



# CITY OF CLEVELAND HEIGHTS, OHIO

## MINUTES OF THE CITY COUNCIL MEETING OF MONDAY EVENING, AUGUST 20, 2007

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:24 p.m.

Edward Kelley, presiding

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

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

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

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

Mayor Kelley moved to adjourn into Executive Session at 6:24 p.m. Second by Council Member Dietrich.

Edward Kelley, presiding

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

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

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

Topic of discussion included litigation.

Executive Session concluded at 6:50 p.m. and adjourned into Committee of the Whole, concluding at 7:31 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:41 p.m.

Edward Kelley, presiding

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

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

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

The minutes of the Regular Council Meeting held Monday, August 6, 2007 were signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

Mary Weems, City Poet Laureate stated, "Thank you, Mayor, thank you Members of Council for your time. As poet laureate I think civility begins with getting to know your neighbors, looking your neighbor in the eye and saying hello. Heights Arts has been gracious enough to accept my idea for what I'm calling, "The Found Poetry Project". I want to thank Peggy Spaeth for saying yes. A found poem is a poem that you create from already published printed material. So, from poetry, books of literature or other kinds of books you find in libraries and bookstores you pull lines that you really like and you shape a new poem out of it, giving credit to the authors of the individual lines. The idea for this project is to go up to someone that you see on a regular basis, at a coffee house or at the library or bookstore or other Cleveland Heights business, say hello to them, give them a copy of this handout [displaying handout] which you will be able to pick up at either the library or one of the independent bookstores. It is also available on the HeightsArts website at [www.heightsarts.org](http://www.heightsarts.org), meet with that person, exchange your first names and e-mail addresses if they are interested in doing this project. Block out a period of time to meet in a space where you will read together, pick out lines that you will then shape into one poem. If you decide to participate in this project you will also write up a 50-word story of how you met the person and what the project meant to you and send those entries, please, to HeightsArts at 2163 Lee Road, #104, Cleveland Heights, Ohio, 44118. Selected found forms and their writers will be invited to a, "Joy of Text" final program on November 3 and 4 where we will gather together, share our poems and also the stories that go along with them. I would like you to know that I started my found poem today with a Sicilian-American elder by the name of Pete at the Heights Library. Please consider taking part in this project. There is nothing like getting to know someone you didn't know before who also lives in Cleveland Heights. Thank you."

Mayor Kelley stated, "Thank you, Mary. I do want to say that our first poet laureate, Meredith Holmes is with us today. Meredith, did you want to say anything?"

Ms. Holmes spoke from the audience and added, "Just that I think it's a wonderful idea and when Mary first proposed it, I could think of several people that I see on my way to work that I'm really curious about and that I hope I have the nerve to go up to them."

Council Member Evans asked, "How else is the word going to be spread about this?"

Council Member Tumeo asked, "Could we put it on the city's website?"

Mayor Kelley replied, "I think we could put it on the city's website and I don't want to speak for our civility but I think we could somehow tie it in with some of the civility things and I know Steve Wood - I'm sure the library will be buying into this process because all of a sudden there is a lot of activity at the library, but it sounds like a natural. Maybe, I'm just brainstorming, maybe some of the coffee houses in town could use this as an ice breaker, because there always seems to be a person or two enjoying a coffee in Cleveland Heights at a different place, maybe this could be an ice breaker."

Council Member Tumeo added, "I just thought I'd commend you. It's not often that you can get excited about the arts this way. It's really very, very emblematic of our community and I think it speaks values to your creativity and your dedication and it's a great credit to HeightsArts Collaborative and to the whole concept of the poet laureate. I think this is just fantastic and I really, really do commend you."

Ms. Weems thanked Council Member Tumeo.

Mayor Kelley continued, "I think we're fortunate. Amanda E. Garrett is in the back, our Sun Press reporter, and I think her pen is on fire now, she is writing so fast. I think even a little blurb in the Sun Press will help this go on a long way and I think Mary Jane did write a very nice editorial about Al Slawson's event that he had at the library regarding civility. I think this will tie in very nicely with what we're going to do and try to do in the fall with civility. So it is just one more special reason why Cleveland Heights is such a great place to live and if I know Cleveland Heights there will be a lot of banter going around and I think our schools will somehow adopt this piece. It is just one more way for the new kids that are moving in the elementary schools to get to know each other a little bit better and to break the ice and some of the parents at the ice cream socials and at the curriculum nights and maybe we'll even try - maybe we won't - I was going to say at the football games this Sunday, but I know Coach Rotsky [laughter] - - even though he is a little guy. Maybe we'll have some fun with that after he whops Warrensville and that is my prediction."

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

Mr. Downey stated "Thank you very much, your Honor. I have no formal report this evening."

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

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that three 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. 3131 Dr. Diethra Cox, 3296 Dellwood Road, minimum yard requirements for principal uses; BZA Calendar No. 3133(a) Alex Quintana, 2200 South Taylor Road, sign regulations; and, BZA Calendar No. 3133(b) Alex Quintana, 2200 South Taylor 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. The first item of business are three Board of Zoning Appeals resolutions that were just mentioned and were heard at the August 15<sup>th</sup> meeting of the Board of Zoning Appeals and Councilwoman Evans attended that meeting and she is going to read these resolutions."

Council Member Evans stated, "Thank you. I'd first like to present BZA Calendar No. 3131 Dr. Diethra Cox, 3296 Dellwood Road, in an 'A' single-family district has made formal application requesting a variance from the minimum yard requirements for principal uses of the Zoning Code, to permit a remodeled front vestibule to encroach 36" into the required front-yard setback. The applicable provision of the Zoning Code is contained in Section 1121.08, which requires the principal building to extend no further into the front yard than the average setback of adjacent front yards, which in this case is 37.5 feet. Be it resolved by the Board of Zoning Appeals of the City of Cleveland Heights that the applicant will suffer practical difficulty if the variance is not granted because if the existing porch is repaired as it is, the size of the landing would not meet current building code requirements and it is difficult for people to enter and exit the front door safely; if a code-conforming vestibule is built, it will not accommodate the opening of the screen door without the person entering having to back down onto the steps; the proposal will accommodate the columns and roof pitch so that it is in keeping with the style of the house; the variance is not inconsistent with the character with the neighborhood and other porches; the

proposed stairs will not extend any further than the existing stairs, and the applicant's predicament cannot be resolved without a variance. The issuance of a special permit is hereby authorized to permit a remodeled front vestibule to encroach 36" into the required front-yard setback, as shown in the plans submitted to the Board. The applicant is required to obtain a building permit and approval of the Architectural Board of Review prior to construction. All construction which is the subject of this application shall be completed within 90 days of the date of approval of this resolution by City Council. I'd like to submit BZA Calendar No. 3131 for passage."

Second by Council Member Wilcox.

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

Nays: None

**Resolution confirmed**

Council Member Evans continued, "The next two are about the same property, so they kind of tie into each other. The first is BZA Calendar No. 3133(a) Alex Quintana, 2200 South Taylor Road, in a C2 commercial district, has made formal application requesting a variance from the sign regulations of the Zoning Code, to permit a free standing commercial identification sign. The applicable provision of the Zoning Code is contained in Section 1163, which does not permit a free-standing commercial identification sign. Be it resolved by the Board of Zoning Appeals of the City of Cleveland Heights that the applicant will suffer practical difficulty if the variance is not granted for the following reasons: the business is located in a structure that is set back 19 feet from the existing buildings on each side, resulting in the business location not being visible; and the proposed signage will be set back to align with the adjacent commercial buildings. The issuance of a special permit is hereby authorized to allow a commercial identification sign as presented to the Board. The applicant is required to obtain a building permit and approval of the Architectural Board of Review prior to construction of the sign. The variance is subject to the following conditions: (a) the applicant shall landscape in front of the sign as presented to the Board; (b) all construction which is the subject of this application shall be completed within 90 days of the date of approval of this resolution by City Council. I'd like to move that BZA Calendar No. 3133(a) be passed this evening."

Second by Council Member Tumeo.

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

Nays: None

**Resolution confirmed**

Council Member Evans continued, "BZA Calendar No. 3133(b) Alex Quintana, 2200 South Taylor Road, in a C2 commercial district, has made formal application requesting a variance from the accessory use regulations of the Zoning Code, to permit a 3 foot 6 inch tall wall. The applicable provision of the Zoning Code is contained in Section 1121.12(i), which allows a maximum permitted height of 3 feet. The practical difficulties in this one are exactly the same as the one that I read for 3133(a). Therefore, I would like to move that BZA Calendar No. 3133(b) is accepted."

Second by Council Member Dietrich.

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

Nays: None

**Resolution confirmed**

Council Member Wilcox stated, "Thank you. Next, I have one piece of legislation from this

committee and that is Resolution No. 107-2007(PD), initiating and creating the East Derbyshire Neighborhood Improvement Program; and declaring an emergency.

Before I read this legislation I just wanted to make a couple of comments about this legislation. Since Cleveland Heights is a residential city, the city staff and council devote much of their time and effort to determine how to maintain our housing stock and keep our neighborhoods desirable and livable for our residents. Most of our city meets those standards. However, national trends, respecting foreclosures and the housing market in general has created vacancies and absentee ownership in the city. We addressed some of those issues city-wide with our legislation last week requiring registration of vacant and absentee owned properties and assumption of point of sale responsibilities on those who acquire those properties. But, we also know that in some areas, heavy concentration of absentee landlords and their renters who sometimes do not maintain their properties or observe our residents' expectations for peaceful and livable neighborhoods have caused us to devote inordinate amount of time and city resources to these issues. As council has addressed these issues over the years, one theme is consistent, the need to increase owner-occupancy in our two-family areas. When these were built (these two-family areas) they succeeded because owner-occupancy was the norm. Quite simply, the owner lived in one side of the house and rented the other side of the house. We have tried a number of approaches to encourage owner-occupancy over the years. Tonight we are considering legislation to establish a pilot program in a targeted area which has the potential with the assistance of city funds to achieve the goal of promoting owner-occupancy and upgrading the houses on the street. That program is known as the East Derbyshire Neighborhood Improvement Program and is the result of a great deal of effort by our City Manager and his staff and much discussion among council.

I want to particularly thank from the Planning Department, Richard Wong and Kim Steigerwald, and from our Housing Department, Rick Wagner, and from Community Relations Susanna Niermann O'Neil for their help with developing this program. This program has a number of unique features which council and staff believe can lead to success. First, this is a targeted area which has almost all two-family houses which are side by side and which the city has worked with on an ongoing basis for the last several years. Second, there has been a buy-in by a significant number of those living on the street as owners and also investors who rent on the street. Third, there is available funding from our federal block grant program, our CDBG program, which will have a significant impact and provide the necessary incentives. I want to emphasize that no General Fund dollars will be used for this program. Vice Mayor Montlack will discuss some legislation later to explain the funding in more detail. Fourth, there is city-ownership of a property on the street which will allow us to jump-start the program. Fifth, there is an attractive grant program for landscaping to immediately change the face of the street. We all know that this will not be easy to accomplish, but once we complete the pilot program, we are confident that it will have a positive impact on this part of East Derbyshire and hopefully will be something we can duplicate in other parts of the city.

Now, the legislation itself provides as follows: That the majority of the properties on East Derbyshire Road between Lee Road and Cottage Grove Drive are investor-owned, two-family properties; and, there has been an increase in anti-social and/or unlawful behavior by tenants in the neighborhood and lack of property maintenance by absentee landlords, resulting in blighted conditions and a nuisance. This Council has determined to initiate and create a pilot program in the neighborhood to encourage owner occupancy and property improvements. Our Citizens Advisory Committee has reviewed and approved this program. So Section 1 of this Resolution provides that Council initiates and creates this pilot project for the purpose of alleviating blight and encouragement of owner occupancy and property improvements in the East Derbyshire neighborhood. It will be limited to the properties on East Derbyshire Road between Cottage Grove Drive and Lee Road, and will provide for incentives as specified in this Resolution as follows: Owners of occupied single or two family properties are eligible for a Five Thousand Dollar (\$5,000.00) grant for landscaping and a Ten Thousand Dollar (\$10,000.00)

matching grant for interior or exterior renovations for the owner-occupied unit. Owners of vacant two-family properties may receive the following incentives for condominium conversion: a Fifteen Thousand Dollar (\$15,000.00) per unit matching grant for interior or exterior renovations and One Hundred Percent (100%) tax abatement for ten (10) years on the increase in value from the improvements for the buyer, and legal assistance with the preparation of condominium documents. Any award of tax abatement is obviously subject to further legislation of creation of a Community Investment Area which must be approved by the State of Ohio. All properties participating in this Program must be free of Code violations and in good condition. Section 2 of the Resolution provides that Council authorizes the City Manager to take steps to renovate and convert into condominiums the City-owned two-family property at 3150-3152 East Derbyshire Road, and to place the same on the market for sale. The renovation and all related costs shall not exceed the sum of Eighty Thousand Dollars (\$80,000.00). Section 3 provides that all activities performed under this program will be funded with Community Development Block Grant Funds as allocated by Council or with the program income. I offer Resolution No. 107-2007(PD) for passage this evening."

Mayor Kelley accepted Resolution No. 107-2007(PD).

Council Member Tumeo stated, "I think that it's important that people understand that we really have been discussing this a lot. This program is in essence a trial investment and it is an investment. It is limited in scope because (a) we're limited in resources; and (b) we need to make sure that there are results and this does have clear metrics. I'm very firm on the fact that we have to measure results in a reasonable way if we're going to invest public monies. The metrics that we're most interested in an increase in the percent ownership on the street and reduced calls to police and reduced behavior problems and those are very clear metrics that will make this neighborhood much better and will strengthen the city. So, I am very excited about this. I, too, want to thank the city staff for putting this together and bringing me up to speed on some of the details and I'm very happy to be supporting this."

Mayor Kelley added, "I, too, want to speak. Councilman Wilcox really said just about everything that needed to be said, but the important thing here is we've done a lot on this street already. If you want to talk about cosmetics, we re-paved the street, we put in new lighting, we tried to plant new trees on the tree lawns, many of which unfortunately were snapped just like they were twigs. The important thing is we've wrestled with this street for many, many years. A few years back Susanna and I wrestled with the John Carroll students of which both of us were proud alumni of and dealing with the loud parties and the loud music and we thought that was a little bit too much for the street. We changed the dynamics and we actually helped what is happening there now. So, now it is a very important time. Two weeks ago I said the three most important resolutions that we passed were for the ones that we passed then. I misspoke. Resolution No. 107 now and 108 in a few minutes in tandem with the three we passed two weeks ago probably are the five most important resolutions that we have and will pass. We are investing nearly three quarters of a million dollars on this street to change the dynamics, to make it more livable for everybody, to take a hold of a street and return it to what I call the *glory years*. The *glory years* on East Derbyshire were the '60's and the '70's and the '80's in which I grew up here and had many, many friends on those streets that lived in those doubles with other family members and friends and things like that. East Derbyshire was the street that many people wanted to live on. It was one of the first streets that was integrated in Cleveland Heights of all kinds of people, going to all kinds of schools, from all races, from all countries and what have you. It's time to return East Derbyshire to the *glory years* of the '60's, '70's and '80's and this will attempt to do that. Significant dollar investment upon the city's part - absolutely. We don't look at this lightly when we put three quarters of a million dollars, even though it's block grant money. That's a lot of money. Landscaping will make a big difference, but we're going for the home run here. This will be model that we will move elsewhere in the city once this is done. This block is crying out for this. This block returns very little tax dollars to the city, income tax dollars and hopefully, it will begin to return income tax dollars to the city to make up for the amount of

services that are provided day in and day out, every single day twenty-four hours a day, not just the police services, the other services that we provide, the staff hours, the hours of time this city council has spent for the last five to seven years on this street alone. This will be a model that the other inner ring suburbs, not just in the Cleveland area, in other cities will come to look at to figure out how to do and do in their cities. This is a bold, dramatic move. We also need to thank our [Vice] City Manager Kathleen Ruane for chairing the task force that came up with some of these ideas. We don't take this lightly. We are moving forward with this. We're proud to do this. We've already talked to many of the people that live on the street; some of the owners, some of the investors, some of the absentee landlords. We have a lot of work ahead of us, let's not kid ourselves. This is just the beginning. This will be very hard, very difficult to do. It'll be house by house to do it. We will have some difficult moments, but in the end, East Derbyshire will be the model for other streets in Cleveland Heights, for other streets in the other cities in the inner ring suburbs. People will come here and say you did it again and this will be the model that we will take to our representation in Washington and Columbus, and say we need some more money to do these things elsewhere. So, we're putting significant dollars out. We do not take three quarters of a million dollars lightly in this city. There are many, many other things we can do with this money, and I also want to thank the Citizens Advisory Committee for studying this and adopting this and recommending to us to do this even though it wasn't a 100% vote. We don't need a 100% vote and we expect sometimes for people not to accept it, but in time this is the right thing to do. Now is the time to do it and we're going to move ahead with this and it's still going to take a lot of staff time, but at the end of the day we'll be able to roll up our sleeves and we will start seeing a difference when the houses start turning over. There are a lot of good people that live on this street that are still on this street that own houses on the street and there are a lot of good people that do receive the voucher choice program that live on this street and are good people on the street and live on this street and that's who we're doing this for and we're also doing it for the people that live on lower East Derbyshire, Cottage Grove and for the Cedar Lee area. That's who we're doing it for - and for the city itself. The city will be better because of this."

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

Nays: None

**Resolution passed**

Mayor Kelley thanked Council Member Wilcox for the explanation of the legislation.

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

Council Member Evans stated, "I'd like to please present Resolution No. 108-2007(PSH), authorizing the City Manager to enter into agreements with Sands Environmental Consulting, LLC for professional services related to the installation of an above-ground fuel storage system for Fire Station No. 2 and the removal of two existing underground storage tanks; providing compensation therefor; and declaring an emergency. Whereas, it is necessary to obtain environmental consulting services for the installation of an above-ground fuel storage system for Fire Station No. 2 (the one located on Cedar) and the removal of two existing underground storage tanks. Sands Environmental Consulting, LLC has submitted a proposal to provide the necessary professional services to the City for these projects, the terms of which are reasonable and competitive; and such services are professional services for which no bidding is necessary. Additionally, as noted in Section 1, the services to be performed shall be as provided in the proposals from the consultant dated July 25, 2007, copies of which are on file with the Clerk of Council. More specifically, the first agreement shall provide for professional services to develop plans and specifications, provide construction oversight and obtain regulatory approval for an above-ground fuel storage system for Fire Station No. 2. Compensation for such services shall be at the consultant's usual hourly rates, with total fees and expenses not to exceed the sum of Eight Thousand

Seven Hundred Dollars (\$8,700.00). The second agreement shall provide for services relative to the removal of the two existing underground storage tanks at the same location and necessary closure reports to the State. Compensation for these services shall be at the consultants' usual hourly rates, with total fees and expenses not to exceed the sum of Ten Thousand Two Hundred Thirty Dollars (\$10,230.00). I would like to submit Resolution No. 108-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 108-2007(PSH).

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

Nays: None

**Resolution passed**

Council Member Evans concluded, "I just want to comment on the wonderful season that we had at Cain Park. I know that Councilwoman Dietrich will have a lot to say and give out the accommodations to the appropriate people, but it was really a very good summer with wonderful performers and wonderful plays and I just hope that all of our residents at some time - - next year now, since the end of the season has passed will take advantage of the wonderful programs that are in the park. It is a great place to be. That concludes my report."

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

Council Member Tumeo stated, "Thank you. I have no legislation tonight. I do have one item I want to bring up and it ties nicely into the legislation that we just passed. Cleveland Heights is pretty renowned for being very environmental conscious of what we do and in that resolution we're moving ahead with removing underground storage tanks that currently don't have problems but we know that they are all problematic in the long-run and we're getting ahead of that curve in solving a problem before it occurs.

Another thing that is going on that I want people to know about is this week is the Commuter Challenge 2007. Everyone is invited to participate. It's brought to us by the Northeast Ohio Area Wide Coordinating Agency's Ozone Action Day Program. What this is, is during this week everyone is invited to try and find a way to get to work without driving alone and some of the options that they put in front of us include car pooling, perhaps biking to work and to do errands, ride the bus. The RTA services are very good here in Cleveland Heights and into Cleveland. If you are close enough you can walk, but take an umbrella this week. If you get the option, perhaps you can tele-commute or even work a compressed work week where you don't drive as many days and therefore you can knock down the pollution, knock down carbon emissions, knock down ozone and help the environment. So I would urge you all to do this. For more information you can go to the NOACA website and that is [www.noaca.org](http://www.noaca.org) and I would urge everyone to give that a try. Thank you."

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

Council Member Dietrich stated, "Thank you. Well, we do know it's fall, partly because Cain Park closed this weekend. Much of the credit for that goes to Susanna Niermann O'Neil of Community Services and all the people that come under her and get hired especially for the summer to work at Cain Park. The other way we know that it's fall is that the first football game is going to be happening this Friday night at Heights High against Warrensville. I don't have any legislation but I just have some, I guess, fall-related recreational announcements to pass on to you.

This week, starting today and ending Friday, August 24<sup>th</sup>, the Senior Center and the field house side of the community center are closed for maintenance. This has been posted for a long time. So,

hopefully there isn't anybody that's hearing this for the first time, but all programs on the field house side including the Senior Center will be cancelled this week and the ice rink side will remain functioning as usual.

Monday, September 3<sup>rd</sup> which is Labor Day there is a thing that will take place which is called, Miles for Smiles. It is a 5k run and one-mile fun runner/walk to benefit Operation Smile and also to benefit the Cleveland Heights Youth Scholarship Fund. This will take place on the third at 9:00 a.m. The run will start and finish at Nighttown and you can register there or you can register online at [www.hermescleveland.com](http://www.hermescleveland.com) or you can register that day right there at Nighttown. As usual with a race or run-type of event there will be a post-race party with food and prizes so it'll be a fun Labor Day celebration.

That same week on Thursday, September 6<sup>th</sup> is our annual NFL Pepsi Punt/Pass & Kick competition, 6:00 p.m. at Forest Hill Park and this is done by age division for kids that are ages 8 to 15. Also, it is time to register for all the fall youth sports. I'm just going to give a really brief rundown because there are some new things offered in fall sports. As usual, we'll have soccer for grades K through sixth, starting on September 8<sup>th</sup> and that will be on Saturdays. There will be a new flag football program for ages five through eight also on Saturdays beginning on the 8<sup>th</sup>. Basketball consists of instructional basketball for kids in kindergarten through second grade, then there is a Rec league through grade eight and boys travel team for grades four through sixth and a girls' travel team for grades five and six. Of course, recreational ice hockey - registration for ice hockey starts as well. It is time to do that now and in case you don't know, we start at age three doing hockey. A little age group from age three to five and goes all the way up to travel teams for kids up to age fourteen. New for this year will be elementary school teams for beginning hockey players, so that kids can gather together with a group of their friends and sign up together and play as a team. This will be at the beginner level. It costs only \$35.00 and most of the equipment will be provided. All this is open to boys and girls, but in addition this year there is a new elementary age girls hockey team, Sugar and Spice, that they named themselves.

Finally, not exactly recreation related, but our animal lost and found is up and running on the city's website which is [www.clevelandheights.com](http://www.clevelandheights.com). On the website at the animal lost and found you can post information if you've lost your pet or if you found an animal that you don't know who it belongs to so this is a good way to eliminate a lot of worry and a lot of time wondering what happened to your animal. We hope that you will make use of all these fun things to do in the fall and easy ways to accomplish getting back your lost pet and that's all that I have."

## **REPORT OF THE FINANCE COMMITTEE**

Vice Mayor Montlack stated, "Thank you, your Honor. There are six pieces of legislation from this committee tonight. The first is Resolution No. 109-2007(F), authorizing the reprogramming and reallocation of Community Development Block Grant Funds; and declaring an emergency.

This is the Finance companion to Resolution 107-2007(PD) with regard to the program which Councilman Wilcox has described and we will discuss from another vantage point.

The Council, of course, has just initiated and created the East Derbyshire Neighborhood Improvement Program to reduce blight and encourage owner occupancy in the designated area. The CAC, as has been described, has recommended to re-program the funds for this program.

Here are the actual nuts and bolts of how the block grant funds are to be reallocated: It is a total of \$717,930. Three Hundred Thousand Dollars (\$300,000) is taken from the Commercial Revolving Loan Fund, \$120,00 from the Nuisance Abatement allocation, and these two funds have those funds available at this time. Taking those funds will not jeopardize those programs. One Hundred Sixteen

Thousand Seven Hundred Sixty Dollars (\$116,760) - actually a number of different amounts which total \$297,930 will be taken from the Mixed Use Renovation Program. Quite an innovative program which was designed and has been used to encourage mixed use redevelopment in our city. In fact, it's a very generous program and at this point is being discontinued amazingly because the demand for it has not been sufficient despite a very good sales job by this city. That is an interesting point that I won't digress in to that at this point. All of these funds together are reallocated to this East Derbyshire Neighborhood Improvement Program Fund and that way we'll be able to provide for the program as explained.

This initiative would not be possible were we to look to our General Fund. We simply do not have in our General Fund budget the kinds of funds that would make this effort possible. So, why are we doing this? You've heard some good explanations up to this point. Although the Cleveland Heights Housing Inspection Program functions very well, we still have some neighborhoods in Cleveland Heights that as constructed and maintained present housing that does not meet the expectation of productive residents and households. And, in fact, that we've learned that functional obsolescence in the housing often goes hand in hand with blight and with other consequences of inadequate housing. But, there is one more factor I believe that has had a great influence here. Our federal government in what up to recently was called the Section 8 Voucher Program has followed operational policies that are almost designed to and certainly result in racial isolation or if you call it by its real name, segregation, as well as a concentration of poverty and those factors also contribute to anti-social conduct and perpetuate a cycle of woes that impacts neighborhoods. We need to address that cycle and addressing it requires continuance attention, innovation, adjustments, flexibility and within the staff of our city a lot of coordination and cooperation. Think about what it takes to deal with a problem street. It takes the safety forces, as you can see from this legislation, the finance department, most certainly the housing department, our community relations staff night and day, our planning department. In fact, virtually every part of our city and certainly including public works has to devote a great deal of time and energy if we are going to meet this challenge. Now, as Mayor Kelley has said, there are no perfect cookie cutter models for our effort. In fact, in my opinion most of the time when this city hits a home run in dealing with challenges we take the best of programs that we find out about throughout the nation, but we put our own imprint on them and they become the Cleveland Heights model and whether we're talking about integration or any number of other initiatives we can point to that kind of activity. Yes, this is a pilot program. Yes, we do know that there are some other streets and neighborhoods also facing challenges and we want all of those folks to know we are at work. Rest assured, that this council and this staff is committed to protecting our neighborhoods, standing up for all those hard working neighbors who are affected and afflicted by problem houses and certainly attracting other good residents to our city. I want to join with all of my colleagues in saying to the staff, which came up with this effort, thank you very much. And, if in pursuing this initiative we find there are adjustments that need to be made, we'll make them. So, with that, I present Resolution No. 109-2007(F) on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 109-2007(F).

Mayor Kelley said, "One other thing I failed to make when I spoke about Resolution No. 107, was in every case when we talk about these certain streets, it has been long-time residents who have come to city council/city staff/the City Manager's office and they have asked for help. We've heard you. Help is on its way and this is what we're doing tonight."

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

Nays: None

**Resolution passed**

Vice Mayor Montlack stated, "Thank you. Because a company that I'm affiliated with has an interest in the Coventry Village Special Improvement District or Coventry SID I will ask the Vice Chair

of this committee, Councilman Wilcox if he will read Ordinance Nos. 110-2007(F) through 112-2007(F)."

Mayor Kelley added, "Why don't we do this real easily since, Ken, you need to abstain from voting on 110/111/112. I'll entertain a motion to allow the Vice Mayor to abstain from voting on Ordinances 110/111 and 112. Would someone make that motion."

Moved by Council Member Dietrich.

Second by Council Member Tumeo.

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

Nays: None

**Motion passed**

Council Member Wilcox stated, "Thank you. I should just as an introductory statement say that these next three ordinances, I believe, the last in a line of legislation to create the Coventry SID now for the third five-year period. As I mentioned a couple times before, we have special improvement districts in Coventry and also Cedar Lee and Cedar Fairmount. These have been very successful and useful tools for us and the merchants and landowners in that area to make improvements and make those districts attractive as our commercial areas.

First I have Ordinance No. 110-2007(F), determining to proceed with the implementation through assessment of a public services plan for the Coventry Village Special Improvement District of Cleveland Heights, Ohio, Inc. ("SID"); and declaring an emergency. Council previously declared the necessity of implementing through assessment a public services plan for the Coventry Village Special Improvement District ("SID"), by Resolution No. 75-2007(F). Notice of the Resolution of necessity and filing of the estimated assessments was served upon the owners of the parcels of lands to be assessed; and, it is in the City's best interest to proceed. Section 1 provides that it is the determination of the Council to proceed with the assessment to fund the public services plan for the Coventry Village SID. The estimated assessment prepared and filed in accordance with this Resolution is hereby adopted. I offer Ordinance No. 110-2007(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 110-2007(F).

Council Member Tumeo added, "Just because we are so involved in this I just want to make a note for those people who are watching, and if you don't follow this closely, even though we are assessing tax year, this is a tax that merchants have voted and over 60% have agreed to levy on themselves. So it is not a tax that anybody else deals with and it goes to those owners to improve the district for their business. This is a group of people who run commercial enterprises and own land in that area getting together and saying, we are going to tax ourselves to make our business district better. So, I just want to make sure that everybody understands that."

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

Nays: None

**Ordinance passed**

Council Member Wilcox stated, "Next, I have Ordinance No. 111-2007(F), levying an assessment for a public services plan for the Coventry Village Special Improvement District of Cleveland Heights, Ohio, Inc.; and declaring an emergency. Again, Council by previous resolution declared the necessity of implementing through assessment a public services plan for the Coventry Village SID. The notice of the aforesaid Resolution of Necessity and filing was served upon the owners. The important part was there

were no objections that were filed to the Plan by these owners. Section 1 of this Ordinance provides that it is the determination of this Council to assess the following parcels of property for a public services plan for the Coventry Village SID and then there are listed Permanent Parcel numbers for all of these properties, which I'm not going to read, but they are contained in Section 1 of this Ordinance. Section 2 of the Ordinance provides that One Hundred percent (100%) of the cost and expense of the public services plan, in the sum of One Hundred Twenty Thousand Dollars (\$120,000.00) for Year One, One Hundred Twenty-three Thousand Six Hundred Dollars (\$123,600.00) for Year Two, One Hundred Twenty-seven Thousand Three Hundred Eight Dollars (\$127,308.00) for Year Three, One Hundred Thirty-one Thousand One Hundred Twenty-seven Dollars (\$131,127.00) for Year Four, and One Hundred Thirty-five Thousand Sixty Dollars (\$135,060.00) for Year Five, for a total of Six Hundred Thirty-seven Thousand Ninety-five Dollars (\$637,095.00), is hereby assessed upon those properties. The costs of the Public Services Plan is assessed upon the lands in proportion to their tax values. Section 3 provides for the first year's charge of One Hundred Twenty Thousand Dollars (\$120,000.00) to be assessed in proportion to their tax values as of August 20, 2007. Section 4 provides each annual installment of the assessment be assessed in the same manner. I offer Ordinance No. 111-2007(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 111-2007(F).

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

Nays: None

**Ordinance passed**

Council Member Wilcox stated, "Finally, with respect to this matter, there is Resolution No. 112-2007(F), authorizing the City Manager to enter into an agreement with the Coventry Village Special Improvement District of Cleveland Heights, Ohio, Inc. ("SID") for advancement of funds in anticipation of assessment; and declaring an emergency. Council is now determined to proceed with the assessment as we've previously voted. The Special Improvement District ("SID") has need for the funds prior to the actual assessment in tax collections of the City, has in the past and finds in its best interest to advance those funds. Section 1 of this Resolution authorizes the City Manager to enter into an agreement with the SID for the advancement of the fund in the amount of each year's assessment to be used as previously noted. I offer Resolution No. 112-2007(F) for passage tonight."

Mayor Kelley accepted Resolution No. 112-2007(F).

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

Nays: None

**Resolution passed**

Vice Mayor Montlack stated, "Thank you, Councilman Wilcox. Now there are two more pieces of legislation and they are related to each other and to the action recently in which this Council passed legislation making assessments as it does every three years for street lighting and trees. In each case, according to the Ohio Revised Code, when there are objections that are filed then the process that I'm going to read in the legislation is followed. Resolution No. 113-2007(F), appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of street lighting within the City of Cleveland Heights; and declaring an emergency. With regard to the previous legislation I described, in this case the following three individuals have been appointed to that Board: Mark A. Cegelka, Tony L. Ianiro and Armand Ochoa. They are, in the words of the Revised Code and the best 16<sup>th</sup> Century thinking that is behind that, they are disinterested freeholders in Cuyahoga County, but residing outside the City of Cleveland Heights, who are appointed to this Board to hear and determine all timely written objections to the assessments described in Resolution No. 46-2007(F) which had to do with the street lighting. That Board will meet beginning at 9:00 a.m., on August 29, 2007, in

the City Manager's Conference Room at Cleveland Heights City Hall, 40 Severance Circle, to hear and then make recommendations with regard to the objections that are filed. Resolution No. 113-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 113-2007(F).

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

Nays: None

**Resolution passed**

Vice Mayor Montlack stated, "Thank you. Resolution No. 114-2007(F), appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of planting, maintaining and removing shade trees within the City of Cleveland Heights; and declaring an emergency. This legislation is exactly the same as the prior legislation except that it relates to objections for the other assessment that has just been named in the caption here. The same three individuals, Mr. Cegelka, Ianiro and Ochoa are appointed and yes again they are disinterested freeholders from Cuyahoga County outside of Cleveland Heights. The Board will meet at exactly the same date, time and place as in the prior legislation for hearing objections and reporting its recommendations. Resolution No. 114-2007(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 114-2007(F) and added, "Mr. Malone, so we have the Highland Heights Finance Director, University Heights Finance Director and the Bedford Heights Finance Director."

Mr. Malone added yes.

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

Nays: None

**Resolution passed**

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

Vice Mayor Montlack stated, "Thank you, your Honor. There is no report from that committee, except remember to recycle. More on this at the next meeting."

### **REPORT OF THE MAYOR**

Mayor Kelley stated, "Three things. I want to thank the League of Women Voters who are here tonight as usual to cover our meeting, but I really want to thank you is when you cover the other meetings, the school board, the library board, and the University Heights Board. You paint a very good picture for me of what happens at the other meeting. I look forward to getting them because I do have a feeling what goes on, although I try to watch some of the other meetings on tv. But, I really appreciate it and I think you provide a valuable service for our residents that don't watch our meetings, because I know it circulates within the community, but I want to thank you for faithfully coming to our meetings and the other people that cover the other meetings on behalf of everybody who is here tonight. I really do mean it.

Another thing, I'm really looking forward to this football season for our football team and Coach Rotsky. I think he has done some amazing things just in the eight or nine months he's been with us. The whole flavor and things that are happening at the high school in relation to football with our young - I would say young male athletes, but there are two female players also on the team - at least there were

earlier this year and we'll see what happens when the roster comes out and when I show up there on Friday for the game. Just a whole different feeling there. Maybe 140 kids - reaching down into the junior highs. I think the flag football, even though it was our idea: five and six and seven and eight. I just signed my six year-old son, Patrick up for it. There's just a whole different feeling here at the high school, the kids, but it's not just about football, it's about studying, it's about grades. He's done it elsewhere at Chanel, Maple Heights. I think things are going to be really hopping at Cedar and Lee and not just with the outdoor dining, but with the football - what's happening here and it is a tribute to Jeff and what he's doing, bonding with the parents. The whole idea that he wants the kids to pull their pants up, take the hats off, to dress appropriately. I also hear and we'll find out probably in week two or three that now he has told the schools that he wants the band to go to the away games. I think Dennis and I talked about that when his son was there and we'll see for sure. In the old days the band didn't go away because it was an added expense, but I've been told the band is going to the away games and we'll have to see, but I think it's very important that we be well-represented not just in our community when these kids play. It's not about football, it's our fantastic music programs, our choir programs, they should be in Maple Heights and Shaker Heights and Mentor and whatever to see what our kids can do. I think Jeff has really put this together and wouldn't surprise me if has forced the issue by now and I'm looking forward to Friday night and things happening. Many, many years ago when we were younger - I'm sure Phyllis remembers - there was a lot of things happening on that corner - football on Friday nights and some big games and nine and one records - and before playoff games and I think this guy is really going to do it and he has things happening. I talked to Ed Kelce whose son, Travis, is the quarterback of the team and he's happy that things are happening. There is just a different era there on Lee Road with this guy - with the basketball coach- things are happening. I'm looking forward to it and I think it's good for our school, for the whole community.

The other thing. I think the private schools have started this week. Next Tuesday, the public schools start. Slow down when you're driving. The school buses will be out there. Things will be happening, the elementary schools are reconfigured as we all know. Kids are going to be in different places. It's not like it is in the summertime. Slow down when you're driving places. Avoid going 30-35 on the 25 mile an hour streets. When you see the buses stop behind them. That's why they have the signs. When you see our crossing guards, work with them, don't work against them. Slow down or leave a little bit early to get to work. Let's be a little bit nicer out on the streets or a little bit more civil when you are driving around. Like I said, there will be more activity and there will be more activity in our schools and on our streets.

That concludes this meeting at 8:46 p.m. Our next meeting due to the holiday will be on Tuesday, September 4, 2007."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc



