



# CITY OF CLEVELAND HEIGHTS, OHIO

## MINUTES OF THE COUNCIL MEETING

### OF MONDAY, JUNE 20, 2011

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:12 p.m.

Edward Kelley, presiding

Council Members present: Caplan, Kelley, Montlack, Stein, Stephens, Wilcox

Council Members absent: Evans

Mayor Kelley excused the absence of Vice Mayor Evans.

Staff present: Carter, Gibbon, Malone, Mannarino, Niermann O'Neil, Thompson, 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 7:22 p.m. Second by Councilwoman Stephens.

Edward Kelley, presiding.

Council Members present: Caplan, Kelley, Montlack, Stein, Stephens, Wilcox

Council Members absent: Evans

Mayor Kelley excused the absence of Vice Mayor Evans.

Staff present: Carter, Gibbon, Malone, Mannarino, Niermann O'Neil, Thompson, Wagner, Wong

Executive Session concluded at 7:32 p.m. and moved into Committee of the Whole, adjourning at 7:35 p.m.

Committee of the Whole adjourned at 7:45 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:53 p.m.

Edward Kelley, presiding

Council Members present: Caplan, Kelley, Montlack, Stein, Stephens, Wilcox

Mayor Kelley stated, "We move to the Municipal Services Committee of Council. Councilwoman Caplan, please."

### REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Councilwoman Caplan stated, "I have two pieces of legislation. The first is Ordinance No. 73-2011(MS) and this is an Ordinance authorizing the City Manager to enter into an agreement with the Buckingham Condominium Association for an easement for the relocation of its dumpsters; and declaring an emergency. The City owns property located between Cedar Road and Edwards Road which is used in part for public parking purposes and which is adjacent to the Buckingham Condominium Association property. It is difficult for the City's Refuse Collection Division to provide refuse collection services for the residents of the Buckingham at the current location of the Buckingham's dumpsters. We do it, but it is difficult. The Buckingham Condominium Association has requested that the City grant it an easement and this is not a permanent easement, this is an easement until or if we need to take back our property, to permit its dumpsters to be relocated to City owned property. The granting of such an easement would make refuse collection easier, provide additional green space to that area and thus be a benefit to the City and its residents. Therefore be it ordained that the City Manager be authorized to enter into an agreement with the Buckingham Condominium Association with property which is called City Lot No. 9. The easement shall be the purpose of relocation of Buckingham's dumpsters and access to its loading dock and there is an Exhibit which was presented and it's located on there. The easement shall contain such other terms as recommended by the City Manager and the Director of Law and shall be approved as to form by the Director of Law. The City determined that this easement shall not interfere with the use of City-owned property for public purposes. Notice of passage shall be given and this Ordinance shall be passed as an emergency measure. So, I offer Ordinance No. 73-2011(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 73-2011(MS).

Roll Call: Ayes: Montlack, Stein, Stephens, Wilcox, Caplan, Kelley

Nays: None

Ordinance passed

Councilwoman Caplan continued, "I have another Resolution called **Final Resolution No. 78-2011(MS)** and this needs to be enacted by the City of Cleveland Heights which will now be referred to as the LPA, which means the Legislative Authority of Local Public Agency (LPA), in the matter of the stated described project. On the 4<sup>th</sup> of October, 2010 the LPA, that's us, enacted legislation proposing cooperation with the Director of Transportation for this project. **The project consists of rehabilitation of Taylor Road** which is also known as County Road 26 from Euclid Heights Boulevard to the City limit with East Cleveland. Everybody knows this project is being about the worst stretch of pavement in the City. This project also includes **pavement narrowing**, base replacement, curbs, drainage improvements, resurfacing for entire length, modifications to pavement markings and signal removals, lying within the City of Cleveland Heights. The LPA shall cooperate with the Director of Transportation in the above described project as follows: The City agrees to assume and bear (100%) of the entire cost of the improvement, less the amount of Federal-aid NOACA funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the cost of the Preliminary Engineering and Right-of-Way, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State.

In view of the fact that the LPA's share of the project is now estimated in the amount of Eight

Hundred Seventy Six Thousand Forty and --- 00/100 Dollars (\$876,040.00) less Ohio Public Works Commission Grant in the amount of Four Hundred Thirty Eight Thousand Twenty and --- 00/100 Dollars (\$438,020.00) less SIB Loan in the amount of Four Hundred Thirty Eight Thousand Twenty and --- 00/100 Dollars (\$438,020.00) leaving the balance due for the City of Cleveland Heights to be Zero. Therefore the City will not be required to deposit any funds at this time. **The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.** The Director of Transportation has approved such legislation proposing cooperation and has caused to be made plans and specifications and an estimate of costs and expenses for improving the above described highway and has transmitted copies of the same to this legislative authority. The legislative authority desires the Director of Transportation to proceed with this highway improvement. Therefore, be it resolved, that the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement. We certainly hope they will do that and hurry up and that the LPA enter into a contract with the State that the City Manager be, and is hereby authorized to execute said contract for improving the described project and that the LPA transmit to the Director of Transportation a fully executed copy of this Resolution and this is to certify that we have done this and therefore, **I offer Resolution No. 78-2011(MS) for passage tonight."**

Mayor Kelley accepted Resolution No. 78-2011(MS).

Roll call:      Ayes: Stein, Stephens, Wilcox, Caplan, Kelley, Montlack

Nays: None

**Resolution passed**

Councilwoman Caplan continued, "So, we are really excited about Taylor Road which will start to be taken care of. It will be a two year project. As long as we are talking about roads, the Monticello Phase II from Monticello that starts at Mayfield and goes up to Taylor, that will begin July 12. Thirty streets have been designated to be resurfaced in one way or another and if you are interested in what they are you can look at our website or go to Patch.com Cleveland Heights and you will find out if your street is on them. On Saturday, June 25 from 11:00-3:00 p.m. is the Third Annual Dudley Brook Watershed Festival and there are all kinds of opportunities, bring children, meet at the boathouse for watershed clean up, there is a rain barrel demonstration, Radio Disney will be there and there will be lasagna and container gardening. Lasagna is not really what you eat it's how you layer composte and paper to garden better, a fish t-shirt stamping for children, animals from the Cleveland Zoo. It's this coming Saturday from 11:00-3:00 p.m. at Forest Hill Park at the Boathouse on Lee Blvd. and Forest Hill Blvd. in East Cleveland, so you might want to think of doing that. We are a member of Doan Brook Watershed. Doan Brook and Dudley Brook look at many of the same kinds of issues, so we encourage you to come to that.

You know I talk about recycling, you may be interested to know that thus far this year we have selected over \$73,000.00 for our recycling products and we expect that by the end of the year we will have collected and hit about \$150,000.00 because you have been recycling. We have been able to recycle about 53% of all of our materials collected. I encourage you to participate a little more because I know we can do better but this is a pretty good start.

The last thing I want to mention is Cain Park. Cain Park is in full session now, Dream Girls is playing and there are all kinds of different activities that are going on, wonderful shows. I saw a fabulous show this week, Janis Ian, it was spectacular, there is nothing like sitting outside and hearing wonderful voices and good entertainment. So, I encourage you to think about coming to Cain Park. You can find our whole schedule on our website and the second weekend in July, the 7<sup>th</sup> I think, is our Cain Park Arts Festival. It starts on Friday, it's free on Friday and it's \$5.00 on Saturday and Sunday. I