



# CITY OF CLEVELAND HEIGHTS, OHIO

## MINUTES OF THE CITY COUNCIL MEETING OF MONDAY EVENING, MARCH 5, 2007

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

Edward Kelley, presiding

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

Council Members absent: None

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

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

Council Member Wilcox moved to adjourn into Executive Session at 7:20 p.m. Second by Council Member Caplan.

Edward Kelley, presiding

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

Council Members absent: None

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

Topic of discussion included litigation.

Executive Session concluded at 7:32 p.m. and resumed Committee of the Whole adjourning at 7:40 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:46 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Tuesday, February 20, 2007 were signed by Mayor Kelley along with resolutions passed at that meeting.

"I'm Vicky Knight. I reside at 1519 Crest Road. First, Judy Botwin asked me to convey her statement as follows, 'Most of us who live in Cleveland Heights do so largely because of good affordable housing, proximity to educational and cultural institutions, good retail and restaurants, and most of all an environment with green spaces, many trees and the wildlife they enable. Many of us feel peace and tranquility from the enjoyment of nature in our neighborhood. The destruction of the few remaining green spaces in our city threatens the viability of wildlife and diminishes the quality of our lives. At a time when we worry about climate change and pollution, we should resist tree destruction and plant more trees to improve air-quality and resist erosion. I have enjoyed living in Cleveland Heights for many years because so many residents and community leaders have demonstrated concern about the environment, conservation and our legacy. Short-term one-deal financial gain will not solve funding problems for schools. Only long-term ongoing revenue will do that. But myopic plans will permanently revoke our natural resources that provide opportunities for walking, nature study, and meditation, the relief of stress, urban dwellers so desperately need. Please remember that the destruction is forever. There is nothing more depressing than beauty destroyed.'

Thank you. I'd like to read a proposal of my own. "I have shared my concern for the Millikin woods and marshland, the wildlife at home there, for neighbors who until recently counted on the playground and gymnasium and for the multi-cultural community including over a hundred homeschooling families that enjoyed pre-school and family services in a peaceful wooded setting. There are at least several sources of funds to preserve such land and wildlife. Governor Strickland has pledged his administration will support initiatives to reverse environmental degradation, conserve energy and other resources and to institute renewable fuel use. Various funds are dedicated to green-building and local energy independence. The Millikin building, auditorium, wood gymnasium, offices and childlike rooms need major renovation. The building has not been maintained while the woods have been regularly used as a dump. This community can restore the building and playground just as Coventry Neighbors constructed the wonderful peace playground for generations to enjoy. Labor, which the city should redeem by declaring eminent domain in both endangered public spaces. This community is full of carpenters, electricians, plumbers, architects, designers, people in every skilled trade. There are physicists who are eager to consult on the use of renewable fuel. Just as Millikin Early Childhood Center and Parent Center depended mainly on professional experienced volunteers so can a nature and life-long learning center, family services, a free college beginning with a simple learning exchange dedicated to peace and peace education in a community full of peace activists. Cleveland Heights is full, as you know, of artists, musicians, educators at every level, nurses, coaches, etc. We are rich in skills and talents for such a project. Thank you."

"I'm Sam Richmond. I live at 1519 Crest Road. My reason to be here is just that those who came from our neighborhood who are concerned about the Millikin Woods, I'd like you to raise your hands [hands were raised]. Thank you."

Mayor Kelley stated, "I'd just want to make a brief comment. I know you, Vicky, you were here a few weeks ago and read a different statement. I just want to be very clear on where this is at so you have an understanding. The school board owns the whole property. They have put out a sealed offer for land disposition. The time for someone to respond is by 5:00 on Wednesday of this week, March 7<sup>th</sup>. The city is not entertaining any offers for this land or is involved at this point in time. So let me be very clear about that. If and when something may or may not happen on this property there would be a complete public process. So let me be clear about that, so if there are any rumors out there that the city is participating in any process with the school board or do anything to this property at this point in time

- that has not happened. Okay! Alright!"

Council Member Tumeo asked, "Have you gone to the school board and asked them [addressing Ms. Knight] what was there response?"

She responded from the floor, but was unable to be heard on the tape.

Council Member Tumeo continued, "Did they ever say anything about what they are planning to do or?"

Again, she responded from the floor, but was unable to be heard on the tape.

"Hi. I'm Valerie Robinson, 3334 Berkeley. I really just have something brief to say, that I support Vicky's proposal. It seems very sensible to me and I also liked what Judy Botwin had to say about green space. I live near Cain Park. I do enjoy that but I think there is a little bit more wilderness in the Millikin area and I know that I would like to see that preserved. I'd like that little school. I think these are sort of community things that we need to have the kind of quality of life we need here in the Heights. I see other construction going on and I wonder about it. I see a great big space at the corner of Lee and Euclid Heights Boulevard, I think more building is going on there, and I know a lot is going on at Severance. I think there is every reason to leave this little parcel of land alone and to develop that little school. I really want to commend Vicky for all her good work."

Mayor Kelley asked, "John, do you want to spend two minutes of what it means to take something by eminent domain? That we're really not in a position to just jump in there, so to speak."

Mr. Gibbon responded, "Well, as I am sure you are all very much aware the issue of taking property for a public purpose is somewhat influx. There has been a lot of case law recently on it and the Ohio legislature is considering a bill. But as a general matter, we can take property for a public purpose such as a park and we would have to pay compensation for it. We cannot take property from one owner and as simply turn around and give it to another owner unless it is blighted and is declared to be blighted property to the point of being a nuisance in which case we can do that. So those are the general ground rules. We can take properties for parks. We can take them for parking lots and other public purposes of that type. We can take property if it is in a blighted condition and turn around and give it to someone who will put something on it that is not blighted, but we have to be very careful about that, that it's truly a blight and we have to have experts that would declare it to be blighted, etc. So those are the basic ground rules having to do with taking property through eminent domain."

## **REPORT OF THE CITY MANAGER**

Mr. Downey stated, "Thank you very much, your Honor. I have just one item this evening. In your packets you received a copy of Bid Document No. 2007-05, also known as food concession services at the Community Center and Alternate 1 which is Forest Hill Park, Denison Pool and Cumberland Park. The lowest and best bidder for Alternate 1 is Snacks and Stuff, in the amount of 6 1/2% of the gross receipts. Your Honor, I would request that the bid tabulation and award of contract be made a matter of record."

Mayor Kelley made it a matter of record and asked the owners to stand up and introduce themselves to Council. They did as such. Mayor Kelley welcomed them back and requested if they would add some healthier snacks for the summer.

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

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that two resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following: BZA Calendar No. 3120(a) Rabbi C. Mordechai and Suzi Elbaz, 3651 Bendemeer Road, accessory use regulations; and, BZA Calendar No. 3120(b) Rabbi C. Mordechai and Suzi Elbaz, 3651 Bendemeer Road, accessory use regulations. Your Honor, I need to make these a matter of record."

Mayor Kelley made them a matter of record and referred them to the Planning and Development Committee of Council.

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

Council Member Wilcox stated, "Thank you, your Honor. There are two resolutions from the Board of Zoning Appeals February 25<sup>th</sup> meeting and Councilwoman Dietrich attended that meeting and is going to read these resolutions."

Council Member Dietrich stated, "First of all we have BZA Calendar No. 3120(a) and 3120(b), they are both about the same property. 3120(a) to start with, Rabbi C. Mordechai and Suzi Elbaz, 3651 Bendemeer Road, in an 'A' single-family district, have requested a variance from the accessory use regulations of the Zoning Code, to permit a one-story addition to their home that would result in rear-yard coverage by the existing garage of 23.5%. That's because their yard size would be reduced by the house addition. Rear-yard coverage by garages is limited to 20% of the rear-yard. A public hearing was held and the Board of Zoning Appeals resolved that the Elbaz's would suffer practical difficulty if the variance was not granted for three reasons, because large additions such as the one proposed by them are common in their neighborhood; and, because what they are proposing is basically the same as what they were already granted a variance for in 2000 but has expired before they did the work, and that the impact on the surrounding neighborhood would be negligible. They would be required to obtain the approval of the Architectural Board of Review and to complete construction within 18 months. I offer BZA Calendar No. 3120(a)."

Second by Council Member Tumeo.

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

Nays: None

Council Member Dietrich continued, "3102(b), same people, same address, and for the same construction project, but they also need a variance because their addition would result in rear-yard coverage by pavement of 34.5% because of the reduced size of the yard. The Zoning Code limits pavement coverage in the rear-yard for parking to 30%. So again, the same public hearing was held and the Board of Zoning Appeals approved this variance based on the same three reasons, the fact that large additions are common in that neighborhood, that the same variance was basically granted to them in 2000 and they just hadn't done it; and, that the impact on the surrounding neighborhood would be negligible and again, they need the approval of the Architectural Board of Review and it has to be completed within 18 months."

Second by Council Member Wilcox.

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

Nays: None

Council Member Dietrich commented, "I just want to comment that we're really fortunate that there is that whole neighborhood of people over there just east of Taylor and South of Severance where the people are so committed to their neighborhood that so many of them put additions on to accommodate their family size rather than moving out. We appreciate their commitment. That's all."

Council Member Wilcox stated, "There is no legislation from this committee tonight, but I did want to make a couple of comments and the first involves two events recently in our community, the National Short Track Speed Skating Championship was held at our community center since our last meeting. We certainly got some excellent media coverage showing off our north rink at the community center and I want to particularly thank Susanna Niermann O'Neil and the entire community center staff for a great job. We talked to some of the skaters and all of them were just very complimentary of our community center and our staff and the event. So, again, thank you.

Last Monday night, we actually moved our council committee meeting to Tuesday night so we council could attend the Reaching Heights event at Severance Hall and this was billed as a community celebration of musical excellence. It featured our public school music programs and it was indeed a celebration of musical excellence. This is the second time they have done this, everybody from the elementary schools to the high school organizations and it was an excellent program. I want to publicly thank the Reaching Heights Board, Susie Kaeser and certainly our public schools, the teachers, administration and staff for their hard work and preparation for this event. To the families who support our students all year round, but most of all to the students for an excellent program, for their hard work on reminding us of just how talented they are and what a great asset our students are for our community.

Finally, I just wanted to mention as the Cedar-Lee Parking Deck is going up at Meadowbrook and Lee, if you've been in that vicinity recently, you've noticed the area for the parking deck is now cordoned off for the construction. I would just ask everybody to be a little patient with us for the next several months until the fall when this parking deck will be completed. We'll have brochures in the businesses in the area showing various places to park. I just wanted to remind people that there is a parking lot one block west of Lee Road on Cedar that is free and is available for that area, so that during the construction period that is one alternate parking place. It will be a little bit inconvenient for a while, but again, be patient and look for those alternate spots. That concludes my report."

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

Council Member Evans stated, "Thank you, your Honor. I'd like to present Resolution No. 22-2007(PSH), adopting the 2007 Revised All Natural Hazards Mitigation Plan for Cuyahoga County; and declaring an emergency. By Resolution No. 30-2005 this Council adopted the All Natural Hazards Mitigation Plan for Cuyahoga County prepared by the Cuyahoga County Division of Emergency Services. Such Plan has been revised at the request of the Federal Emergency Management Agency. The City Manager and Fire Chief have reviewed and recommended approval of the 2007 Revised All Natural Hazards Mitigation Plan for Cuyahoga County. Therefore, I'd like to present Resolution No. 22-2007(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 22-2007(PSH).

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

Nays: None

**Resolution passed**

Council Member Evans continued, "Next, is Resolution No. 23-2007(PSH), to suspend enforcement of Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights for the period ending December 31, 2007, or at such earlier time as Council may subsequently prescribe, on the following-described streets; providing for on-street overnight permit parking on specified portions of Kensington, Hillcrest, Belmar, Glenmont and Eddington Roads; and declaring an emergency. Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights prohibits, with the exception of a physician making an emergency call, parking of any vehicles on any street in the City of Cleveland Heights between the hours of 3:00 a.m. and 6:00 a.m. Whereas, there is insufficient off-street parking for the residents and guests of certain streets which are hereafter named due to a high concentration of older apartment buildings with inadequate garage space. The City Manager has thus declared an emergency to exist on the aforesaid streets and has recommended that all-night parking be permitted. Additional resident parking is also necessary on Kensington Road between Lee Road and Cottage Grove Road and on Hillcrest, Belmar, Glenmont and Eddington Roads between Mayfield Road and Avondale Road. This Council previously initiated a program to implement overnight permit on-street parking on the aforementioned streets, and it would be in the best interest of the City and its residents to continue such program. Section 1 mentions the ten streets and I'd just like to incorporate those by reference that they are on file in the Clerk's office. Section 2, the City Manager is authorized to sell permits to residents and owners of property on Kensington Road between Lee Road and Cottage Grove Road which will allow such permit holders to park either in Municipal Lot No. 16 or overnight on Kensington Road between Lee Road and Cottage Grove Road. Such permits will be available for sale for a period from January 1, 2007 through December 31, 2007, at a cost of Thirty Dollars (\$30.00) per month. Section 3, the City Manager is further authorized to sell permits to residents and owners of property on Hillcrest, Belmar, Glenmont and Eddington Roads between Mayfield Road and Avondale Road to park overnight on the owner or resident's street in the area between Mayfield Road and Avondale Road. Such permits shall be available for sale for a period from January 1, 2007 through December 31, 2007 at a cost of Thirty Dollars (\$30.00) per month. I'd like to present Resolution No. 23-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 23-2007(PSH).

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

Nays: None

**Resolution passed**

Council Member Evans continued, "Resolution No. 24-2007(PSH), authorizing the City Manager to accept a donation from Huron Hospital on behalf of the City's Fire Department; and declaring an emergency. Huron Hospital made a donation to the City of twenty cases of N-95 disposable face masks, with a retail value exceeding Two Thousand Dollars (\$2,000.00). Such donation is of value to the City's EMS operations and the protection of personnel in the event of a wide-spread health threat. I'd like to present Resolution No. 24-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 24-2007(PSH).

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

Nays: None

**Resolution passed**

Council Member Evans continued, "This time of year when the streets have been dry for a few

days people tend to pick up the speed in their vehicles. I would just like to mention we need to be aware that there are a lot of pedestrians that use the sidewalks, that have the need to cross at intersections and so I'd just like to caution people and really ask you to not exceed the speed limit. That concludes my report."

### REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo, "Thank you, your Honor. I would like to introduce Ordinance No. 25-2007(AS), first reading only tonight. It's an Ordinance of the City of Cleveland Heights, Ohio, establishing salary schedules, position classifications and other compensation for officers and employees of the City; and declaring an emergency. I will spare a detailed reading of this, it's over 20 sections and 20 pages. It does include a list of all of the positions and the ranges for those positions. It establishes the vacation time and sick leave, accrual rules, sets forth the legal holidays, work days, and work hours and benefits and terms and overtime rules. Through the Ordinance we are bumping up both the upper end of the range, which is increased by 3%, but the average salary awarded to non-contractual employees is 2% except for the court employees whose salaries will have increased an average of 3%. Also included in this is an adjustment for some of our positions to meet the new minimum wage law of the State of Ohio. It turns out in our situation there were only seven positions that needed to be adjusted from a range of \$6.40 to \$6.85. So there will be some minor adjustment in the lower ranges for that to meet the minimum wage law. I'd like to introduce Ordinance No. 25-2007(AS), first reading only."

Mayor Kelley accepted Ordinance No. 25-2007(AS), first reading only.

Council Member Tumeo continued, "Next, I have a couple of appointments for commissions. We have saved a position on the Citizens Advisory Committee. We've had some efforts to get a representative from the Millikin area. We had several applications. We went through the process of evaluating that and I would like to move the appointment of Don Stimpert, who lives at 1576 Wood Road to the Citizens Advisory Committee for 2007 as the Millikin representative and the term will be ending on December 31, 2007."

Second by Council Member Caplan.

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

Nays: None

**Appointment passed**

Council Member Tumeo continued, "Next, I have an appointment for the Commission on Aging. Frank Ruther who is currently on the Commission has moved out of the city. We already have our quota of non-residents so he did resign his position. I would like to move the appointment of Wilma Kasper to fill this position. It is an unexpired term. It would start immediately and is effective until June 30, 2008."

Second by Council Member Wilcox.

Council Member Caplan stated, "I would just like to thank Frank Ruther. He's really served well and has been a wonderful asset to the Commission on Aging, so I'd like to make a public thank you to him."

Mayor Kelley asked, "Wasn't he a president of ARRP also, Susanna, 5018? We'll certainly miss Frank, but he is always welcomed at our community center."

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

Nays: None

**Appointment passed**

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

Council Member Dietrich stated, "Thank you, your Honor. I have one resolution. It is Resolution No. 27-2007(CRR), recognizing March, 2007 as Red Cross Month in the City of Cleveland Heights; and declaring an emergency. Franklin D. Roosevelt in 1943 proclaimed the first Red Cross Month to recognize the tireless and brave efforts of the Red Cross volunteers who assisted our armed forces and their families during World War II. Today nearly two thousand Red Cross volunteers and staff members serve the greater Cleveland community by tending to victims of floods and other local disasters, helping families communicate quickly with military personnel when emergencies occur, and serving as instructors in first aid and safety education. I know when we have our monthly blood drive at the community center it is one of the largest in the county, thanks to all the people who go and give blood. Also, the Red Cross found housing recently for two Cleveland Heights' families that lost their houses due to fire. We join with other communities in the Cuyahoga County area in proclaiming March, 2007 as Red Cross Month in recognition of the contributions of the staff and the volunteers to assist the residents of Greater Cleveland."

Mayor Kelley accepted Resolution No. 27-2007(AS).

Council Member Tumeo stated, "We had this Resolution before us last year. It was different last year and I voted no at that time because of the problem with the National Red Cross. I'm going to support this tonight because it is to recognize our local volunteers and the local Red Cross volunteers do amazing things for this city and I want everyone to know that I personally and the Council are grateful for that. I think it's important to recognize that when a council passes resolutions it means something and there is thought in this. This is not just a one off, but this is to say thank you to those volunteers locally who do important things for us locally, even though the national organization may have its difficulties. Thank you."

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

Nays: None

**Resolution passed**

Council Member Dietrich continued, "Thank you. I have a few things to comment on. I was not going to put my two cents in really on Vicky's comments tonight, but it always bothers me when I feel like - you know - somebody feels like their idea is so doable and wonders why we don't say yes, yes, yes that's a fabulous idea and we're sort of more hesitant. I know that before I was a council person, I remember one time going to Bob Downey with some idea about - I don't even remember what it was, but it was something where I felt we could put an indoor soccer facility somewhere and it just seemed like such a good idea to me and I couldn't understand why everyone wasn't doing it. Just a few things about this, like the Coventry Peace project was able to be done with those volunteers because it was on property that the school board owned. We can't just ask people to volunteer to create something as wonderful as it might be on something - on property that we don't own. The choice would be to buy it, which is of course millions of dollars."

Vicky Knight spoke from the audience.

Mayor Kelley and Council Member Dietrich both interjected. Mayor Kelley added, "It's Council Member Dietrich's turn now."

Council Member Dietrich continued, "You'd have to buy - you would have to maintain it. The reality is that we budget our pennies very closely and the money that it costs us to take care of the green spaces that we have, which are pretty extensive and we have Cain Park, Cumberland, Forest Hill, some other small ones like Turtle Park, and we spend a lot of money maintaining what we have. With budgeting the way we budget, I don't know if you look at the budget process, but we're always right down - we have exactly what we spend every year and to spend 2.3 or 4 million dollars would require us to plan for it for years. It's not that it's a bad idea, that's just what I want to say. It just sounds - saving green space sounds fabulous to me too. I love trees. I love being outdoors. It's just not as easy as we'd all like it to be and that's just reality and it's unfortunate but when we don't really act like, *'yes, yes, yes, let's do that'*. It's really because of our financial reality.

I have one other thing that I want to talk about which is money related as well, which is predatory lending. I'm sure everybody knows the unfortunate truth that our community and others are seeing higher vacancy rates in homes and higher foreclosure numbers than we have before. This is not good for any city, not good for our city. It's a blighting influence and it just bears reminding that part of this upsurge is the result of predatory lending, which is of course lending that takes advantage of the consumer. As you also may know, our housing manager, Rick Wagner, has been working locally with the Home Repair Resource Center and regionally with other communities in the county and with the county itself to address this. On the regional level, we've had some success in getting the county to hire more magistrates to handle foreclosures, but of course the other part of the problem is preventing them in the first place. One way to do this is to help buyers understand about avoiding predatory lenders. So, even though most people probably already know this, I'm just going to repeat a little bit of what to watch for when you're borrowing money for your house. I'm taking this mostly from an article that was in the Sun Press recently, and also on the way here tonight I happened to hear on NPR that one study shows that 20% of sub-prime loans end in default. Not that a sub-prime loan in and of itself is the same as predatory lending, but that a home buyer who doesn't have very good credit is of course usually the person that gets a sub-prime loan. They come with a higher interest rate and that is to compensate the loan company for the extra credit risk. The thing to look for so that you don't fall victim to predatory lending are these: you don't want to deal with a lender who is trying to sell property for more than it's worth using false appraisals; predatory lenders are apt to encourage borrowers to lie about their income or their expenses on their loan application; a predatory lender often lends more than the borrower can reasonably repay; they charge higher interest rates based on borrower's race or national origin rather than on their credit history; they are apt to add fees for services that don't really exist; they pressure borrowers to accept higher risk loans like balloon loans, interest only payments, steep pre-paid penalties; they are apt to convince home owners to refinance again and again with no benefit to the borrower; they use tactics to get the owners to do home improvements and to finance those at a high interest rate; they might tell a buyer that their company is the only chance you have to get a loan; they might tell a buyer that FHA insurance will protect you against property defects or loan fraud - which isn't true. If a deal to buy or refinance or to fix-up your house sounds too good to be true, it probably is. You can call HUD to get counseling and they have a number which is 800-569-4287 or better yet call the Cleveland Heights Home Repair Resource Center at 381-6100 and just make sure you beware that predatory lending is still out there. The state is sort of trying to deal with it, but it isn't as strong of a dealing with it as we would like. You just really have to be careful of the sort of sneaky subtle tactics. That's all that I have."

Mayor Kelley commented, "Thank you, Councilwoman Dietrich. It was encouraging to see that our new Attorney General Marc Dann has set up a whole department to deal with this and it's nice that

this is one of the fruits of our labor here. This council supported, I think all democratic candidates running for state-wide offices and the new attorney general within his first 60 days assembled (what I think is) a good start and a good department to really tackle this issue. Now, it's not going to solve all the problems, but it's nice to have somebody in Columbus that finally gets what we go through here as an inner-ring suburb dealing with this kind of an issue. So, I want to publicly thank Marc Dann for setting up a department and looking forward to working with him and I know Rick Wagner will probably get involved somewhere down the line as he usually does because this guy really gets it and we will have further discussions and further action on this issue. Thank you for talking about that, Councilwoman Dietrich."

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

Vice Mayor Montlack stated, "Thank you, your Honor. There is no legislation from this committee tonight, but it is appropriate to report on a benchmark that has been reached in the discussions between the First Suburbs Consortium and the Cuyahoga County Juvenile Court. I reported on this briefly previously and the issues that have been worked on and discussed have to do with the questions of youthful offenders and making sure that there are consequences for the kind of activity that harms the fabric of neighborhoods and communities. We've been at work at this since June, 2006. We've had a couple of sub-committees working on two kinds of issues along with the juvenile court judges and senior staff and the issues related to reporting and communication, including between the court and the police departments. Very often the police departments serve as a communication all-link also with the victims of youthful offenses. Other issues involved are removing obstacles to filings with the juvenile court and direct admissions to the detention center, so that as I indicated before, there are some consequences to the most serious kinds of offenses. So, the representation from the communities of the First Suburbs included more than one city manager and mayor, a number of police chiefs, other police personnel from Bedford, Bedford Heights, Cleveland Heights, Euclid, Garfield Heights, Lakewood and Shaker Heights and also helping us were representatives from the Cuyahoga County Regional Information System, a data collection and dissemination system as well as representatives of the Cuyahoga County Board of Commissioners. I am happy to report that to this point, Juvenile Court has been extremely cooperative working with us to identify problems, have frank discussions and address those problems. That includes, as I said, all of the senior staff and there has been one particular juvenile court judge who has attended every meeting and has made great contributions, Judge Kristin Sweeney. I would like to thank her also for this.

At this point, here is the status of what has been accomplished through commitments through juvenile court. First of all, juvenile court is going to join the county regional information system. So as I speak, through the cooperative efforts of the court, CRIS, and the county commissioners all of the data and information that's relevant is being entered into that system so that the court and the law enforcement agencies can at least join the 20<sup>th</sup> century and hopefully the 21<sup>st</sup> in this kind of reporting system. Secondly, all outstanding felony warrants for youths are being entered into the CRIS system. This is very important, because this means that a warrant can now become a lot more than a piece of paper but will have an impact and this means that when people are brought into the system they need to show up for court and a follow through in that regard. Thirdly, the offenses that warrant direct and immediate admission into the detention center will now include all offenses which if committed by an adult would be a felony, as well as three additional kinds of offenses: assault on any kind of law enforcement personnel; assault on any kind of school personnel; and aggravated riot. We've made a lot of great progress. There are still a few issues that remain and there is work to be done and we are actually working on that and also expanding the meetings to include more of the Cuyahoga County Commissioner's staff, because down the road, there are going to be some capacity issues that need to be worked on.

Once again, I would certainly like to say a well-done [job] to Chief Lentz of the Cleveland Heights Police Department, who demonstrated frankly a real leadership position among the police chiefs in the region, as well as helping us - together - all of the communities gain the attention of various entities so that we could make these reforms happen. So far, from a standpoint of protecting our residents, our neighbors, our community we have made great progress. That completes this report."

Mayor Kelley added, "Thank you, Vice Mayor, but I think it would also be appropriate to thank you for your involvement. I remember the first meeting we had out in Garfield Heights when we were doing a little bit of a dance with the Juvenile Court folks and they didn't have any money and they were kind of listening, but I know you and Mayor Longo spearheaded this at some point. I know there was some great progress and I know we have some more work to do, but really I want to thank you for doing it and being the head of First Suburbs and making it happen. This is the issue now and there will probably be another issue - lord knows what it will be - but it'll be two or three months from now. So, I want to thank you too. You should have the public recognition also."

Vice Mayor Montlack thanked the Mayor.

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

Council Member Caplan stated, "Thank you. I have one piece of legislation. It is Resolution No. 26-2007(MS), authorizing the City Manager to enter into an agreement with Wade Trim Ohio, Inc. for preliminary engineering services for the Lee Road Rehabilitation Project; (spring must be coming, because we're going to get orange barrels again, but, it's really - always for a good thing) providing compensation therefor; and declaring an emergency. The City intends to perform rehabilitation on Lee Road from Dellwood Road to the south corporation line; and Wade Trim Ohio, Inc. has submitted a proposal to provide the necessary preliminary engineering services for this Project, the terms of which are reasonable and competitive. Such services are professional services for which no bidding is necessary. Therefore, be it resolved that the City Manager be authorized to enter into an agreement with Wade Trim Ohio, Inc. for preliminary engineering services for the Lee Road Rehabilitation Project. The scope of the work shall be as set forth in the Engineer's proposal dated February 21, 2007, a copy of which is on file with the Clerk of Council. Compensation for such services shall be at the Engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Thirty-eight Thousand One Hundred Dollars (\$38,100.00). The agreement and any related documents shall be approved as to form by the Director of Law. Notice of passage shall be given and this Resolution shall be passed as an emergency measure tonight. I offer Resolution No. 26-2007(MS) for passage."

Mayor Kelley accepted Resolution No. 26-2007(MS).

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

Nays: None                      **Resolution passed**

Council Member Caplan continued, "Thank you. We are still in the throes of winter and again I want to say thank you to the public works department. They are keeping us safe. The streets have been easily traversed and we're looking good in comparison to lots of our neighbors. Spring really is coming, because tonight we talked about ordering trees to be planted, about Cain Park. We're thinking about all the shows at Cain Park this summer, the Arts Festival. So, begin to think spring and think about all the things that we do here in the spring and the summer and what fun it is.

The thing I do want to comment on, is to say thank you to the people from the Millikin neighbor-

hood for coming out. This is really what makes us different than lots of other communities. That when you have an issue, you know you can come and raise your voice, raise your hand, show your concern about an issue. Whether or not we can do something about the Millikin property, the fact that you make noise about it is really important. We don't own the property. So, I encourage you, really encourage you to raise your voices and let your feelings be known to the school board. They own the property. They should be listening. Make them listen to you, so that the things that will affect your community will be heard by the people who own the property at the moment. Thank you for coming. Don't hesitate in raising your voice, coming here to say the things that are important to you. It's democracy at its best. Democracy works at a local level and you see it here. So, thank you for coming, really, all of you. That's all that I have."

## **REPORT OF THE MAYOR**

Mayor Kelley stated, "I want to recognize a former school board member and our former state representative, Claudette Woodard is with us tonight. Nice to see you. Welcome. I'm sure you're here in the capacity of the Crest Road residents and your concern about the neighbors. Welcome.

I do want to [add] as Councilman Wilcox mentioned, the Reaching Heights' performance last Monday night was simply outstanding from start to finish. To see our children performing musical talent here. We could take any city on or any State of Ohio - and blow them right away. I mean it was unbelievable. Although, the Ohio State marching band is pretty good. Maybe we won't take them on. But, it was such a fabulous night. I want to thank Susie Kaeser and her staff and everybody just involved with it. I mean it was unbelievable and to see just about every seat filled and the kids performing. If you didn't go, when they have it again in three or four years from now, you should be there. Just a lot of amazing things happened. I want to thank Kim Wheeler from Channel 3 for again emceeing the program even though she had to get up about three hours later to go to work for the morning show, but she does such a nice job in her commitment to our schools is just unbelievable.

I also want to recognize and congratulations to the Congregation of the Community of Living Hope formerly the Church of the Cross in the Caledonia neighborhood. This weekend their church was designated a Cleveland Heights landmark. It was actually the 50<sup>th</sup> landmark in our city. The church was ordinally dedicated in 1926. So congratulations to the Congregation of the Community of Living Hope.

Again, as everyone said, the weather is changing. It will be a little bit colder this week and get a little warmer next week. So when you are messing around in your cars and you are out there, be careful of the black ice, be careful when it gets a little bit warmer of our children crossing the streets when the weather gets a little bit nicer and the ball playing starts and that. So, the bottom line is slow down wherever you're going. We'll make sure we'll have radar on your street and ruin your insurance rates so to speak.

This meeting is adjourned. Our next meeting will be Monday, March 19, 2007. Our meeting is adjourned at 8:44 p.m. Thank you for coming tonight."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc