



CLEVELAND HEIGHTS

MINUTES OF THE COUNCIL MEETING OF TUESDAY, JANUARY 21, 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: Carter, Czaga, Downey, Gibbon, Malone, Niermann O'Neil, 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 7:41 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, January 6, 2003 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

Susan Kaeser, 1554 Compton Road, stated, "I direct Reaching Heights, which is a community organization that supports our public schools. I wanted to tell you about our latest project and invite you and the community to join us. On March 24th we are holding a concert at Severance Hall called "Reaching Musical Heights" and it will feature students from our amazing music program. In 1995 and in 1998 we held concerts at Cain Park, another wonderful venue. Thank you. We featured graduates of our school district, who had gone on to become professional musicians. In 1995 more than 100 musicians from across the country came back to perform an evening of classical music and it was a wonderful, wonderful evening for all of us and it was a terrific reminder of the impact of schooling on peoples' lives and in 1998 we repeated it and instead of doing classical music we had fifteen musicians come from around the country to perform jazz. They were all students who had been at the high school between 1975 and 1998. The jazz program at Heights started at that time.

Well, this year it was time to do another community event around music and we were trying to figure out how to tell the other part of the story and that is that all these musicians who have gone off

to become professionals started out as musicians and students in our school district. It was time to tell the story of our current students who are in our school district. We talked to the teachers from the district and they were all thrilled by the idea of working together as a group to create an evening for all of us that would feature all of our students. It'll be really great for the children who'll have the opportunity to perform in a world-class venue, it'll have an effect on their lives, it'll recommit them to music, it'll help others see what a wonderful part of our life music can be and it'll be great for our community. Music does bring us together and we always need to be coming together and that was our major reason for pulling together this event. So for the last year we've been working with the music teachers and we've got a pretty interesting program to look forward to. First, we have two original compositions that will be premiered at the concert and Wilson, one of our community's hundreds of talented musicians, has composed a brass fanfare that will open the evening, an inter-generational brass choir will perform with kids from throughout the district and then some older residents of our community. We'll have an honor chorus of elementary students, fifteen to twenty from each of the elementary schools will come together as one voice. Similarly, we'll have an honor chorus from the middle schools and an honor band. Then our wonderful performing groups from the high school will all be there and unlike most concerts the Cleveland Heights Orchestra and Chorus and Singers will perform a combined piece. It'll be people coming together in many different ways across generations, across schools, and across kinds of ensembles. It'll show the depth and breathe of our music programs and it'll e a wonderful time. We have an incredibly musical community. It's one of the things that we've discovered as we've been researching for this event. We have extremely strong ties to Severance Hall. This will be a night to celebrate that, and judging by our young people we will continue to have an extremely strong home for musicians and we will have many musicians to make our community better. So I look forward to seeing you all. March 24th, 7:30. Tickets are available from the Severance Hall box office. They are \$10.00 and \$20.00 and if you feel like joining the party beforehand we'll be having a pre-concert benefit dinner and you should call us at Reaching Heights to arrange for that. Thank you for listening to me and I hope to see you there. It's going to be a great evening for all of us."

Marianna Stein, 2727 Lancashire Road, stated, "I would just like to make a comment about last night's very well organized celebration for Martin Luther King Day. I was especially taken by the children and how talented they were and being a Heights' graduate I was really proud to see them. I think it was well-organized and also all the children were talented but the young man who was doing the solo, his voice and his demeanor and the way he carried himself was probably to me the most exceptional, but they all were. I think everybody enjoyed it and it was a wonderful turnout. Thank you."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have several items this evening. The first of which would be to request authority to advertise for bids for an HVAC contract for our City-owned buildings and for the purchase of trees and shrubs."

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

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

Second by Council Member Dietrich.

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

Nays: None

Motion passed

Mr. Downey continued, "I also request authority to advertise for bids for the purchase of clothing items for the Parks and Recreation employees."

Mayor Kelley made them a matter of record and referred them to the Community Relations and Recreation Committee of Council.

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

Second by Council Member Evans.

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

Nays: None

Motion passed

Mr. Downey continued, "Thank you very much, your Honor. In your Council packets, Council has received copies of several bid tabulations and awards of contracts. The first would be Bid Document No. 2002-17, the Cain Park and transfer station sanitary sewer replacement project. The lowest and best bidder is Precision Design and Construction, in the amount of \$115,167.00. Bid Document No. 2003-01, printing services for the Parks and Recreation Brochure. The lowest and best bidder is PM Graphics, in the amount of \$26,244.00. And finally, Bid Document No. 2003-02, printing services for the Focus Magazine. The lowest and best bidder is Premier Printing, in the amount of \$39,100.00. Your Honor, I would request the bid tabulations and the award of contracts be made a matter of record."

Mayor Kelley made them a matter of record.

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that two resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following: BZA Calendar No. 2994 Scott Berman, 1822 South Taylor Road, off-street parking regulations; and BZA Calendar No. 2997 Sammie L. Dunner, Jr., 3730 Monticello Boulevard, 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 COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. I have three pieces of legislation. The first is Ordinance No. 3-2003(CRR), Second Reading, 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. The City of Cleveland Heights shall sponsor and present in Cain Park and other locations to be determined, through the spring and summer of 2003 a program of entertainment and recreation activities in general accordance with plans therefor previously adopted by the City Manager and the Community Relations and Recreation Committee of Council. There are stage productions. There are musical concerts, there is the Cain Park School for the Arts. This piece of legislation covers all of the things that are offered with recreation and this includes ball leagues; softball, fast ball, fast pitch teams, our camp, our childcare

camp, and with the exception of the changing of the dates, of course, with the calendar for the summer, all of the fees will remain the same as they were last year. We feel that they're in line with the fees that are appropriate for our community. This legislation just reiterates some of who and what it covers. One needs to be a bonafide resident, have a recreation card. If you have an I.D. you can get a discount when you buy tickets at Cain Park. If someone is interested in all of the little pieces in this ordinance, they are certainly welcome to see it. But, rather than reading ten pages of dates and times and costs I will spare us all listening to that, but I offer Ordinance No. 3-2003(CRR), Second Reading, tonight."

Mayor Kelley accepted Ordinance No. 3-2003(CRR), Second Reading.

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

Nays: None

Ordinance passed

Council Member Caplan continued, "Thank you. I have Ordinance No. 4-2003(CRR), Second Reading, 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. Except as otherwise provided herein, admission to the Cumberland Swimming Pool, Denison Swimming Pool and Cain Park Wading Pool and the use of such pools or any of the related facilities or activities are limited to bonafide legal residents of the City of Cleveland Heights with some exceptions when one is taken as a guest and this Ordinance provides for all of the rules and the costs and it is the same as last year. The exception, of course, are the dates, because it needs to go along with the dates of the summer of 2003, rather than 2002. But all the fees are the same. It covers everything from locker charges to private swimming instruction, to season swim passes and all of those kind of things. I offer Ordinance No. 4-2003(CRR), Second Reading, for passage tonight."

Mayor Kelley accepted Ordinance No. 4-2003(CRR), Second Reading.

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

Nays: None

Ordinance passed

Council Member Caplan continued, "Thank you. This is Ordinance No. 5-2003(CRR), Second Reading, 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. The City of Cleveland Heights annually reviews its use regulations and rates for admission and other services for its Community Center and parks; and in anticipation of the 2003 spring/summer season, it is deemed desirable to reaffirm the 2002-2003 fall/winter regulations with some rate changes and additions. Primarily with the exception of some dates, pretty much the fees and the rules are basically the same and this covers all kinds of things that are included in our community center from passes for hockey to ice skating, for instruction, for public skating, for all of those kinds of things. Again, it is a ten page document and I will spare all of the listeners from hearing all the rules. If one is interested this is of course always available in the Clerk of Council's office. So I offer Ordinance No. 5-2003(CRR), Second Reading, for passage tonight."

Mayor Kelley accepted Ordinance No. 5-2003(CRR), Second Reading.

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

Nays: None

Ordinance passed

Council Member Caplan concluded, "That's all the legislation I have. I do want to remind those who are artists of various sorts, whether it's musical or crafts or painting or pottery or jewelry or dance to call the City and register with us so that you can be part of a data base. We are looking to become more artist inclusive and have some special kind of events that include all of the artists and make some of their art better known to our community. We are known as an arts' community and we'd like to have you involved. So if you or a friend or you know somebody, encourage them to call the City and to register with the City so we can let you know when we are going to be having various activities. I suspect the number you can call is 291-2323 and if you have any other questions do call that number also.

Unfortunately, I was not at our Martin Luther King celebration and ceremony and I understand that it was moving and interesting. I was in another city, Santa Fe, New Mexico, which as a matter of fact (although everybody knows about Santa Fe) only has 10,000 people more than Cleveland Heights. It's a city of 60,000, but one knows it because of its diversity and its art and its culture. When one leaves the northwest and the mid-west we forget what diversity really is. We sort of think about it in one way and I will tell you that in New Mexico diversity has different issues. They also celebrated Martin Luther King Day. There was a big celebration. Santa Fe is the capital of New Mexico and I had the pleasure of being in their City Hall which is absolutely spectacular (their governmental body). Diversity is something that we have to think about in a more broader way, because diversity in New Mexico and Arizona is about all different kinds of cultures; Indian cultures - there are many Indian cultures and Mexican cultures who are [also] there. It's really very interesting to see and hear about ceremonies that talk about diversity and talk about inclusiveness that encompass a broader range of people than even we - who we think that we have a broad range of people in our city - this is really a whole other way of looking at the communities and I was touched by what was done in that city and in that whole area. So we sometimes need to think a little broader in talking about what does being an American mean and how inclusive we need to be. That's all I have. Thank you."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation from the Finance Committee tonight but I did want to make a comment about the City's budget for this year in light of some things that are going on in Washington and Columbus right now. Although our city's financial situation is strong, thanks to continued attention to our budget by our Council, our City Manager and the staff, a budget surplus carried forward each year that we enjoy, despite all of that, this year stands to be a challenging year as much as last year was. As the general economy continues to under perform, actions taken by the federal and state government could adversely impact the budget of local government. The current federal administration's spending priorities and tax cut plan are already anticipated to have an adverse impact on state government budgets. Moreover, our state government is facing a seven hundred million dollar shortfall through June 30th and a four billion dollar deficit in the next two years after that. Already we are hearing that the state will again attempt to reduce the amount of revenues it returns to local government in order to balance its budget. While the federal and state government can shift the economic burden to local government, local government has nowhere to go to but its residents, either through increasing revenues or decreasing services. So far we have maintained our excellent city services without raising our income tax and we will continue to work hard to see that those services continue at the high level we expect within our current tax structure. But as you follow the debates on the national/state level concerning current budget decisions, keep in mind that these decisions will ultimately impact local government directly. As a result, we will have to work even harder this year to make sure that we can deliver services our residents want and continue the type of economic development activities that we need in our community to keep this city strong and competitive. While it won't be easy, I am optimistic that with our strong financial foundation and excellent city staff

we will be able to achieve our goals despite these challenges.

I also wanted to comment on the Martin Luther King Celebration last night and especially to thank our staff for their hard work. It was the first year we put on the event at the community center and I think, thanks to the hard work of staff, it was a well-attended event and as a matter of fact I want to thank the community for turning out in record numbers last night. It was a good event and again I was very impressed by the participation of our young people in this program as we see every year. With that, that concludes my report."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Councilman Hicks, stated, "Thank you, your Honor. I have one piece of legislation tonight. I have Resolution No. 12-2003(MS), authorizing an agreement with Telephony Concepts for maintenance services for the City's telephone systems; providing compensation therefor; and declaring an emergency. The City Manager is authorized to enter into an agreement with Telephony Concepts for maintenance services for the City's telephone systems. Such agreement shall be for a period of one year, commencing January 1, 2003, at a cost not to exceed Ten Thousand Two Hundred Dollars (\$10,200.00) for the year for materials. Said agreement shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 12-2003(MS), for passage tonight."

Mayor Kelley accepted Resolution No. 12-2003(MS).

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

Nays: None

Resolution passed

Council Member Hicks continued, "Thank you, your Honor. Just a comment on what Councilman Wilcox's first comment about finances of this community. It's again, when we look at the paper and we see what is going on in other communities and the fights and disagreements that councils and mayors are having over the budget, it is real refreshing to know, in that, this city government, that is not the case. As long as I'm here, and I guess for everyone else here, we hope that will never be the case here in Cleveland Heights.

I want to also talk about the Martin Luther King program. I want to first thank the residents who showed up. We put out over 150 more chairs than we had here in the atrium and all of those chairs filled up. So it was a tremendous success. I want to thank our city staff. First I want to thank the Heights Singers, also, who came out under Director McCaughey, they did an excellent job also - and they came out in record numbers. They usually bring maybe ten people, this time they had probably thirty people and it will be an excellent show on Cable. I want to thank our city staff. I wanted to thank them last because I believe that they get it. They get that this is a program honoring Dr. Martin Luther King. Not a program about the Civil Rights Movement, it's not a program about the 60's, it's a program about Dr. Martin Luther King. That's what we're celebrating - the man, his birth, what he accomplished, what he believed in, what he wrote, it's about Doctor Martin Luther King. It's not a feel-good program for the community - not to be watered down so that everyone feels good about coming, it's a program about who he was and I want to thank our city staff, they get that. It only comes once a year. Whether you agreed with him when he was here, whether you agreed with his methods, you need to be able to understand him and that's what this celebration is about; understanding who he was, what he believed in, what kept him going through all of that, what kept him peaceful - that's what that program, that's what this day, 'Martin Luther King, Jr. Day' is all about. Thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is no legislation from this committee and there are two Board of Zoning Appeals Calendars for consideration and Councilwoman Dietrich who was in attendance at the BZA meeting is going to handle those, please."

Council Member Dietrich stated, "Thank you. There are only two Board of Zoning Appeals tonight. The first one is BZA Calendar No. 2994 Scott Berman, owner of a 2-family dwelling at 1822 South Taylor Road, in a C-2 local retail district, requesting a variance from the off-street parking regulations of the Zoning Code, to permit replacement of a demolished 2-car garage with a new 2-car garage. The Zoning Code requires two enclosed parking spaces per dwelling unit. Since this is a 2-family house, the Zoning Code does require a 4-car garage. But due to the fact that his lot is small and narrow and would not accommodate a Code-conforming garage, and that requiring a larger garage would destroy the small amount of usable green space in the rear yard, which becomes especially important since this is a commercial district so there are limited places for children to play; and also the fact that being a resident as opposed to a commercial building there is a nonconforming use anyway and no garage would be required in a C-2 district. The Board of Zoning Appeals decided to authorize the applicant a 484-sq.-ft. 2-car garage to be completed within 9 months. I offer BZA Calendar No. 2994 for confirmation."

Second by Council Member Wilcox.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, "BZA Calendar No. 2997 Sammie L. Dunner, Jr., 3730 Monticello Boulevard, in an 'A' single-family district, requesting a variance from the accessory-use regulations of the Zoning Code, to permit completion of construction of a 540-sq.-ft., 3-car garage. The maximum garage size for his lot would actually be 501 sq. ft. He had quite an odd situation where his garage was designed by an architect that he hired based on some erroneous yard measurements by the architect and was sort of discovered by accident and the variance was granted because it was ruled to be negligible that the garage is actually only 2 feet wider than would be allowed by Code and it does meet all the setback requirements from the yards around it. The Board of Zoning Appeals did authorize him to complete this 540-sq.-ft. garage that is now under construction. That is BZA Calendar No. 2997."

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

Council Member Dietrich asked, "Could I make a comment also?"

Mayor Kelley responded, "Absolutely."

Council Member Dietrich stated, "Different council member are liaisons to different boards and commissions and so for the past year Councilman Wilcox and I have been going to Board of Zoning Appeals' meetings and now we're getting to the end of that year and we're switching so that Vice Mayor Montlack and Councilwoman Evans will be going to Board of Zoning Appeals' meetings and we

will be going to Planning [Commission]. I just have to say something about the Board of Zoning Appeals now that my year of going to their meetings is over. I will miss going. I know that sounds so silly because sometimes they go till 11:30 at night. This is a such a gratifying group of people to watch. There are five individuals. They take such care with every case. They have to make some very difficult decisions sometimes where the needs of the applicant are in conflict with the needs of the neighborhood and they take it so seriously. They try very, very hard to make a win-win situation for everybody, but you can't always do that. And so in the end they are the ones that come up with the very tough decisions really - sometimes it really isn't a solution. I just want to say that I have such high regard for the people on our Board of Zoning who are so earnest and so able about their job, so as I move to go into Planning Commission, which I am sure I will enjoy as well, I just want to acknowledge the five people. They are F. David Gill, who is the chair, Betty Nelson, Gail Bromley, Michael Benjamin, and Tom Zych. Watching them work, makes me proud again to be in Cleveland Heights. Thank you."

Vice Mayor Montlack stated, "Thank you for that report. We're now in the middle of a real Cleveland winter and so among other things you'll notice that you don't hear from a planning and development perspective of imminent ground breakings or construction being taken underway. This is the time that without intending a pun the real ground breaking work goes on. Before these boards, primarily the Planning Commission and the Board of Zoning Appeals as well as the Architectural Board of Review, the projects that are being worked on for the coming construction season are wending their way through and this is the time when public input and much of the decision making actually takes place. I would suggest and if you're watching this on your Cable television, watching the municipal access channel, then you also can also look at that same channel, Channel 23, to find the schedules of these BZA and Planning Commission meetings which happen on Wednesday nights, different Wednesday nights of the month. If you have a question about any of that please feel free to give me a call at 216-320-5800 in terms of actual agenda items. Although, the neighboring properties in each case are always given notice, for those in the regular viewing audience you may not have that specific information. A couple of the projects now that are projects or potential projects, I should say, have to do with a condominium development on the south side of Euclid Heights Boulevard near Coventry and another one at the northwest corner of Derbyshire and or Kenilworth I suppose it's called, and Euclid Heights Boulevard, the latter appearing to be receiving some more positive reviews at this particular time. But both of these projects are moving through as well as others and I suggest that if you're feeling a little cabin fever it might be worthwhile to follow these natters.

A second quick comment. I have to say that Councilman Wilcox gave an excellent analysis on the state impact on our budget and I'd only like to add one thing. Most of the challenge to our city budget now, comes as a result of a decreased share or I should say more correctly, a decreased amount of state revenues that come to us through the shared revenue legislation mainly local government funds of two kinds. Most of that results from lower sales tax and excise tax receipts. I think that one of the things Councilman Wilcox warned about of course is what's going to happen as the legislator, the General Assembly, finally starts to look at the need for some increased revenues and cuts in their cost. If in addition as a result of the tough economic times, we get a lesser amount through the lower sales and therefor lower sales taxes, if in addition to that, the General Assembly determines to actually change the formula and revise it so that the cities receive a lesser percent of that which it essentially has been promised over many election periods, then we would be in for even tougher times. Again, something to watch and participate in as these critical months go by.

Finally, with apologies to the Municipal Services Chair, because this is in his bailiwick, I would just like to give my personal opinion that the Public Works Department and their efforts in some absolutely miserable conditions has been outstanding. They have done a terrific job, rightfully we give a lot of praise to our safety forces and others that are out there but once in a while it's time to recognize the

folks that are out there plowing the streets and picking up our garbage - you know that stuff that magically disappears from our lawn on garbage day - it's a job well-done. So I thank you."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Ordinance No. 13-2003(PSH), authorizing the City Manager to enter into an agreement with Firetec Apparatus Sales for the sale of a City-owned fire truck; and declaring an emergency. The City owns a 1993 E-One Hush PE 6128 fire truck which is no longer needed for municipal purposes because we have purchased a new one. The City Manager and the Fire Chief have determined that the best price for the sale of the vehicle may be obtained by advertising the vehicle with Firetec Apparatus Sales. They advertise both on the website and in a national industry publication. The agreement will be that the City will pay a ten percent (10%) sales commission to Firetec in the event of a sale, plus an initial processing fee of One Hundred Dollars (\$100.00). I would like to present Ordinance No. 13-2003(PSH) for passage this evening."

Mayor Kelley accepted Ordinance No. 13-2003(PSH).

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

Nays: None

Ordinance passed

Council Member Evans continued, "Ordinance No. 14-2003(PSH), amending Sections 505.08 and 521.09, and enacting a new Section 527.18, of the Codified Ordinances of the City of Cleveland Heights, Ohio to enhance restrictions against disposal of waste materials in watercourses and catch basins; and declaring an emergency.

This issue has come to us because some people have observed that people are not quite aware of catch basins and the sewer drain, so I'd like to perhaps read a little bit of information that might indicate why it was necessary to really consider this ordinance.

Catch basins and driveway drains are intended for rain water only. Unlike sanitary sewers which flow to treatment plants, storm drains go directly to the nearest waterways, which flow untreated to Lake Erie, our source of drinking water. Cleveland Heights has three waterways: Doan Brook, Dugway Creek, and Nine Mile Creek, all run open in some areas in close proximity to houses and parks dumping seemingly harmless materials into them such as grass clippings [which] can cause excess nitrogen in the water. This would support undesirable algae growth and sometimes contributes to odor. Obvious contaminants damage the ecology of the stream. Not only are larger dumped items unsightly, but they can also plug culverts which cause backups and sometimes flooding.

We'd like these to consider being a good neighbor and a steward of our local waterways. Remember that anything other than water is a pollutant to these creeks and our lake.

Subsection (b) of Section 505.08 of the Codified Ordinances will be amended to read:

- a .No owner, keeper or person in charge of any animal shall fail to pick up and properly dispose of any fecal matter left by his animal on any public or private property. Proper disposal shall consist of placing such fecal matter in the trash of the owner, keeper, or person in charge in accordance with 1351.14(b) or in a public receptacle clearly intended for waste disposal. No fecal matter shall be placed

or permitted to be voided into any catch basin, drainage grate, or watercourse.

In Subsection (b) of Section 521.09 of the Codified Ordinances, it will be amended to read:

- b. No person shall throw, deposit or allow to collect or cause to be thrown or deposited in or on the banks of any watercourse in the City, materials of any kind, including, without limitation, litter, household waste, commercial waste, animal waste, construction debris or grass clippings, leaves, or other yard waste, in such close proximity to such watercourse that such materials or portions thereof will be washed away and carried down the stream.

Section 3 will be a new Chapter 527, "Littering". It will read:

527.18 CATCH BASINS AND MANHOLES

No person shall dispose of any litter, household waste, commercial waste, animal waste, construction debris, grass clippings, leaves or other yard waste, or any other substance or material other than water, in any catch basin, drainage grate or manhole in the City of Cleveland Heights.

I'd like to present Ordinance No. 14-2003(PSH) for passage."

Mayor Kelley accepted Ordinance No. 14-2003(PSH).

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

Nays: None

Ordinance passed

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. I have one little housekeeping ordinance and then a couple of other things. This is Ordinance No. 15-2003(AS), to approve current replacement pages to the Cleveland Heights Codified Ordinances; and declaring an emergency. Various ordinances have been passed by Council from August 20, 2001 to December 2, 2002, which should be included in the Codified Ordinances. The City has a contract with the Walter H. Drane Company to prepare and publish such revisions.

I am not going to read the numbers because it is quite a lot of numbers, but the Ordinances that were passed between that period as revised, recodified, rearranged and consolidated are hereby approved and adopted."

Mayor Kelley accepted Ordinance No. 15-2003(AS).

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

Nays: None

Ordinance passed

Council Member Dietrich continued, "Thank you. I have to reappoint two members of the Board

of Zoning Appeals whose current term expires at the end of this month. These are two of the people that I just mentioned in my other report as being part of this wonderful board. They are Thomas Zych, who has served since 1999 and F. David Gill, who has actually served for sixteen years, since 1987, much of that time as chair person of the committee, which he is currently. These reappointments would begin on February 1, 2003 and would extend for four years until January 31, 2007. I move the reappointment of Tom Zych and F. David Gill to the Board of Zoning Appeals.”

Second by Council Member Caplan.

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

Nays: None

Reappointments passed

Council Member Dietrich concluded, “I have something I just talked about, about being so proud of Cleveland Heights, I have something that is disappointing me and it is the fact that there are so many people who don’t seem to think that shoveling the snow on their sidewalks is something that they ought to do. I know that Councilwoman Evans, as Public Health and Safety Chair and Councilman Hicks, as Municipal Services Chair have talked about this as well, especially in the beginning of the season. Now we are in the middle of a pretty snowy season and as I am out and about on foot quite a bit, I actually get angry at the number of people who habitually just do not clear their sidewalks. I am understanding of people who can’t do it. There are people who are older. There are people who have a good reason why they can’t, people who don’t do it right away or people who don’t do it every time, but then there are people who just never do it, especially on streets like Fairmount Boulevard, where it is really dangerous for someone to have to walk in the street. I think especially people who pay to get their driveway done and then don’t bother with the sidewalk. They are making it convenient for themselves to drive out of their driveway and aren’t thinking about the people who are walking. So this is one more plea. It’s a very snowy winter and I’m just asking again for people to make an extra effort to get the snow off of their sidewalks. I realize that I am being kind of crabby about this but I think it’s important, so thank you.”

REPORT OF THE MAYOR

Mayor Kelley stated, “I, too, want to congratulate everyone who was involved with our Martin Luther King Day celebration today. It was truly a great event and for me it was an uplifting event and every year I look forward to it. It’s a great start to the new year. It really gets me in an upbeat mood and I woke up today ready to dance and move about and do things. It’s such a great event and I also want to thank Councilman Hicks for having this idea and bringing it to us when he was elected to Council in 1997 and pushing for us to do it. I want to thank you. It’s such a great event. Whatever we do, whoever is there, it’s such a good time - it’s getting bigger, better every year. Whoever the speaker is, the children, the contests we have, it’s just great. I enjoy myself. I’m sorry last year I was only there for a short time, but keep doing what we’re doing. It’s really about what we’re doing in this city. Just a great time for all.

The other thing I want to extend to our residents, we’re going through such a cold, cold time. If you are experiencing problems with the heat in your house, City Hall is open to you 24 hours a day. If you are experiencing some kind of a heating problem or you need to get out of your house because it is too cold, please feel free to come to City Hall during business hours. If it’s after business hours come in to the back by the police area, come in through the back area. The cafeteria will be open to you. If you need to get out of your house, please do not stay in your house if your furnace is not working for an extended period of time. If it’s midnight, two in the morning, four in the morning, we are here for you

as a city to accommodate you in your time of need. Please take advantage of this warm City Hall building. We are here for you. We are part of what we do for you here at Cleveland Heights. We open our doors for you, especially the way the weather is. Do not stay in your house. The other plea would be, for those of you who have animals that are usually outside, use your common sense and bring in your animals whether they're dogs or cats or even rabbits or other animals. Bring them inside. This is no weather to have a loved pet outside. Use your head, especially when it's freezing and the wind-shield [is so low]. Make sure they are inside. They are part of your family. You wouldn't put them out in 90-95 degree weather, certainly don't have them out in sub-zero weather.

The meeting will be adjourned at 8:31 p.m. Our next meeting will be Monday, February 3, 2003. Thank you for coming.

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc