



CLEVELAND HEIGHTS

MINUTES OF THE COUNCIL MEETING OF MONDAY, JANUARY 6, 2003

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:25 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:30 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:45 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, December 16, 2002 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

James Redhed, 3236 Redwood Road, stated, "Two things I would like to bring to your attention tonight. One, regarding the last meeting in the changes that were being made to the budget. A little background, I was a little bit dismayed at the public hearing on the budget last summer with the decision being made to propose a budget that was going to spend more than was expected to be obtained in revenue. But, I also realize that cutting budgets is a very difficult and politically unpopular thing to do and I just wanted to commend Council and staff in the strongest way I can, for having the courage to make those cuts. I know that what is going on, especially in the state, has got to be very frustrating for all of you to try and deal with that in ways that really have tied your hands but I just want to say thank you for that fiscal responsibility and say that I think of our officials in Columbus and in Washington, DC would do well to emulate that. Just responding appropriately to disappointing reality. So thank you all."

Mayor Kelley responded, "Thank you for your compliments."

Mr. Redhed continued, "The other thing is not going to be particularly popular to bring up, but I am a little bit concerned about what appears to be an increase in gun-related violence and I don't know if that is just a reporting issue or a real increase. I know that there have been gun-violence incidents in Cleveland Heights that have not been reported in anything that I have access to anyway. I mean, one was on our street and I was even a witness to, and was even called to testify here in court about it that never made it into as far as I could tell, Sun Press or the Plain Dealer. So I don't know if the local things that have happened recently, and one was at the end of my street and one of the more recent ones, just around the corner on Lee Road, is representing an actual increase or if things are just being reported better? And I don't bring this up to try and embarrass anyone or say you've got to do something, some of this is just a product of the society that we're in but I would like to know perhaps only for my own piece of mind - is this - if you know - is this a true increase or are things just being reported differently at this point - if that's known? I don't know if anybody can even actually answer that, but it's just a concern, because it appears to be increasing."

Mayor Kelley responded, "I think the easiest way for you would be to set up an appointment with our City Manager, Mr. Downey, who also doubles as our safety director and he would be more than happy to go over our statistics with you or if you have any other issues related to crime or anything of that nature and if need be I'm sure the Chief of Police, Chief Martin Lentz, would be more than happy to sit down with you and discuss any issues of crime whether it's up or down. I think that would be the proper venue for you to sit down and would be more than happy to schedule an appointment with you. Thanks for your concern and thanks for your compliments also."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. Staff has one item this evening, your Honor, and that would be to request authority to advertise for bids for the purchase of strash bags and kraft bags."

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

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

Second by Council Member Dietrich.

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

Nays: None

Motion passed

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, you Honor. I need to notify Council that one notice has been received from the Ohio Department of Liquor Control advising that application has been made by the following: KeveCorp., d.b.a. Quinns in the Heights, transfer D5 permit from In Hoc Inc., premises 13179 Cedar Road, 1st floor and basement, 44118. I request this be made a matter of record."

Mayor Kelley made it a matter of record and referred it to the Public Safety and Health Committee of Council, the City Manager, and the Director of Law.

Mr. Malone continued, "I also need to notify Council that five resolutions of the Board of Control

have been received pertaining to variances in the Zoning Code and are requested by the following: BZA Calendar No. 2986(b) Derbyshire Partners LLC, owner and prospective developer, 2419 Euclid Heights Boulevard, minimum yard requirements; BZA Calendar No. 2986(d) Derbyshire Partners LLC, owner and prospective developer, 2419 Euclid Heights Boulevard, accessory-use regulations; BZA Calendar No. 2989 William Swanson, 2472 Euclid Heights Boulevard, accessory-use regulations; BZA Calendar No. 2991 Beaumont School, 3301 North Park Boulevard, height regulations; and BZA Calendar No. 2993 John and Claudia Gherlein, 2365 Ardleigh Drive, accessory-use regulations. I wish 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 ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. I have quite a few things to do tonight. I have two pieces of legislation first of all. The first one is Resolution No. 1-2003(AS), authorizing an agreement with Arthur J. Gallagher & Co. for continuation of its protected self-insurance program for the City; providing compensation therefor; and declaring an emergency. The City has had fifteen years experience with its self-insurance program and this is a professional service for which bidding is not required. This resolution authorizes the City Manager to enter all necessary agreements with Arthur J. Gallagher & Co. and all other necessary entities for the continuation of the City's protected liability self-insurance program for the period from January 1, 2003 through December 31, 2003, at a cost of Three Hundred Fifty-nine Thousand Eighty-eight Dollars (\$359,088.00), in accordance with the terms and conditions set forth in the proposal from Arthur J. Gallagher & Co. dated December 23, 2002 together with attachments. I offer Resolution No. 1-2003(AS)."

Mayor Kelley accepted Resolution No. 1-2003(AS) for passage.

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

Nays: None

Resolution passed

Council Member Dietrich continued, "Resolution No. 2-2003(AS), which is sort of a housekeeping matter, authorizing designated City employees to be signatories on annuity account claims with Hartford Life Insurance Company; and declaring an emergency. The following City employees are designated as signatories: Robert C. Downey, City Manager; Kathleen A. Ruane, Vice City Manager; Thomas K. Malone, Director of Finance; Sharon E. McGuire, Assistant Director of Finance; Robert Johnson, Human Resources Manager; and Patricia A. Wilhelm, Payroll Systems Coordinator. All claims submitted to Hartford Life Insurance requires two signatures of any two of the above referenced people. This would be passed as an emergency. I offer Resolution 2-2003(AS)."

Mayor Kelley accepted Resolution No. 2-2003(AS) for passage.

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

Nays: None

Resolution passed

Council Member Dietrich continued, "I have several sort of exciting appointments to make tonight to boards and commissions. First, I would like to start out with the Recreation Advisory Board and I would like to offer the name of James Moore as a new member to the Rec Advisory Board. He

would replace Janet Lyon who has been on the Rec Board since May, 1996. Mr. Moore has volunteered for six years as a coach in our Youth Basketball league and he will be filling Janet Lyon's unexpired term. He will begin immediately and serve until May 31, 2004 at which time he can be reappointed."

Second by Council Member Hicks.

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

Nays: None

Appointment passed

Council Member Dietrich continued, "Now, we are going to move onto CAC which is the Citizens Advisory Committee. As you may recall that is the group that helps us distribute our block grant dollars. Twenty of the twenty-two members from last year have chosen to be reappointed for another year. We will be appointing two new members at a later date, hopefully in two weeks. We say goodbye and thank you to Kathleen Binnig for her two years on CAC and to Anita Rogoff for fourteen years. I'd like to reappoint - I'm just going to list all twenty at the same time: Mazie A. Adams, Donald Boehm, Douglas DiTirro, Robert Fischer, Jacek Ghosh, George Gilliam, Sally Hanley, Michael Hynds, Mark Kmetzko, Tobi Mattes, Keith McCabe, Marian Morton, Donalene Poduska, Marva Register, Ernestine Rembert, Steven Sender, Erma Somerville, Mark Tumeo, Gordon Wean, and Jennifer Wintner. These would all be one-year terms beginning immediately and ending December 31, 2003."

Second by Council Member Wilcox.

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

Nays: None

Re-appointments passed

Council Member Dietrich continued, "I have two new appointments to make to the Planning Commission. Before I make the new appointments I would like to say a huge thank you to the two people who are going off the Planning Commission who are Kathleen Coakley and Charles Clarke. They brought such unique perspective - each of them in their own way. Charlie as a legal perspective and Kathy with an artistic perspective. They've been extremely valuable members on the Planning Commission. Kathy has served for one six-year term and Charles Clarke has served for two [terms] and in their places I would like to offer Joanne O'Brien, who is a former council member in case that name sounds familiar to you. She served many years on City Council and now works for the school district and would bring an historic perspective to Planning Commission and Jeff Catts, who is a landscape architect and is serving on the Apartment Renovation Rebate Program board right now. These would be six-year terms beginning immediately and extending to December 31, 2008. I would offer Joanne O'Brien and Jeff Catts for Planning Commission."

Second by Council Member Caplan.

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

Nays: None

Appointments passed

Council Member Dietrich concluded, "I would just like to say that I am going forward with 2003 with great enthusiasm and as always grateful to be here among my colleagues and staff and I just want to acknowledge at the beginning of the year the wonderful capable work of our staff, and tonight espe-

cially the work of Judy Hayes who is City Manager Bob Downey's secretary and of Marlene Cohen who is in the Finance Department under Tom Malone for all the help that they provide to me when it comes to making these Administrative Services appointments. That's all I have."

Mayor Kelley responded, "Thank you, Councilwoman Dietrich. We're glad to have you with us.

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. I have several pieces of legislation. They are all on first reading which means that there will be no vote on them. If you are interested in knowing more or weighing in with an opinion you are all welcome to come to our Community Relations and Recreation Committee meeting which will be next Monday. Well, our meeting starts at 5:45 so somewhere during that time - and so we will be discussing these ordinances from our first reading. We'll also be discussing several other issues. So, you're welcome to do that. The first one I have is Ordinance No. 3-2003(CRR). I'm not going to read all of it since it is many pages long. This is an ordinance, authorizing and approving the presentation of entertainment and recreation programs in Cain Park and other locations for the year 2003, providing for use regulations, and establishing rates for the described activities and repealing Ordinance No. 2-2002.

Actually, in fact, I'm not going to read virtually any of it because the rules and the regulations and the prices are all the same. The only thing that has changed are the dates, obviously 2002, it is now 2003 and that, for example, camps, the dates have been changed to match up the dates for this summer rather than for last summer. For example, the Cain Park School for the Arts will run from June 16th to July 25th. So it is a six-week period, more or less in the same time as last years was except that the camp starts on a Monday and ends on a Friday so the dates are fixed. So that's what all of that is about. And as with all of our programs, you do need a recreation id card and for many of the things you do need a pass or you pay a special price for camp.

The next one I have is Ordinance No. 4-2003(CRR), establishing use regulations and rates for admission and other services for Cumberland Swimming Pool, Denison Swimming Pool and the Cain Park Wading Pool for the year 2003; and repealing Ordinance No. 3-2002. And, again this is for the use of the facilities, for the cost, for the rules to use those swimming pools and the wading pools. They are the same prices as they were last year. And again the only changes are the dates so that they more accurately reflect how the year goes and of course 2003 instead of 2002. But we will more closely discuss those at the next meeting and we will vote on these in two weeks.

I have Ordinance No. 5-2003(CRR), establishing the use regulations and rates for admission and other services for the Cleveland Heights Community Center and parks for the 2003 spring/summer season, and repealing Ordinance No. 4-2002. And again as I said all the rules are very much the same. The costs are the same and again the only real changes are the dates and we did add Fieldhouse, individual admission for the summer to a non-resident guest accompanying a pass holder. We never had that category before and so we've added it and a non-resident can come for \$6.00 and use our Fieldhouse. Other than that there are no changes but we will go over these in more detail and I have spared us from listening to about twenty pages of verbiage. We will have Ordinance No. 3, 4, and 5- 2003(CRR) for a vote in two weeks.

That's all the legislation. I wish everybody a healthy, happy new year and a productive one for the City of Cleveland Heights. Thank you, that's all I have."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. I have no legislation tonight but I did want to make a couple announcements given that we're in the winter season and the economy continues to be difficult. I just wanted to announce that there are several programs that are available to help with heating costs and food emergencies. The first one is the "HEAP" program that helps low-income residents pay heating bills until March 31st. They can get a credit of up to 10 to 40 percent on their winter heating if they qualify. They can call 1-800-282-0880, which is a hot line. They can also receive help if their heat is going to be disconnected. You can also call 291-2737 for more information on that program. Also, there is a program here right across from City Hall at the Euclid Avenue Christian Church, the Heights Emergency Food Center, and that will provide needy residents with a three-day supply of groceries and again you can call for information on that at 381-0707. Finally, I just want to end my report by congratulating the Ohio State Buckeyes on winning the national championship, Friday night. You notice I have my Buckeye tie on. Congratulations, I only waited 34 years, but hopefully not as long the next time."

Mayor Kelley inquired, "And where did you go to school, Dennis?"

Council Member Wilcox replied, "The Ohio State University."

Mayor Kelley again inquired, "What was the score of the game?"

Council Member Wilcox answered, "31 - 24."

Mayor Kelley jokingly replied, "I don't think anyone knew that. Congratulations. We'll move from the Buckeyes to the Municipal Service Committee of Council, Council Member Hicks."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks replied and joked, "Thank you, your Honor. I want to congratulate Kent State University for their last year's performance in the NCA - no, I'm just kidding. Thank you, your Honor. Happy New Year, everyone. I have several pieces of legislation tonight. I have Resolution No. 6-2003(MS), approving a Change Order with Southwest Companies, Inc. for a contract for the Cain Park Amphitheater Painting Project; providing compensation therefor; and declaring an emergency. This Change Order is to adjust the original contract amount by an increase of \$4,346.00 due to additional work requested, as set forth in the request for Change Order submitted by Southwest Companies, Inc. The original contract sum was \$101,902.00, with the addition of this increase the total contract sum will be \$106,248.00. Your Honor, I offer Resolution No. 6-2003(MS) for passage."

Mayor Kelley accepted Resolution No. 6-2003(MS).

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

Nays: None

Resolution passed

Council Member Hicks continued, "Thank you, your Honor. I have Ordinance No. 7- 2003(MS), authorizing the City Manager to enter into an agreement with Bob Ross Buick, Inc. for a plumber's van for the Public Works Department; providing compensation therefor; and declaring an emergency. The City Manager is hereby authorized to execute any and all agreements necessary for the purchase of a

GMC Savana cargo van from Bob Ross Buick, Inc., through the Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements of Section 125.04 of the Ohio Revised Code and this Council's Resolution 115-1988. The purchase agreement shall provide for payment for said vehicle in a total sum not to exceed Seventeen Thousand Dollars (\$17,000.00), and shall be in a form approved by the Director of Law. Your Honor, I offer Ordinance No. 7-2003(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 7-2003(MS).

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

Nays: None

Ordinance passed

Council Member Hicks continued, "Thank you, your Honor. I have Ordinance No. 8-2003(MS), authorizing the City Manager to enter into an agreement with Norris Auto Mall for a concrete construction truck and a 4x4 pickup truck for the Public Works Department; providing compensation therefor; and declaring an emergency. The City Manager is hereby authorized to execute any and all agreements necessary for the purchase of a Dodge Ram 2500 concrete construction truck and a Dodge Dakota 4-door 4x4 pickup truck from Norris Auto Mall, through the Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements of Section 125.04 of the Ohio Revised Code and this Council's Resolution 115-1988. The purchase agreement shall provide for payment for said vehicles in a total sum not to exceed Forty-five Thousand Dollars (\$45,000.00), and shall be in a form approved by the Director of Law. Your Honor, I offer Ordinance No. 8-2003(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 8-2003(MS).

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

Nays: None

Ordinance passed

Council Member Hicks continued, "Thank you, your Honor. I have finally Resolution No. 9-2003(MS), amending Resolution No. 15-2002 authorizing an agreement with Zwick Associates, Inc. for engineering services for the design and construction phases of the Severance Circle Reconstruction Project to provide for additional services; providing compensation therefor; and declaring an emergency. Resolution No. 15-2002 will be amended to provide for additional services as set forth in the proposal from Zwick Associates, Inc. dated December 18, 2002, a copy of which is on file with the Clerk of Council, and which includes the preparation of a single dedication plat encompassing sidewalks, pavement, retaining walls and appurtenances. Compensation for such additional services shall equal the sum of Twenty-nine Thousand Two Hundred Fifty Dollars (\$29,250.00), with total compensation not to exceed the sum of Two Hundred Twenty Thousand Seven Hundred Fifty Dollars (\$220,750.00). The amended agreement and all related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 9-2003(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 9-2003(MS).

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

Nays: None

Resolution passed

Council Member Hicks concluded, "Thank you, your Honor and I thank Councilwoman Dietrich, the English major for help in my resolution.

"I want to say, Happy New Year to everyone. I want to comment about an article I was reading yesterday in the Plain Dealer and it was dealing with the gap between white students and minority students. The article was - if you haven't seen it in the Plain Dealer, it was a very good article and it actually was talking about the Shaker Heights School District. In fact we have some Shaker students in the audience today. I found it interesting that Shaker had done that study. I applaud the Shaker School District for doing that study to address the achievement gap. I think that there should be many other studies done because I don't think there is one specific reason. A lot of people are looking for one magical reason why there is an achievement gap. I think that there are many reasons and there are compounded reasons, but I don't think that when reasons are discovered that it should make anyone angry. I think that some of the blame or fault has to lie within parents, has to lie within students, has to lie within the school system, has to lie within teachers. I mean everyone has to look at the circumstances surrounding the achievement gap and then just work from different points to address it. There are efforts to close the gap, trap the gap. All kinds of cute acronyms about closing the gap between black students and white students, but again, I applaud it - any effort to sit down and try to find the reasons. I think as parents, especially African American parents, and they talked about Hispanic parents and other minorities, but even all parents have to really evaluate how much time they are spending with their children, doing homework, and how much time they are spending with them in terms of planning for the future, in terms of college. In some households, college is not important as in other households because it hasn't been important in their lives and so again, we have to really look at those issues as community, as a school district, as a society just so we understand that whatever the reasons, the reason will never be genetic. Once we realize that and understand that, then we can deal with the issues and address them. Thank you."

Mayor Kelley said, "Thank you, Councilman Hicks. Before we move to the Planning and Development Committee of Council and turn it over to Council Member Dietrich who is going to introduce our newest Rec Board member, who is with us tonight and conjured in a little late probably after basketball practice, is my guess."

Council Member Dietrich added, "Since I did my report, one of the new appointees has just come in. I'd like to introduce James Moore and ask him to stand up, please."

Mr. Moore said, "I finished early and I'm trying -"

Council Member Dietrich said, "We thank you for being in both places and thank you especially right now for agreeing to serve on the Recreation Advisory Board."

Mr. Moore speaking from the audience was difficult to understand, but did state, "There are 280 boys and girls in our basketball program. Our travel league is doing good - 4 and 1."

Mayor Kelley and Council Member Dietrich both thanked Mr. Moore.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There are first of all five Board of Zoning Appeals Calendar items and Council Member, Dennis Wilcox, who is our liaison from Council, I will ask to read them. This past year Council Person Wilcox and Council Person Dietrich traded off attending BZA and my mistake - at the last meeting Council Person Dietrich was there and I will ask her to

please to handle these five calendar items.”

Council Member Dietrich stated, “Thank you. First of all there is BZA Calendar No. 2986(b) Derbyshire Partners LLC, owner and prospective developer, 2419 Euclid Heights Boulevard, in an MF-3 multiple-family district.

In case you don’t recognize this address it is what we call the Red Door Church on the corner of Euclid Heights Boulevard and Derbyshire Road.

Derbyshire Partners LLC, is requesting a variance from the minimum yard requirements of the Zoning Code, to permit a 5-ft. rear-yard setback, from an abutting ‘A’ single-family district.

I should explain briefly what it is that they’re proposing doing. The church building itself is going to be turned into dwelling units and part of the church that was newer that housed the classrooms are going to be demolished and some of the other dwelling units will be put there as well, as on the other side right along the corner. It will give us 14 new - I can’t remember how many, but anyway that doesn’t matter right now.

This variance is for the minimum yard requirements to provide a 5-ft. rear-yard setback, for a building containing principal and accessory uses, from an abutting ‘A’ single-family district. The Zoning Code requires a minimum setback of 25 ft. There was a public hearing and the Board of Zoning Appeals decided that the odd shape of the development parcel precludes a workable Code-conforming solution; the proposed development makes good use of the abandoned structure on the property (which is the church) and will enhance the surrounding neighborhood. Therefore, they are issuing a special permit to permit construction of a garage with second-floor dwelling units along the western portion of the development site’s north property line, with a 5-ft. setback from the abutting property. I offer BZA Calendar No. 2986(b).”

Second by Council Member Wilcox.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, “Along with the same development is BZA Calendar No. 2986(d) Derbyshire Partners LLC, owner and prospective developer, 2419 Euclid Heights Boulevard. This is a variance from the accessory-use regulations to permit a circulation drive, which, along a portion of its run, would have a 6-ft. setback from an abutting ‘A’ single-family district where the Zoning Code requires a minimum setback of 10 ft. The Board of Zoning Appeals resolved the site is constricted at that point where the proposed circulation drive would be placed, and would not allow for adequate access to the garages if it were 10 ft. back; and the proposed layout would not detract from the proposed development or the abutting single-family property. One of the conditions of this is that in the final plan there has to be preservation of the trees to a maximum extent feasible. I offer BZA Calendar No. 2986(d).”

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, "There is BZA Calendar No. 2989 William Swanson, 2472 Euclid Heights Boulevard, in an 'A' single-family district, requesting a variance from the accessory-use regulations to permit a 20-ft. tall, two-car garage, to replace an existing two-car garage that will be demolished. The Zoning Code sets a maximum height of 15 ft. for garages in an 'A' district.

I should point that actually there is no place where this garage is really 20-ft. tall but the average height is greater than it would be because of a dormer on one side.

The applicant would suffer practical difficulty if the variance is not granted because constructing a separate accessory structure to house a proposed workshop would result in a significant loss of green space in the rear yard; and the proposed garage is in keeping with existing garages in the neighborhood. The condition for this garage is that there be no plumbing and that it shall not be used for commercial or home-occupation purposes. He uses it for his hobby. I offer BZA Calendar No. 2989."

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, "BZA Calendar No. 2991 Beaumont School, 3301 North Park Boulevard, in an AA single-family district, requesting a variance from the height regulations to permit construction of a 58-ft.-tall steeple as part of a proposed addition. The Zoning Code sets the maximum of 35 ft. for principal structures in AA districts or based on a formula a steeple of this height would have to be set back 73-ft. from the right-of-way. The Board of Zoning Appeals decided that this property which is enclosed along Fairmount behind a wall and already substantially developed would not accommodate the 73-ft. setback necessary to a steeple of this height and that they would grant the variance. The steeple would be hard to notice due to its location and the fact that it will be significantly shorter than other steeples in the neighborhood; the steeple will not change the neighborhood. They agreed to issue a special permit to the applicant to construct a 58-ft. steeple as part of their addition at Beaumont School. I offer BZA Calendar No. 2991."

Second by Council Member Wilcox.

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

Nays: None

Resolution confirmed

Council Member Dietrich concluded, "The final one, BZA Calendar No. 2993 John and Claudia Gherlein, 2365 Ardleigh Drive, in an 'A' single-family district, requesting a variance from the accessory-use regulations of the Zoning Code, to permit a 40-ft. run of 6-ft.-tall fencing in their corner side yard. The Zoning Code limits fencing to 3 ft. in height in front and corner side yards.

This proposed run of fencing connects to a 6-ft.-tall run of fencing for which a variance was granted several years ago and this proposed fencing would be consistent in design with the existing fencing; and it is not easily visible from the street. The Board of Zoning Appeals granted BZA Calendar No. 2993."

Second by Council Member Hicks.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack stated, "Thank you for that report. I'd like to add that in Councilwoman Dietrich's report as Chair of Administrative Services Committee she could of also mentioned two facts that I think impressed all of the Council People. One is that having gone through a number of applications and in fact, conducting some interviews there was great appreciation for the talent of so many. All of the applicants, from which unfortunately only a few can be appointed to boards and commissions, but every time we go through this process, once again we are reminded that in our community we have this enormous pool of talent and not only that, people that love Cleveland Heights because they really like real neighborhoods and real neighbors and they come forward to volunteer. That happened again. The only other comment in regard to the Administrative Services Committee is that the chair of the committee is not a position for which Council People normally line up for at the beginning of every term demanding to be appointed to that position. One of the reasons is that it takes an awful lot of time and work and commitment and Councilwoman Dietrich has really thrown herself into that work. In the process that we've just concluded it went along so well and so smoothly for such a large number of people involved, once again, frankly, we are very lucky that Councilwoman Dietrich occupies that position. So thank you."

Council Member Dietrich responded, "Thank you."

Vice Mayor Montlack continued, "I'd like to personally extend a Happy New Year to all and hope for a good new year for everyone. On a personal note, would certainly like to thank all of our friends and neighbors in this wonderful community who have provided thoughtfulness, kindness, and support for our family during our recent tragedy and it's again at a time like this that you recognize that you live in a place that is truly in every sense of the word, a community - and the folks just always gather around at the most difficult times. With that I'll conclude the report of this committee."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. The next two ordinances involve the purchase of vehicles for our Fire Department and as stated earlier will be using the State's Cooperative Purchasing Program. Ordinance No. 10-2003(PSH), authorizing an agreement with Norris Auto Mall for the purchase of a Dodge Durango utility vehicle for the Fire Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring an emergency. Ohio Revised Code Section 125.04 authorizes municipal corporations to purchase supplies, equipment and services through the Ohio Department of Administrative Services Cooperative Purchasing Program without obtaining competitive bids. By Resolution No. 115-1988, this Council authorized participation in said Cooperative Purchasing Program and we do believe that the price is the lowest price that we can obtain for this vehicle. The purchase price of this vehicle shall not exceed Twenty-seven Thousand Dollars (\$27,000.00). I would like to present Ordinance No. 10-2003(PSH) for passage this evening."

Mayor Kelley accepted Ordinance No. 10-2003(PSH).

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

Nays: None

Ordinance passed

Council Member Evans continued, "Ordinance No. 11-2003(PSH), authorizing an agreement with Taylor Motors for the purchase of two (2) Chevrolet Malibus for the Fire Department through the Ohio

Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring an emergency. The cost of these two Malibus should not exceed Twenty-nine Thousand Dollars (\$29,000.00). I'd like to submit Ordinance No. 11-2003(PSH) for passage this evening."

Mayor Kelley accepted Ordinance No. 11-2003(PSH).

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

Nays: None

Ordinance passed

Council Member Evans concluded, "This is the time of year when we see a good number of Christmas trees on tree lawns and I don't know, Jimmie, did you want to pick up on that about proper disposal of them."

Council Member Hicks answered, "No. You go ahead."

Council Member Evans continued, "As you know, many people tend to just want to get them out of the house so quickly they forget to take the bags off, they forget to remove the stands and the ornaments. Our department would like to encourage you to make sure that just the tree is on the tree lawn so that they can pick them up and dispose of them properly."

I, too, would like to wish everyone a very good and happy new year and hope that we'll see many more of you at some of our meetings. Thank you."

REPORT OF THE MAYOR

Mayor Kelley stated, "Two things real quick. I want to remind everyone that school is back in session and the weather is lousy. So please slow down on our streets even though the men and women who are hired to do plowing and salting and doing the things we need for them to do, but still slow down and take your time and try to avoid slick spots and accidents."

I'd like to take this opportunity since my colleagues forgot to remind everybody of our historic Martin Luther King Day celebration which is on Monday, January 20, 2003 at 7:00 p.m. at our Community Center. Please come one and come all. It is such a great night. It is such a spiritual night, a rewarding night, a little song, a little dance, a little word. It is a great night. It is a great time to be in Cleveland Heights and I must say it is one of the best if not the best celebrations of the life and times of Martin Luther King Day you are ever going to experience. If you've been here before, you'll come back. If you haven't been you should come and if not you'll be able to view it on our cable channel some time in February/March and probably April. But, again that is our Martin Luther King Day celebration, which is again on Monday, January 21, 2003 at 7:00 p.m. at our beautiful brand new community center and to my knowledge it will be the only thing going on that night. No basketball back there. So bring some of the kids. Let them do something else for a change instead of bouncing those balls around and shooting the hoops."

Mr. Moore stated from the floor, "I'll remind all the parents about that."

Mayor Kelley replied, "Tell them I want to see them there, you too."

Mr. Moore replied, "I'll be there."

Mayor Kelley concluded, "Our next meeting, due to the celebration will be on Tuesday, January 21, 2003 at 7:30 p.m. Thank you for coming. Have a safe trip home. Council, stick around if there are any comments or questions. Thank you."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc