16 years as Chair of this City's Planning Commission and as past President of the prestigious Cleveland Metropolitan Bar Association. He has made his home in Cleveland Heights for three decades with his wife Deborah, their two children and an enormously lovable Bernese Mountain Dog appropriately known as Zeus.

Yes, you have made an excellent choice in Michael Ungar, but I think it is equally important tonight to understand why Michael chose, at this time, to seek this post. Why would a man like Michael Ungar step forward at this stage in his very successful life and career to take on the added demand of public office? I believe the answer is this – that despite his many accomplishments, awards, successes, Michael knows very simply that his work is not yet done. The Mandel Brothers are known to say that they invest in people with the values, abilities and passion to change the world. Michael Ungar is just this kind of person. He is a man of integrity and character, authentic and sincere, driven by a strong sense of justice and fairness. He is a man of exceptional intellect and work ethic. He is both a curious learner and a creative problem solver. He is a man of just the right mix of business savvy and heart. He will challenge you to do better and he will expect the same from you in return. He believes it is an honor to serve the public. He knows that working together, we can change the world. Honorable Mayor, members of this Council, I can think of no better place for Michael to continue his work that with this Council and in service of the people of this great City. So now, it is my distinct honor to administer the oath of office to your newest Councilmember Michael Ungar."

Mayor Stephens stated, "Okay, hold on. Now, I want, because we didn't have a lot to say, I wanted to let you speak and now we have to call the roll. Mr. Raguz."

Roll Call: Ayes: Roe, Seren, Stein, Stephens, Dunbar

Nays: None

Tom Raguz stated, "Five eyes, Your Honor."

Mayor Stephens stated, "Thank you. I believe that we have sworn... we have elected to choose Michael Ungar to serve as the newest member of Council. If you would approach the podium with members of your family and Ms. Sobol Jordan to swear you in. If members of Council would go down to beside the family, we're all going to stand in the background and that way, they can take a series of pictures with us beside the family."

(Various comments during placement.)

Sharon Sobol Jordan stated, "All right. Raise your hand. Repeat after me. I solemnly swear and affirm..."

Michael Ungar stated, "I solemnly swear and affirm..."

Sharon Sobol Jordan stated, "That I will support the Constitution..."

Michael Ungar stated, "That I will support the Constitution..."

Sharon Sobol Jordan stated, "And the laws of the United States of America,"

Michael Ungar stated, "And the laws of the United States of America,"

Sharon Sobol Jordan stated, "The Constitution and the laws of the State of Ohio,"

Michael Ungar stated, "The Constitution and the laws of the State of Ohio,"

Sharon Sobol Jordan stated, "The charter and ordinances of the City of Cleveland Heights,"

Michael Ungar stated, "The charter and ordinances of the City of Cleveland Heights,"

Sharon Sobol Jordan stated, "And that so long as I continue to hold a position..."

Michael Ungar stated, "And that so long as I continue to hold a position..."

Sharon Sobol Jordan stated, "As Councilmember,"

Michael Ungar stated, "As Councilmember,"

Sharon Sobol Jordan stated, "I will honestly..."

Michael Ungar stated, "I will honestly..."

Sharon Sobol Jordan stated, "Faithfully..."

Michael Ungar stated, "Faithfully..."

Sharon Sobol Jordan stated, "And impartially..."

Michael Ungar stated, "And impartially..."

Sharon Sobol Jordan stated, "Discharge the duties of that office..."

Michael Ungar stated, "Discharge the duties of that office..."

Sharon Sobol Jordan stated, "To the best of my ability."

Michael Ungar stated, "To the best of my ability."

Sharon Sobol Jordan stated, "Congratulations."

(Applause.)

(Various comments while taking pictures.)

Mayor Stephens stated, "The first that we'll do is – each of Council will be given the opportunity to make a statement if they'd like and then we will allow our newest member, the new rookie of the year, Carol, I think you've had the shortest rookie term possible. You deserve 120 days as rookie? Not even 120 days."

Councilwoman Roe stated, "Not quite."

Mayor Stephens stated, "Okay. Kahlil. Councilman Stein."

Vice Mayor Stein stated, "Pass. Welcome aboard, Mike."

Councilman Ungar stated, "Thank you."

Mayor Stephens stated, "Councilwoman Dunbar."

Councilwoman Dunbar stated, "This was a tough choice actually, but I'm delighted that Mike Ungar is joining us and we had a lot of good choices, but I'm delighted, so."

Councilman Ungar stated, "Thank you."

Mayor Stephens stated, "Councilwoman Roe, would you like to say anything?"

Councilwoman Roe stated, "Welcome. I look forward to having someone more rookie than me."

Councilman Ungar stated, "Happy to be that."

Mayor Stephens stated, "Councilman Ungar, we welcome you to have a few moments to say something this evening."

Councilman Ungar stated, "Thank you, Mayor Stephens. Good evening. I want to begin by thanking all of my family and friends and all of the residents of our great City for being here tonight. As many of you know, because I've been hardly able to contain my enthusiasm since the announcement,

I'm thrilled to be here and I'm really looking forward to rolling up my sleeves and working with all of my new colleagues. Please indulge me for a few additional thank you's, as hopefully it's obvious, are in order here this evening. I suppose they fall in the category of being mandatory, but they're also heartfelt. First, to my dear friend Sharon Sobol Jordan – wow, what an introduction! Sharon, for those that don't know her, she is a truly disruptive leader and I mean that in the best sense of the word. She is somebody for whom I and so many others in our community and throughout the state and throughout the country have such enormous respect and admiration for. It's no secret frankly that our county is running a whole lot better these days under the careful leadership of County Executive Armond Budish and one of the primary reasons we all know that's happening is because of his wise choice in terms of his Chief of Staff. They say that the type of calm, steady and trusted and stable leadership that Sharon brings to the table is the type that organizations so desperately need, but are often times lacking. With Sharon helping to run our county, there's zero doubt in my mind that we're in good hands. Sharon, I mean this from the bottom of my heart – you honor me, you honor our Mayor, you honor our City and all the residents of Cleveland Heights by being here and thank you for doing so. It means an awful lot to me.

Second, I want to thank my mom, Marsha Ungar, not just for being my mom, not just for holding the Bible, not just for all the love and support that she's provided to me throughout my entire life, but also for something that you might know about and you might be interested in this about my fellow members of Council. This didn't come out all, I don't believe during the vetting process, but I want to tell you something about me that you probably didn't know and that is there's a possibility I'm sitting here today because it might have been in my DNA. And what do I mean by that? Well, many know that my dad Bud Unger, who's no longer with us, was the founder and the owner of a very popular shoe store on Mayfield Road called Mar-Lou Shoes, now ably run by my brother Dan who is with us tonight, but what I bet you don't know is that my dad was a long-time City Councilman and the President of City Council in South Euclid which is the community in which I grew up and guess what? My mom was a long-time School Board Member of the South Euclid-Lyndhurst City School District and ultimately became the President of that School Board, so again, there might just be a little bit of this in my DNA.

Next, I want to thank my amazing wife Deborah, who along with my two daughters, represent the three most important women in my life and I'll short cut it and just say that current State Farm commercial says, 'I'm never letting go.'

I also want to thank my law firm Ulmar & Berne and my firm's Managing Partner Kip Reader who is a Cleveland Heights resident now, a proud Cleveland Heights resident, a transplant from Shaker and he and his wife Sarah are empty nesters. The support that I've gotten from my firm has been tremendous. And while I'm thanking my firm, I need to call out and thank the most important person at my law firm, at least for me, and that would be Melissa Crick and her husband Tom who came here this evening. Missy, raise your hand. She's been my assistant for... how many years, Missy? 16 years. She's amazing. Now I have to tell you a little secret. Missy wasn't too thrilled when I told her we just picked up 46,000 new clients, some of whom, as Missy directed my attention to this afternoon, quickly were able

to locate my work Email address and began sending me Emails, but I can promise the residents in all seriousness, that she'll continue to take good care you just the way she does all important clients.

Finally, Mayor Stephens and my new colleagues on Council, I haven't been through one of these drills before, but I want to thank you on my own behalf, not just because I was successful, but on behalf of the citizens of Cleveland Heights, I think you ran this process in a classy, professional and dignified way, and trust me, I'm not just saying that because I was ultimately the successful candidate and, in fact, some in the room may have been there. I know you were there back in February, I think it was on February 18, I went in front of the Cleveland Heights Democratic Club. They were vetting some of the candidates and I noted then, I believe then and I believe now, that the process that we went through to get here, conducted by our Mayor and our Council was more substantive and more dignified than much of what is taking place at the national level by candidates in pursuit of the White House."

Mayor Stephens stated, "I don't want to be President, Michael."

Councilman Ungar stated, "I also want to take moment, I'm almost done and thank you for indulging me. I only get one shot at this. I also want to thank the former Mayors under whom I served under Planning Commission and those include Mayor Edwards, Mayor Kelley and Mayor Wilcox – all terrific and dedicated Mayors. I especially want to thank Mayors Kelley and Wilcox and Councilperson Bonnie Kaplan who inspired me and encouraged me to pursue this position. They can all rest assured that they're not off the hook in terms of my continuing to seek their wise counsel. Be forewarned, Bonnie.

Finally, to the residents of Cleveland Heights and to the members of Council, obviously, I think that you made a wise selection, but I also recognize that it's now up to me to prove to you that you did and I am looking forward to working side by side with each of you – with you Mayor Stephens to make our City a better place for everyone and frankly, I can hardly wait to get started. So, thanks again to everyone for coming this evening. It means an awful lot to me."

(Applause.)

Mayor Stephens stated, "The best part about being Mayor is I get the last word usually. Kahlil, would you like to say something before I get the last word?"

Councilman Seren stated, "Thank you Mayor. Yes. Councilman, you've just thanked a lot of people, very deserving people and I just wanted to thank you, not only for your long service on Planning Commission to this City, but also for your willingness to serve here on Council and bring your energy and your intellect and your dedication to this Council in service to our citizens and I just want to extend that thanks to you and make sure that you know that it's not just sort of a – something you have to prove yourself. I mean, it's something you have to prove yourself every day in this job, but I think the fact that you're willing to serve, the fact that you're willing to give what really amounts to a lot of yourself to the residents of Cleveland Heights is admirable and so you should be thanked for that. So, thank you."

Councilman Ungar stated, "Thank you very much."

Mayor Stephens stated, "And the final word. What was is Paul Harvey used to say? I served with Michael for eight years on our Planning Commission and those were eight great years. He knows that I don't like to take too long. I don't like to deliberate too much. I want the facts and I want to get the job done right and so, he's well prepared to serve on this Council with this leadership, but I want you all to watch what we do in Cleveland Heights from here on out. We've got young leadership on our staff, the prevailing joke I push is that they're young enough to keep up with me and we are going to do the things that need to be done and we're listening to our residents. So, stay tuned on government channel. If you don't get a chance to be here, to watch what we're trying to do on your behalf, and continue to send us your ideas and recommendations because this is government for the people by the people and of the people all the time. And with that, we move on to our agenda for this evening. So, if there are members of the audience that would like to leave, you're welcome to do so at this point before I move on with the balance of my agenda."

(Various comments as people leave.)

Mayor Stephens stated, "The first thing we'd like to do this evening is not scripted on our agenda, but we have a young man in Cleveland Heights who should be out in the hallway and Susanna hopefully is finding him and his family and bringing them in and we want to recognize him and his endeavors. Richard, we're looking for Susanna. Susanna – is she?"

Many of us have goals and aspirations. Sometimes we don't know what we want to do until we're 40. Sometimes we never know what we want to do, but there are those among us who figure out what they want to do through coaching and spending time with their family or they find something that becomes the love of their life early on. It appears that Charles Conwell has found one of the loves of his life, at least the first love of his life. He might have many others to come, but this is the first time he's really loved something enough to do it more than anything else he does and so, this evening, our City Council wants to recognize you for not only loving something, but doing it well, taking time from your family, your friends, from school to continue to work on it, but coming back to us and spending time with us and so, we want to honor you because not all people, not all Americans, not all people in Cleveland Heights get to represent the way you're going to represent when you go to the Olympics this year, so without further ado, if you'd step forward to the podium and one of our Council members is a Heights High Alum, so he's going to tell you concisely how he feels about this."

Vice Mayor Stein stated, "Heights Alum on '96, so a few years ago, but congratulations to Charles Conwell, one of our own who is on his way to the 2016 Summer Olympics. 'We are so proud of your accomplishment and realize the hard work, discipline and commitment that got you to this place. We know that these qualities will be part of you forever as you go forward in your life. Your community of Cleveland Heights will be cheering you on and proud of the fact that you are representing not only the United States, but also our hometown. On behalf of the City Council and the people of Cleveland Heights, we wish you the best and give you our support as you take part in such a special world event.' Signed, Mayor Stephens, Council – they all signed."

(Applause. Various comments during photographs.)

Charles Conwell stated, "I really just want to thank the Council for giving me the recognition and support that you all have given me, giving me this nice award. I really want to thank Cleveland Heights for being behind me and supporting me through it all. It's just an amazing thing to have my whole city behind me. I really appreciate that and actually pushing me to go harder."

Mayor Stephens stated, "Thank you."

(Applause.)

Mrs. Conwell stated, "We all just want to say thank you, thank you, thank you. Charles is very...he's a very humble person, so he looks at everything as I'm just this normal, ordinary type teenager. He doesn't realize how exciting and as well as he's done. He just thinks of it like – okay, I just go to school. I'm just training. I'm just... Everybody recognize him as this great Olympian and I'll be glad when he – if a little fire get up under him a little bit more to realize that I have really accomplished something amazing and I just want to say thank you to each one of you all for recognizing my son and taking the time out for today because I always wanted someone besides in a boxing world to recognize my son. I wanted other people to know who he is as a person, so thank you very much."

Mayor Stephens and Vice Mayor Stein stated, "Thank you."

(Applause.)

Mayor Stephens stated, "I forgot something. Thank you. One of our former members is now a State Representative; Representative Janine Boyd from the Ohio House of Representatives has sent you a proclamation on behalf of the House of Representatives of the 131<sup>st</sup> General Assembly of Ohio. They are please to congratulate you on qualifying for United States Olympic Boxing Team, a Senior at Cleveland Heights High. You've combined talent and competitive spirit with the highest ideals of good sportsmanship to establish yourself as a truly exceptional athlete. With admirable dedication, you have worked diligently toward attaining ultimate proficiency in boxing and, as a result, you won a Gold Medal in the Middleweight Division at the America's Olympics as a qualifier to secure a spot on the U.S. Olympic Boxing Team for the 2016 Summer Olympics in Rio de Janeiro. Your unwavering commitment to excellence has earned you the respect and esteem of many and you are certainly deserving of your high praise. Your accomplishments and leadership both in and out of competition are a justifiable source of pride and outstanding reflection, not only on you, but also on your family, your teammates, your coaches, your school and us, your community. Indeed, the same maturity and experience you've gained through your participation in sports will greatly aid you in meeting the challenges of your life in the future. You win some, you lose some and hopefully you'll win more than you lose, but it's learning to lose and to win that makes you a great American. Thus, it's with sincere pleasure that we commend you on your personal success and salute you as one of Ohio's finest citizens.' Signed, Clifford A. Rosenberger, Speaker of Ohio House of Representatives and Representative Janine Boyd, House District 9, your home district.

Thank you. Happiness is abounding. This is a pretty proud evening for us. If you'd like to leave now, you can. We don't make people stay 'til the end of our meetings. They're pretty exciting for us, but they may not be exciting for other people.

Okay, first off this evening, we need to approve minutes of the regular Council meeting held Monday, April 4, 2016. Is that correct, Mr. Raguz?"

Tom Raguz stated, "And also March 21."

Mayor Stephens stated, "And March 21?"

Tom Raguz stated, "Correct."

Mayor Stephens stated, "Okay. Did we have additions, changes?"

Tom Raguz stated, "I've received some from Carol."

Councilwoman Dunbar stated, "And me."

Tom Raguz stated, "Oh, from Mary as well."

Mayor Stephens stated, "From both Councilwoman Dunbar and Councilwoman Roe? Excellent. Those... I'm sure those changes will be made. We need to approve those and I will ask for a vote on that."

Councilwoman Dunbar stated, "I move that we approve minutes of the regular Council meetings held on Monday, March 21 and Monday, April 4, 2016."

Mayor Stephens stated, "Would you call the roll please?"

Roll Call: Ayes: Seren, Stein, Stephens, Dunbar, Roe

Abstain: Ungar

Nays: None

Tom Raguz stated, "That's five ayes, Your Honor."

Mayor Stephens stated, "Oh, I'm sorry. Our abstention rule is that we have to vote on somebody abstaining. What do we do this evening since he wasn't here to read them, he doesn't know."

Tanisha Briley stated, "We actually haven't voted on minutes in the past, so I think that we're okay."

Mayor Stephens stated, "Oh, okay. We're okay. We'll be okay. All right. Do we have personal communications from the residents? Yes, ma'am, if you'd like to come up to the podium and state your name and address for the record and then your comments and we'd like for you to stay around three minutes if at all possible.

Oh, you look familiar. It's because you're on CAC?"

Althea Cheatham stated, "Used to be.

Mayor Stephens stated, "Go ahead, ma'am."

Althea Cheatham stated, "Mayor Stephens, Vice Mayor Stein, members of Council, City Planning Director Briley, Law Director Juliano I believe, my name is Althea Cheatham. I reside at 3012 East Derbyshire. I've been absent from City Council meetings for quite a while now and I'm not addressing the Council this evening with a formal complaint. I simply wanted to have an opportunity to be in your presence to see your live faces, not pictures in the Focus magazine and to have you see my face and my name and know that I am a long-time resident of Cleveland Heights. My home on East Derbyshire is in a very interesting location and if you haven't had a chance to drive down the street, please, I invite you to do so and as you do and come up on my particular house, take note just behind the house there's a very large structure. It was previously Grace Lutheran Church and it has now fallen into the hands of a commercial business and things are happening very quickly with that. There will be a meeting this coming Wednesday evening. I know that you may not be directly involved with what happens in all of the decisions that are made, but I do want to know... I want you to know that those of us who live in that area and are affected by decisions made on the property are very concerned about the integrity of our own homes that we've enjoyed for so many years.

I also want to call to your attention that we seem to be in a state of transition. I know the property directly next to mine to the west is up for sale – is a new, wonderful family who will soon be leaving the City of Cleveland Heights. Two properties across the street are for sale and then another property farther down to the west, almost to Lamberton, has a sale pending I believe. So, there's a lot of transition and maybe you may not hear a lot of gathered voices at this forum as you did a few weeks ago when all the members from Vandemar I believe it is came and spoke so passionately about their neighborhood and their concerns, but please know that those of us who live on East Derbyshire do have the same kind of concerns and the same kind of passion about where we live and we certainly want you to know that we respect the integrity of our properties. We enjoy living where we are. We're proud Cleveland Heights residents and I ask for your consideration in any situations or decisions that may come before you in the near future. So, once again, thank you so much for your attention this evening and I look forward to seeing you at future Council meetings."

Vice Mayor Stein stated, "Thank you."

Mayor Stephens stated, "Is there anyone else who would like to make a statement to Council? But I want to finish the public comments first. Sir."

Gus Williams stated, "Hello. My name is Gus Williams. I live at 1961 Revere Road in Cleveland Heights. I have a little bit of a concern that's been bothering me. I've been retired for about 10 years now. I've been living in Cleveland Heights for about 40 years. The problem I'm having is from time to time, the sidewalks, because of the trees that sit on the devil strip, it lifts the sidewalk up. I've had to replace that a couple times throughout my time living here in Cleveland Heights and it costs me a lot of

money. The problem I'm having now is I just got another citation to that same degree whereby they planted a tree there and that tree lifted up the sidewalk and now I'm expected to pay for that. The problem I'm having with that is, what happens is – when they plant those trees, they don't make sure that those trees are completely level, coming straight up. I got pictures of it. It shows that the tree leans to one side toward the street and I think that's what allows the roots, when it gets underneath that to lift up the sidewalk. I would like to know why it is that it is my responsibility to have to pay for that when the City plants the tree. To me, there's couple of options that the City could provide. I don't know if this is the right forum for this, but what I see is – either when you plant those trees, you have to make sure that those trees are completely standing straight up with some tie wire off to the side to hold it straight so it grows straight and doesn't lean or you need to put something there that stops it from getting underneath the sidewalk or if you're going to commit me to pay for that, and I'm retired and I can't really afford to, but it's a citation to which it puts on me. Then you should provide me with someone in the City of Cleveland Heights that will do that job for me for a lot less money than people that are willing to do it now. So, that's a complaint that I have and I'd like to know – is there anything that I can do about that?"

Mayor Stephens stated, "What I will direct you to do sir is to talk with our City Manager. We can't negotiate that here at a Council meeting. And so I..."

Gus Williams stated, "Okay, I didn't know..."

Mayor Stephens stated, "That's okay. Not a problem."

Gus Williams stated, "I didn't know what was the proper forum. I talk to people and I get the run-around."

Mayor Stephens stated, "But you came to us and you asked. Okay. So, I'm going to ask you to... our City Manager's name is Tanisha Briley. Ms. Briley is seated between these two gentlemen over here. She'll either give you her card or get your phone information from you so that she or one of her staff can follow up with you."

Gus Williams stated, "Okay, thank you much."

Mayor Stephens stated, "Okay. Thank you. Okay, is there anyone else with public comment this evening? If not, then we go to another happy moment this evening. We are going to establish a new poet laureate for the City of Cleveland Heights. Her name is Rachel Bernstein. Who is coming forward to introduce her this evening?"

Councilwoman Dunbar stated, "Rachel Bernstein is..."

Mayor Stephens stated, "Is introducing our new poet laureate. Duh. "

Councilwoman Dunbar stated, "She's in charge of Heights Arts."

Mayor Stephens stated, "That's right. I forgot."

Rachel Bernstein stated, "Good evening, Mayor and City Council. My name is Rachel Bernstein and I am the Executive Director of Heights Arts and for those of you who don't know us, we started in the year 2000 from a visioning process here at the City here in recognition of the need to represent the many artistic people we have in our community. We are a very special community in Cleveland Heights and I feel very fortunate to be the second director of an organization that really represents much of the creativity that bubbles up from, as Mr. Ungar said, our 46,000 residents here. So, tonight I'm very thrilled to be able to present to you now the next poet laureate that we have through this joint operation of the City of Cleveland Heights Arts and this process started in 2005 with our first poet laureate and now we're going on 11 years and I think, up until this year, we were the only city in the State of Ohio that had a poet laureate, so..."

Mayor Stephens stated, "Who else joined us?"

Rachel Bernstein stated, "I'm sorry, oh, Athens, Ohio. I just found out. And now, of course, we have a poet laureate in the state, the first poet laureate, and so we're hoping to do some programming to bring all of them together. So, I just want to let you know just a little bit about Christine Howie. She grew up and has lived most of her life here in Cleveland Heights. She was a director and stage actor at the Dobama Theater which is also another treasure of Cleveland Heights that has been here for I think 30 years. She was a theater critic for Scene Magazine and named best critic in Ohio by the Cleveland Press Club and Society Professional Journalists. She is also a playwright and her one women play "Exact Change" is a poetry-rich narrative which received a world premiere at the Cleveland Public Theater in 2014 and many, many other wonderful things that Christine brings to this position. I first met Christine during one of our programming events called Ekphrastacy that we hold at Heights Arts. It's one of our first multi-disciplinary programs that we combine poetry with the exhibitions that we hold in our gallery and needless to say, she was stunning in her performance and I'm going to now announce Meredith Holmes who is our outgoing poet laureate to read a poem and then Christine will read a poem, but first I'd also like to present to her this plaque that was also made by a local artist Shana Pentecost in recognition of your service for the next two years."

(Applause.)

Meredith Holmes stated, "It's good to be with you all again. How many of us wish that we could go back to redo parts of our life with the benefit of hindsight, but I got to do that this past year. I got to do poet laureate again to form a sort of bridge so we could... so Heights Arts could codify our process for selecting the next poet laureate. I appreciated what Councilman Ungar said about the integrity of the process of selecting the new Councilperson because Heights Art did something, went through a process. It's very important how you do things and how you choose people, so I was again reminded, as Rachel just said what a great City this is and how many creative people there are and what a really great asset to the City Heights Art is and how increasingly the things that Heights Arts does includes more and more people and more and more kinds of people and more new voice s are heard all the time at Heights Art and that seems to me what Cleveland Heights is all about. So, I have a poem to read. This will be my last poem to read as poet laureate and it's a reaction to what somebody said once about all of the vacant lots in Cleveland Heights that are a result of the houses that were demolished after 2008 housing crisis.

He said, they were like, it was almost, the streets were like a place were like where a person whose teeth had been knocked out, like they were missing teeth. I thought that was a very sad thing and I didn't really agree with it, so here's another way of looking at vacant lots.

One

house

vacant

demolished:

instant amnesia.

Then another and another.

In time, all memory of both houses and residents

Disappears through these openings as out a raised window.

Light and air rush in, as into a stale room, sometimes  
with a calming, cleansing effect.

Maybe we need breathing room to be neighborly, maybe we live  
too close for comfort, like people jammed into an elevator  
keeping themselves to themselves, arms at their sides, faces tight.

Maybe last fall a lot that was a rectangle of mud and straw  
is now green, and some kids decide to play catch there  
wearing a path in the grass between their houses.

The mail carrier uses this path, and so do people carrying plates  
of hot dogs, corn, and shortcake for a picnic on the Fourth.

Maybe someone thins her day lilies and plants the extras  
in a bare spot near the sidewalk where everyone can see them.

Maybe someone with a pickup truck brings a load of tree stumps  
and people help to arrange them in a circle in the middle of the lot  
which is looking less and less vacant, especially on long summer

evenings when people sit around talking, maybe getting ideas.

Thank you.”

(Applause.)

Meredith Holmes stated, “I give you the next Cleveland Heights poet laureate Chris Howie.”

(Applause.)

Christine Howie stated, “Symbolically knocked the poem out of her hand as I take over. I thought all these people were here to listen to poetry. I guess they’re not. I wanted to thank the Mayor and the members of Council for supporting and having a poet laureate in your town. I think it’s extraordinary and when I tell people that I’m a poet laureate of Cleveland Heights, they go, ‘That is so amazing.’”

Mayor Stephens stated, “Isn’t it cool?”

Christine Howie stated, “This city is so cool. It is so cool, but actually when I go around to various poetry readings, I meet people and it usually falls into two categories: people that don’t like to read poetry and listen to it and people who love it and so this poem is sort of dedicated to all of those people which I guess is everybody.

Why You Don't Like Reading Poetry, And Why You Do

Why you don't:

You think about reading a poem, then decide not to, then decide to.

You are disappointed the poem didn't begin as you hoped, but you decide to stay with it.

However, the second stanza leaves you feeling edgy and restless.

Like the time in Cumberland Park when a chipmunk came up and just stared at you, only a couple feet away, and you thought it might dart up your pant leg. And then you tried to imagine how that would feel and what you might have to do to get a crazed chipmunk out of your pants, because those pointy teeth and needle-claws dig into your flesh and denim. And the chipmunk, which might have rabies, is delirious with panic, emitting high-pitched chirps, because this pant leg doesn't look or smell like any hollow log he's ever been in, which is where he thought he was going and now there's something beating on him so he starts biting and clawing and chewing the soft core of this log that's unlike any log he's ever seen.

And then you realize you're still reading the poem, but now it seems much less interesting than what's going on in your head.

So you skip to the end. And by doing that, the poem doesn't make much sense.

This is why you don't like reading poetry.

On the other hand:

Most of us wait months and months to take a special trip, which is over in a rush and then we're forced to wait months and months again for the next jaunt. But there's one way you can go to places you've never been before, and it can happen instantly.

What is this magical conveyance? Poetry. You've heard of a one or two car garage. Well, imagine an "infinity garage," filled with every type of vehicle ever invented or ever dreamed of, all ready to take you anywhere at a moment's notice. A poem can be a mellow drift in a rowboat or a fast blur in a sleek jet plane. A poem can be as silly as a pogo stick or as powerful as a tank bristling with armaments. A poem can float you up in clouds of love like a hot air balloon or plunge you into the depths of righteous anger like a submarine. A poem can toss you about like a roller coaster, making you happy and giddy, or it can take you into the hushed interior of a black limousine to quiet and reflective places in times of sadness and loss.

So if you want an instant trip, just settle in at Tommy's with a spinach pie, a chocolate shake, and a book of poems. In a matter of seconds (with a haiku), or a couple minutes (with most verse), a poem can transport you.

This is why you love reading poetry.

Thank you."

Mayor Stephens stated, "What an inspirational way to bring us in contact with poetry. Thank you so much. We're honored to have you be our poet laureate. With that, we move on to the real business of City Hall. My first thing is to ask the City Manager for her report."

#### **Report of the City Manager**

Tanisha Briley stated, "Thank you, Your Honor. Before I start my report, I would just ask if our outgoing poet laureate and our incoming poet laureate wouldn't mind sharing those poems with us for the minutes. It might help."

Mayor Stephens stated, "Oh, absolutely. I need the one on vacant land personally."

Tanisha Briley stated, "Thank you very much. This evening I would like to request permission to receive qualifications from firms for the development of the Top of the Hill and I would like to make that a Matter of Record, Your Honor."

#### **Matter of Record**

Mayor Stephens stated, "And our Planning and Development Committee Chair, Councilwoman Dunbar."

Councilwoman Dunbar stated, "Yes, I would like to ask Councilmembers to support our City Manager's request to seek RFQs and RFPs for the Top of the Hill development."

Mayor Stephens stated, "Law Director, do we need a motion? A formal motion?"

Jim Juliano stated, "Yes, it's in motion."

Councilwoman Dunbar stated, "Okay. That was a motion."

Mayor Stephens stated, "Okay and I need a second."

Vice Mayor Stein and Councilwoman Roe stated, "Second."

Mayor Stephens stated, "Would you call the roll please?"

Roll Call: Ayes: Stein, Stephens, Ungar, Dunbar, Roe, Seren

Nays: None

Tom Raguz stated, "That's six ayes, Your Honor."

Mayor Stephens stated, "Thank you. Madam City Manager."

Tanisha Briley stated, "That concludes my report this evening."

Mayor Stephens stated, "Thank you, ma'am. The Director of Finance/Clerk of Council, this evening you have something for us?"

#### **Report of the Director of Finance/Clerk of Council**

Tom Raguz stated, "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: Big Greeks Gyro LLC., DBA Best Gyros, 2245 Lee Road and Basement, Cleveland Heights, Ohio 44118, NEW, D1, D2

Your Honor, I need to make this a Matter of Record."

#### **Matter of Record**

Mayor Stephens stated, "All right. Thank you. This is being referred to the Public Safety and Health Committee of Council."

Tom Raguz stated, "I have nothing else tonight, Your Honor."

#### **Community Relations and Recreation Committee**

Mayor Stephens stated, "All right. We don't need to make a vote on that, do we? All right. Moving right along to the committee reports. The Community Relations and Recreation Committee will have an appointee soon, but at this evening, I will serve as Chair of that and we have no report for it this

evening except to say... oh, I did think of something. I participated in a program called WOW, Women Out Walking, and it is a phenomenal program. Please follow it on our web pages and, if you are interested, you can find walks to go on with your Mayor. Without further ado, the next committee is Finance Committee.”

### **Finance Committee**

Vice Mayor Stein stated, “Thank you very much, Your Honor. This committee does not have a report tonight.”

Mayor Stephens stated, “Municipal Services Committee. Councilwoman Roe is Vice Chair of this Committee. Will you proceed with this?”

### **Municipal Services Committee**

Councilwoman Roe stated, “Thank you, Your Honor. Tonight I present for first reading Ordinance Number 27-2016 (MS). This is an ordinance authorizing the City Manager to execute a Transition Agreement, Restatement for the Water Service Agreement for Direct Service, an Asset Transfer Agreement, and a Municipal Utility District Agreement with the City of Cleveland; and this is an emergency.”

### **First Reading**

Mayor Stephens stated, “This is our first reading for this ordinance, so there’s no vote necessary for it. Thank you.”

Councilwoman Roe stated, “Next I have Resolution Number 28-2016 (MS). This is a resolution authorizing the City Manager to enter into an agreement with Buick GMC of Beachwood for the acquisition of a full size pickup truck and an agreement with Best Truck Equipment Inc., for related accessories for the Public Works Department; also it provides compensation for that and is an emergency.”

Mayor Stephens stated, “Thank you. Is there a second for this motion?”

Councilwoman Dunbar stated, “Second.”

Mayor Stephens stated, “Would you call the roll please?”

Roll Call:       Ayes:   Stephens, Ungar, Dunbar, Roe, Seren, Stein

                  Nays:   None

### **Resolution Passed**

Tom Raguz stated, “That’s six ayes, Your Honor.”

Mayor Stephens stated, "Thank you. This one's in passage. Our next resolution, Councilwoman Roe."

Councilwoman Roe stated, "Next I move Resolution Number 29-2016 (MS). This is a resolution authorizing the City Manager to enter into an agreement with Buick GMC of Beachwood for the acquisition of a full size pickup truck and an agreement with Best Truck Equipment Inc., for related accessories for the Public Works Department; provides compensation therefor; and it is also an emergency. I move the resolution."

Mayor Stephens stated, "Is there a second?"

Councilwoman Dunbar stated, "Second."

Mayor Stephens stated, "Would you call the roll please?"

Roll Call: Ayes: Ungar, Dunbar, Roe, Seren, Stein, Stephens

Nays: None

**Resolution Passed**

Tom Raguz stated, "That's six ayes, Your Honor."

Mayor Stephens stated, "Thank you. This resolution passes and you last resolution this evening."

Councilwoman Roe stated, "I move Resolution Number 30-2016 (MS). This is a resolution authorizing the City Manager to enter into an agreement with Bob Ross Auto, Inc. for the acquisition of a full size pickup truck and an agreement with Best Truck Equipment Inc., for related accessories for the Public Works Department and providing compensation therefor."

Mayor Stephens stated, "Thank you. Do we have a second?"

Vice Mayor Stein stated, "Second."

Mayor Stephens stated, "Would you call the roll please?"

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar

Nays: None

**Resolution Passed**

Tom Raguz stated, "That's six ayes, Your Honor."

Mayor Stephens stated, "Thank you. This roll passes as well. Is there anything else from the... on behalf of the Municipal Services Committee, Councilwoman Roe?"

Councilwoman Roe stated, "No, that completes my report."

Mayor Stephens stated, "Now we move on to Public Safety and Health Committee. Councilman Seren."

Councilman Seren stated, "Thank you, Your Honor. For first reading only, I would like to introduce Ordinance Number 31-2016; an ordinance authorizing an agreement creating a Regional Council of Governments, pursuant to Ohio law, which shall establish and operate a joint Police, Fire, and Emergency Medical Services ("EMS") communications system for the dispatch of Police, Fire, and EMS services in and for the cities of Cleveland Heights, Shaker Heights, South Euclid, and University Heights, and other communities that may later join said Center. I offer this for first reading."

**First Reading**

Mayor Stephens stated, "Thank you. We don't vote on anything on first reading and is there anything else from the committee this evening?"

Councilman Seren stated, "Certainly. I just wanted to urge any residents watching or residents in the audience, if you'd let your neighbors know that the full agreement is in the packet, is on the website, so feel free to take a look at the full agreement. Let us know if you have any comments and so there's more information there for you to peruse. So, thank you."

Mayor Stephens stated, "Thank you. We move on to Planning and Development Committee. Councilwoman Dunbar."

**Planning and Development Committee**

Councilwoman Dunbar stated, "Do you want to do the Committee of the Whole meeting this first?"

Mayor Stephens stated, "Yes."

Councilwoman Dunbar stated, "Go ahead. Or should I do it?"

Mayor Stephens stated, "You should do it."

Councilwoman Dunbar stated, "All right. Sorry. There was a presentation made at the Committee of the Whole meeting this evening concerning amendments to the Bluestone Development plan that were approved by the Planning Commission last Wednesday. Based on that presentation and staff's recommendations, I move to approve the amendments to the development guidelines for the JCC Redevelopment Plan Development Overlay District that were presented to and approved by the Planning Commission on April 13, 2016."

Mayor Stephens stated, "Do I have a second to that motion?"

Councilwoman Roe stated, "Second."

Mayor Stephens stated, "Thank you."

Roll Call: Ayes: Roe, Seren, Stein, Stephens, Ungar, Dunbar  
Nays: None

**Resolution Passed**

Tom Raguz stated, "That's six ayes, Your Honor."

Mayor Stephens stated, "Any comments that you'd like to make?"

Councilwoman Dunbar stated, "Yes, just one thing, maybe two. One, there's a spelling bee this Wednesday evening and your City has a team participating in it. It's a benefit to Reaching Heights. I encourage you all to go. It's going to be at Wiley at 7:00 and it's always a fun event with lots of teams eager to support Reaching Heights which does a number of good things for our schools, particularly in the area of music education, but anyway, turn out on Wednesday night please.

Also, I should say that we're coming up on Bicycle Month, so I'll have a lot to say next week."

Mayor Stephens stated, "A commercial for Bicycle Week. Okay, thank you Councilwoman Dunbar. Administrative Services Committee is next and that would be you, Councilwoman Roe."

**Administrative Services Committee**

Councilwoman Roe stated, "Yes, Your Honor. This evening I would like to approve the nomination of Michael Gaynier to serve on the Planning Commission. Michael Gaynier will fill out the appointment of our newest Councilmember, so he will be filling a six-year term which expires on 12/31/18."

Mayor Stephens stated, "Is there a second to this motion?"

Councilman Ungar and Councilwoman Dunbar stated, "Second."

Mayor Stephens stated, "Thank you. Would you call the roll please?"

Roll Call: Ayes: Seren, Stein, Stephens, Ungar, Dunbar, Roe  
Nays: None

**Resolution Passed**

Tom Raguz stated, "That's six ayes, Your Honor."

Mayor Stephens stated, "Thank you. Is there anything else you'd like to share with us, Councilwoman Roe?"

Councilwoman Roe stated, "No, that concludes my report. Thank you."

Mayor Stephens stated, "Thank you. That brings us to the Mayor's Report."

**Mayor's Report**

Mayor Stephens stated, "It was a short week it felt like. I don't know where it went last week. It just kind of flew by. Time has a way of doing that. It also has a way to make us reflect. This weekend I went to my 40<sup>th</sup> high school reunion. I cheated. I got there early. I was an early graduate. My principal didn't like me, but that didn't matter because I had the grades to graduate early, so I finished high school when I was 16 and went on to college because I thought that was a better use of my time. He laughed at me. I don't think that there's any better use of my time than being on City Council here in Cleveland Heights and that's what I reflected on as I drove home from Dayton, Ohio.

I want to thank the people of Cleveland Heights for allowing me to serve them. I think everyone here feels that same way. We're very appreciative of your support for us, especially recently, and your ongoing willingness to engage with us and volunteer your opinions to us and so, without further ado, I will come to the conclusion that I do every night. Thank you all for allowing us to serve and God bless Cleveland Heights. This is the conclusion of our meeting on Monday, April 18. Our next Council meeting is Monday, May 2, 2016."

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

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Cheryl Stephens, Mayor

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Tom Raguz, Clerk of Council

/jkw