



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY, FEBRUARY 3, 2003

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:20 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, Ruane, Wagner, Wong, Zins

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

Council Member Evans moved to adjourn into Executive Session at 7:18 p.m. Second by Council Member Wilcox.

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Czaga, Downey, Gibbon, Malone, Ruane, Wagner, Wong, Zins

Topic of discussion included personnel issues.

Executive Session concluded at 7:23 p.m. and reconvened to Committee of the Whole, adjourning at 7:30 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:35 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, Ruane, Wagner, Wong, Zins

Before moving to approval of the minutes of Tuesday, January 21, 2003, Mayor Kelley asked to take a moment of silence for those who lost their lives in the space shuttle Columbia disaster and asked

if everyone would bow their heads and remember those people and their families who lost their father or mother or brother or sister, to take a moment to reflect on their lives and the sadness. Mayor Kelley added, "Our deepest sympathies go out to their families."

The minutes of the Regular Council Meeting held Tuesday, January 21, 2003 were signed by Mayor Kelley along with the ordinances and resolution passed at that meeting. Following approval of the minutes Mayor Kelley moved to personal communications from the citizens and asked anyone wishing to speak to Council to please raise their hand, be recognized and come to the podium, and state their name and address and their business with Council. However, Mayor Kelley added, "We will first begin by asking people that are here to speak about Resolution No. 21-2003(PSH), which is a resolution supporting the men and women serving in the armed forces and honoring their commitment to our Nation's safety and security; opposing imminent commencement of war against Iraq and urging President Bush to work with America's partners, its allies and the United Nations Security Council to eliminate Iraq's capacity to develop, keep, make available to others and use weapons of mass destruction. If you are here to speak on that issue, we will take you first. So, if you are here to speak on Resolution No. 21-2003, please raise your hand and be recognized and please come to the podium."

"Good evening. My name is Marsha Blanks, 3281 Tullamore Road, Cleveland Heights."

Mayor Kelley said, "Hi, Marsha. Welcome."

Ms. Blanks continued, "I'm here today on behalf of Reverend Mylion Waite, who is the associate pastor of Antioch Baptist Church and to read to you a letter that the "Inter-Community Inter-Faith Push for Peace", has written to our President. This letter is dated January 31, 2003.

President George W. Bush, The White House, 1600 Pennsylvania Avenue:
Greetings and Peace. At this critical time in US history, we members of the 'Inter-Community Inter-Faith Push for Peace' want you to know our thoughts and feelings regarding your proposed military attack against Iraq. On, Sunday, January 12, 2003, more than 1,000 filled Antioch Baptist Church in Cleveland, Ohio for a rally titled, 'Voices Against the World'. We heard from leaders of Cleveland's African American religious and political community; the AFL; CIO; Federation of Labor; Reverend Joan Brown Campbell, former executive secretary of the National Council of Churches; Amir Khalid Samad, Greater Cleveland Council of Mosques; and our representative Dennis Kucinich, Democrat of Ohio. The Reverend Doctor Marvin McMickle, pastor of Antioch Baptist Church summarized the common theme, 'No single group in America will be tragically impacted by this unnecessary and immoral war than America's black citizens. We must mobilize a mighty collective voice here tonight, that the President cannot help but hear.' This letter's intention is that you hear this voice. Basically we say, 'No war on Iraq', for a President who publicly espouses the national sanctity of human life by which we assume you mean, 'all human life', initiating war against Iraq is a blatant contradiction of your own avow. Because war against Iraq, by any reasonable standard is uncalled for - more than 17 months after the horrendous 9/11 assault on Americans by 15 Saudi Arabian citizens you still present no evidence of Iraq's involvement nor did Iraq initiate the still unresolved anthrax attack on America, nor have

inspectors found usable nuclear or biological weapons of mass destruction or any intention to use such against America, nor can any present Iraqi missile strike the US. In short, Mr. President, you have no case acceptable to the American people that Iraq possesses real or imminent threat to this or any other nation. Why then, for one who values sanctity of life, do we hear your constant rhetoric for war? What - more important than human life, would be lost, by continuing UN inspections for as long as possible? Are you a few weeks or months of working towards a peaceful solution - less important than the thousands of human deaths you will cause by this war? Why cannot the mightiest nation in world history, with a leader who proclaims to believe deeply in the sanctity of life, achieve its political ends by forceful diplomacy and cooperation among nations, instead of by overwhelming military force? Both as citizens and parents of the sons and daughters you will send to kill and be killed in your war against Iraq, Mr. President, these are questions we expect you to answer.

This letter was written by Reverend Mylion Waite, Associate Pastor Antioch Baptist Church, also copies went to Vice President Richard B. Cheney, Secretary of Defense Donald Rumsfeld, Secretary of State Colin A. Powell, National Security Advisor Condeleeza Rice, Senators George Voinovich and Mike DeWine, US congressional leaders and Ohio congressional representatives. I read to you this, on the behalf of the Inter-Community Inter-Faith Push for Peace. Thank you."

"My name is Vickie Lovegren, 2226 Bellfield Avenue in Cleveland Heights."

Mayor Kelley added, "Welcome, Vickie."

Ms. Lovegren continued, "Thank you. I've never done this before. I recently returned from Bagdad where I met some of the most loving gentle people I've ever known. I bonded with many of them from off-med [sic] in the communications room of my hotel, who helped me call my son James every night around midnight, except when the international line, [sic], my dear and to off-med [sic] the archeologist who led our tour of historic Babylon - who asked me to tell our government to take our oil but let us live. We were only in Iraq for 4 days, but many of our 35-member delegation of, 'US Academics Against the War', made lasting connections with these people - promising we would bring back their story. Many of us shed tears as we were leaving and we've all tried to maintain communication via e-mail with these friends but are frustrated by our inability to do so. I've gotten one e-mail only and I've been trying for about ten days. When I was there I received some news from the states that there was hope of averting the war. The anti-war enigma was growing. Britain seemed to be back-peddling somewhat and with that news I began to cry. My waiter at the restaurant hardly speaking any English asked me, 'Why are you crying?' I told him I was crying for a good reason, that I'd heard some promising news from back home. He hesitated a minute and then he looked at me and said, 'You cry for us?' And then he put his hand over his heart and said, 'You have big heart.' Then he said, 'No war. I go call my family. No war.' And it broke my heart to have to tell him, 'Wait. It's not that good'.

During many conversations with Iraqi professors and students I found myself pledging to do everything that I could to stop the war. I kept reciting in my mind that pledge of resistance which I'd recited many times before, some of which is, 'We believe that as people living in the United States, that it's our responsibility to resist the injustices done by our government in our name. Not in our name will you invade countries, bomb civilians, kill more children, letting history take its course over the graves

of the nameless. Not by our hearts will we allow whole people or countries to be deemed evil.' I frequently pull out a piece of paper from my pocket that said, 'God Bless me with the foolishness to do the things that others say cannot be done.' Which is a prayer that I turn to actually more before I left America because I had many voices who were telling me that I couldn't make a difference and why should I take this risk, especially given that I have a ten-year old son. But, I thought I can make a difference. When I was there I thought, 'Well maybe I can get my city, Cleveland Heights, to sign a resolution opposing the war'. My friend, Kate Greenfield, had sent me something about Traverse City, Michigan taking that action and I planned to talk to her when I got back. On my trip back to Cleveland when I was in DC (we stopped at the march) I heard on the radio that Baltimore had just signed a resolution and that there were over thirty other cities and counting that were doing the same. And then I thought surely Cleveland Heights, home of many educated and socially responsible people would be against Bush's war. When I returned home I was thrilled to learn that Cleveland was most surely going to pass a resolution. Cleveland - and that there are already efforts underway to approach Cleveland Heights. But I was devastated to learn that the war was practically a certainty and that there was going to be an 'A Day', a day of shock and awe - where no one in Bagdad would be safe. Three hundred or four hundred cruise missiles would be dropped on Bagdad in one day and then another - my stomach turned inside out. I also learned that the Bush administration had launched a massive PR campaign to convince the world that war could not be stopped. During my trip to Iraq I learned several key things. One, the Iraqi people have suffered enormously from twelve years of brutal sanctions. Over 500,000 children have died before their 5th birthday from the sanctions and that the sanctions affects not only these children but virtually every segment of society. Number two, much of the southern sections of the nation have been contaminated by radio-active debris from the Gulf War, from the use of uranium munitions and the depleted uranium that's been left there (which will never go away) - it's got a half-life of 4.5 billion years and has caused the incident of birth defects in radio-active caused-disease to dramatically increase. And, three, the other thing that I learned is that pretext were used by our government in order to obtain congregational and public support for the first war, the Gulf War and one of them in particular was the Niera incident, a young girl who claimed that she saw the soldiers come in and dump the kids (babies) out of the incubators. That was since shown to be a fabrication. I looked further and I found that there are many, many cases where there are pretext like these to get our country into war. I believe that we are at a major crossroads in our country and I'm happy to see lots of folks like myself who are waking up to the truth that cannot be unlearned. I believe that the actions of our government and its march to an unjustified war are awaking a sleeping giant. America's sleeping history is now becoming street talk, even in spite of our government and the media's attempts to suppress our voices. Cleveland Heights can be a model for other cities to say that we are thinking people who value human life and we're opposed to this unjust and immoral war on a country that has suffered more than enough. It may just be a symbolic jester, it may be, 'just have no teeth' as someone from the Plain Dealer said when they tried to tell us why there was nothing in the paper the next day. But I believe it is critical in demonstrating to the public that we do not stand behind this war and each little victory makes us closer and each bold action emboldens others. I believe it is only a matter of time before most cities in this nation will have the courage to take a stand against our government's policies that violate human rights. I urge you to take this important action to adopt a resolution opposing any preemptive war with Iraq."

"I will try to be brief, because we have a long night. David Berenson, owner of a home at 1156 Pomona Road, Cleveland Heights, although I am a once in future resident of Cleveland Heights. If there is anybody on Council or anybody in the room who questions why a City Council should pass such a resolution that has been passed in dozens of other cities, I would say just the impact both on every level of government financially as well as the impact of any possible resident of Cleveland Heights that might have to be sent over to kill is one good reason, but I think that anybody who might have to look deeper and just - I mean we've been told that a majority of Americans are supportive of the way the

current administration is handling this crisis and a majority of Americans are supposedly supportive of war. But when you think about it and you think as Vickie just mentioned she has personal contact with the people of Iraq who are going to suffer from the bombing, the taking out of their water systems, their electricity systems - who've already been affected by the radiation. And just think about what that would be like if that happened here. Many other countries around the world have already have had to face being attacked by the either the United States, former Soviet Union, Russia, or other countries and I just want to leave you with the obvious, war is hell, and the other obvious that there are many other ways of solving conflict that had not been tried yet. There are a lot of people that feel that this war or impending war is all about oil. I'm not one who believes that. I believe it's also about politics and the struggle for power in a region, but I don't believe that it's only about trying to protect human rights, because we have not used our power to protect human rights in many places that need it. I hope that we can do that around the world in many other ways than just bombing, attacking, and putting in dictators that support our policies. Thank you very much for your time that you are allowing for this resolution and thanks for the time allowed to speak."

"My name is Steve Cagan, I live at 1751 Radnor Road."

Mayor Kelley stated, "Welcome, Steve."

Mr. Cagan continued, "Thanks. I'm happy to be here. I have to say, I've only lived in Cleveland Heights and East Cleveland for 32 years, that's why I haven't quite left my accent yet. But there are many times that I feel very proud to live in Cleveland Heights. Cleveland Heights is frequently, in my experience, a pioneer, sometimes the first city in Ohio, in the region to do something progressive and noteworthy that brings praise and positive attention to the city. This time I think people are asking you to do something in which you will not be a pioneer, in which you'll join a movement that has already begun in which there are now over 50 other cities in the country that have made the decision to speak out against the war. In Chicago, it was 47 to 1 on the City Council. Last Monday night at Cleveland City Council it was 18 to zero, in supporting their resolution very similar to this one in fact. In doing this, these cities join major religious denominations, major unions, social organizations of all kind that see the destructive impact of the war. I would just like to say two very important things, today as we speak and over the last week or so, the administration in Washington has launched a frontal attack on the patriotism and the integrity of people who are in this war and they call us puppets of Saddam. In fact they say that Iraqi agents are running the peace demonstrations. That's why they say. I want to be clear that we're not puppets of Saddam in that most of us don't like Saddam and that the Iraqi's who I, as a progressive community activist in my own community, the Iraqi's who I identified with for many years, are dead or in exile now. It's not a question of supporting Saddam, but it is a question of understanding the consequences of our own behavior and understanding that standing up to evil - and we're not talking about evil - is actually the highest form of patriotism. The last thing I'll say is this, David Berenson talked about why a city might - after all it has no authority in foreign policy - might still make a stand on a foreign policy issue. Jay Westbrook at Cleveland City Council asked why a city would do this and went through the whole litany of the horrible costs that the declining economy and then the impact that the war will have - are going to have - on our county and our city. But I would add one other thing, the reason why Cleveland Heights City Council should take a stand against the war, should support this resolution about a foreign policy issue is because it is exactly the thing that you can do about foreign policy - it is the place you have the right to operate and the right to function, because you and we are citizens of this country. And so I urge you to do what you can do and what you can do is to pass this resolution. Thank you very much."

"Marti Grundy, 2602 Exeter Road, Cleveland Heights."

Mayor Kelley responded, "Welcome."

Ms. Grundy continued, "Thank you. Some of us are getting cynical about the administration in Washington, that it isn't paying any attention to us, that our civil liberties are being eroded by our war on terrorism and that democracy is weakening. My sense is that if we are going to rebuild our democracy, if we're going to be able to make it strong again, it's going to begin at the bottom, at the grass-roots - that's us - at the local level. So I urge you to hear the people and speak for us, please."

"My name is Richard Jones and I came here with the Miller family to talk about an issue that's been bothering us and as a 1988 graduate of Cleveland Heights High School, I'm absolutely appalled that there is so much attention to human rights 3 - 4,000 miles away in a desert where people don't like us anyway and we are confronted constantly with human rights' violations right here, right here at home."

Mayor Kelley requested, "Mr. Jones, may I have your address, just for the record, please?"

Mr. Jones replied, "I live in Solon."

Mayor Kelley replied, "Okay. What's your address there, Sir?"

Mr. Jones replied, "My address is 6630 Forest Glen."

Mayor Kelley continued, "Welcome, Mr. Jones."

Mr. Jones answered, "Thank you. We have over 21 calls documented to Mayor Kelley and we got no response. We have 21 calls to the Chief and all we got was the chief's assistant and the chief's assistant kept telling us there is nothing that he could do. We sat down with Reverend Hicks. We begged for him to look at the evidence in this case and to do something for this family. All Reverend Hicks could do - he wouldn't look at any of the evidence. All he told us to do was pray. So after 6 months on our knees, God told us to get off our knees and do something about it and that's why we're here tonight. I'd like for everybody up there to take a long hard look at this young man. This is Christopher Miller. This is his young son and in 10 - 12 years when your predecessors are up here and the people back here complain and they complain about car-jackings and loud music and kids on the corners making lots of noise and lots of trouble, look at him now - don't look away - look at him now because you're to blame. You took his father away. His father asked for justice and you refused to give it to us. We asked you, Mayor Kelley, for your help. We sent faxes over. We got no response. No one whatsoever - that boy is going to die in prison because the Chief withheld evidence. He is going to die in prison 44 years from now. We've asked for your help and we're here again asking for your help and we're going to tell you this, we will be back each and every time. Every time until you do something, until you force your chief to reopen this case and look at the evidence that exists."

Mr. Gibbon interrupted, "Mayor Kelley, may I respond to this?"

Mayor Kelley replied, "Absolutely. This is our Law Director, Mr. Gibbon."

Mr. Gibbon responded, "I was given, before the meeting, this paper - memorandum, called 'Talking Points', which I have read and so I am familiar with the situation at least as it has been set forth on the paper and this is a case that apparently a person was indicted and the case went to Cuyahoga County. It must have gone to the Grand Jury and then it went to trial, apparently before Judge Pokorney, and all of the complaints are about the treatment that the defendant had in Cuyahoga County Pleas Court."

Mr. Jones replied, "Not true, sir. Chief Lentz gave up the evidence. There was a police report where the woman clearly blamed her husband. The Chief had that report."

Mr. Gibbon continued, "Sir, may I finish."

Mr. Jones answered, "Yes."

Mr. Gibbon continued, "Once this matter is turned over to the county, which it was, it goes to the county and the Chief (our chief) and everybody here in the city is required to respond to the prosecutor and the judge in the rules of court. We are simply at that point, witnesses. If we have evidence we give it to the prosecutor. If the defendant is unhappy with the evidence that is given or feels that evidence is being withheld, then the remedy is with the judge, is to demand that the prosecutor give over evidence. We have no ability at this point, once this case is turned over to the county to withhold or to divulge or to do anything with evidence. Our responsibility is to give it to the prosecutor or the county, to cooperate with the county prosecutor and if there's a problem with that then the defendant has to go to the judge through his attorney and demand some relief. I am sure that the defendant had an attorney and I'm sure that, that demand has been made and the judge either granted it or he didn't. But, it doesn't do any good at all to come here to the city or to make demands on the Mayor or to myself or to the Police Chief, when this case is in front of Cuyahoga County and that's where it's been resolved. We don't have anything we can or are able to do at this point."

Mr. Jones explained, "If I'm willing to accept your buck-passing - you can't stop President Bush from going to war with Iraq, but that didn't stop you from calling this meeting and passing a resolution tonight. Secondly, DNA inside the woman, did not match the young man. So that means there is a rapist loose in Cleveland Heights and has been for two years and the Chief refuses to reopen the investigation. What can you do about that, Mr. Law Director?"

Mr. Gibbon responded, "The Chief has nothing to do with opening an investigation or not opening an investigation at this point. It is in the hands of the county and the county prosecutor--"

Mr. Jones interrupted, "They don't investigate crimes that are out of Cleveland Heights."

Mr. Gibbon continued, "And the defendant's attorney --"

Mr. Jones said, "The county told us they don't investigate crimes inside of Cleveland Heights. That's your jurisdiction, that's up to Chief Lentz to investigate a crime in Cleveland Heights. There has obviously been a crime in Cleveland Heights and it's not been solved. Even the chief admits to that. How long will you pass the buck? If somebody doesn't do anything, if you, the leaders of Cleveland Heights, how long will you let this last? There is a rapist in one of your wards, raping women and no one will stand up and say, 'Chief, do something.' You're the Law Director, do you think it is a good idea to withhold evidence from a defendant? You can't blame that on the county, that goes right into your lap, right into Chief Lentz's lap. I didn't see any righteous indignation then. Where is it at?"

Mr. Gibbon continued, "Well, you have a right to be here and to make a statement, Sir, and I responded that we simply don't have jurisdiction over this matter anymore, it is in the hands of the county and there isn't really anymore that I can say or that the Mayor can say or that the City Manager can say."

Mr. Jones replied, "Open up the case. The case is still in Cleveland Heights and if you won't open up the case, fine, you have no jurisdiction over that. But there was a car-jacking three hours later, one

street over. The suspect matched exactly the same as the rape suspect, that's still an open Cleveland Heights case. We know this young man is probably the perpetrator of the rape, but, Lentz again, won't give up the name to the defense. What about that? Is the county at fault for that?"

Mr. Gibbon asked, "Giving up the name to the defense has to do with defense of a lawsuit and there are rules that people are governed by, including our Chief of Police, as to what he gives up and what he doesn't, and ultimately, that has to do with what a judge says the rules are and what he has to give up. The defendant has a lawyer. The lawyer knows how to do this. And probably the reason you are here is that the lawyer has gone to the judge and the judge won't give him the relief that he wants."

Mr. Jones replied, "That's not true. We're here because Chief Lentz is hiding behind a narrow definition of discovery in Ohio to withhold evidence. That's why we're here."

Mr. Gibbon said, "The Chief can't do that. The Chief responds to the prosecutor and the judge."

Mayor Kelley stated, "Mr. Jones, I do have one or two quick questions for you. Mr. Miller is still represented by a lawyer?"

Mr. Jones responded, "Yes."

Mayor Kelley continued, "And has the lawyer filed an appeal for Mr. Miller?"

Mr. Jones answered, "Yes he has. The first appeal was denied."

Mayor Kelley continued, "Are you in the appeals court or in the Supreme Court?"

Mr. Jones said, "In the appeals court."

Mayor Kelley continued, "I think you've pointed out a number of things, right - wrong or indifferent - on your list here and most of these and I'm certainly not a lawyer, but most of these are excellent points to bring before the appeals court."

Mr. Jones said, "It'll take months before the appeals court. What if he dies inside of that prison? Who is going to teach his son how to use a bathroom? Who is going to make his son--"

Mayor Kelley replied, "Sir, I have five young children. I'm very sympathetic to his son."

Mr. Jones answered, "You don't sound sympathetic, Sir."

Mayor Kelley continued, "Believe me I'm sympathetic. I work in the justice system, that's why I mentioned the appeals court. The issues you raised about Judge Pokorney, the Law Director are absolutely correct. If there are issues or there are motions, they should be filled with the judge - should indeed pull the case files and see if he indeed raised these issues with Judge Pokorney or the prosecutor's office. These are very good questions you've raised. Maybe you should make sure the attorney has indeed raised these questions or indeed filed these motions with Judge Pokorney."

Mr. Jones said, "We're in constant contact with the attorney."

Mayor Kelley said, "I'm not blaming the attorney, but make sure he's done everything; crossed his 't's', dotted his 'i's'."

Mr. Jones said, "And you cross your 't's' and dot your 'i's' for?"

Mayor Kelley said, "I'm trying to help you, sir."

Mr. Jones said, "Give us the name of the suspect."

Mayor Kelley said, "I have no idea who the suspect is."

Mr. Jones said, "Ask the Chief."

Mayor Kelley replied, "It's not my responsibility, sir."

Mr. Jones asked, "Then whose responsibility is it? How long [are] you going to pass the buck?"

Mayor Kelley concluded, "Sir, okay. Good luck to you. I hope the appeals court works in your favor. Thank you for coming tonight."

"My name is Ann Godwin. My address is 11104 Mt. Carmel. I am the accused's aunt. This lady was Caucasian, my nephew is black. There have been numerous police reports made to Cleveland Heights about her abusive boyfriends. Her next door neighbors claim that they fight all the time. The next door neighbor said they wouldn't believe a thing that she said. Those reports to me are substantial. This abusive boyfriend/husband - he was never a suspect, he was never questioned. Who knows, he could have paid someone to do something. He was never looked at as a suspect and there are reports that won't be released to us about him or just things that we can't get from Cleveland Heights to carry over to the county and that's what I wanted to say."

"Mr. Mayor, Members of Council. My name is James Redhed, 3236 Redwood Road. On the ordinance regarding the potential Iraq war. I'm not in favor of war. I'm not even opposed to the ordinance, but amongst the comments I've heard tonight and conversations I've had with quite a few people, I would just like people to consider the question, what would it take to back the war? Some people I talked to [say] there is nothing, including a suggestion of Iraqi troops marching through Cleveland Heights and that would not be enough to make it worth it. I personally think that is absurd but everyone is entitled to their opinion about that. I don't believe every alternative has been exhausted. I do think there is a point at which a war would be justified because the primary responsibility of the government in this matter is the protection of its citizens, not the agreement of the entire world. Again, I'm not speaking against the ordinance. I think it is important. I agree with many people here that it is important that a voice be made clear, independent of what anybody thinks about it, but I would like people to think about 1991. I have a co-worker who was in Kuwait, he was a Kuwait citizen at the time of that war, when he was imprisoned by Iraqi troops. I believe that the man in this situation is dangerous. I don't know if anyone of you saw the propaganda poster that's currently in North Korea showing a North Korean soldier, missiles, and a crumbling US capital. Maybe we don't have to take those threats seriously, I think September 11th would suggest otherwise. So, I urge Council to vote as they see fit. Again, I'm not in favor of war except when absolutely necessary and I'm not convinced at this point, but I would just like people to think about what it would take because I haven't heard anything addressing that side of things."

"I'm Vicki Knight. I reside at 1519 Crest Road in Cleveland Heights. Thank you, Mayor Kelley and Members of Council for taking up this important issue. I want to say how important it is that the city councils pass unambiguous resolutions to further the pursuit of peaceful resolution of conflict by all diplomatic means. Unambiguous resolutions which have not been reflected in the senses of Con-

gress thus far and how important it is to speak at a time when a pre-emptive war could set such a dangerous precedent. Thank you.”

REPORT OF THE CITY MANAGER

Mr. Downey stated, “Thank you very much, your Honor. I have only one item this evening and that would be to request authority to advertise for bids for catch basin cleaning.”

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 Wilcox.

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

Nays:

Motion passed

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, “I have nothing to report, your Honor.”

COMMITTEE REPORTS

Mayor Kelley stated, “We move to the Committee Reports. On your agenda the first committee report is Finance, but I’m going to take the lead as the Mayor and the President of Council to move up the Public Safety and Health Committee so we can do Resolution No. 21-2003(PSH) in a rather quick fashion so anyone can get home and see The Practice tonight, those who watch it at 9:00 on ABC instead of waiting until later on to see it, so we can learn a little bit more about the law, Mr. Gibbon. So, we’ll move to the Public Safety and Health Committee, Councilwoman Evans. Would you please read this legislation?”

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, “Thank you, your Honor. I’d like to read Resolution No. 21-2003(PSH), supporting the men and women serving in the armed forces and honoring their commitment to our Nation’s safety and security; opposing imminent commencement of war against Iraq and urging President Bush to work with America’s partners, its allies and the United Nations Security Council to eliminate Iraq’s capacity to develop, keep, make available to others and use weapons of mass destruction; and declaring an emergency. Whereas, the United Nations is in the process of conducting weapon inspections in Iraq; it has not been satisfactorily demonstrated to the American people and their elected representatives that the imminent commencement of war against Iraq is required for American security or is in the best interest of the United States; and military action against Iraq at present will unnecessarily put lives at risk; military action against Iraq will cost billions of dollars at a time when the American economy is struggling and the federal government is operating at a deficit; military action in Iraq will divert attention from economic issues and challenges confronting the American people and American cities. Now, therefore, be it resolved by the Council of the City of Cleveland Heights, Ohio, that: Section 1. This Council hereby states its support for the men and women serving in the armed forces for their commitment to our Nation’s safety and security. Section 2. This Council hereby states

its opposition to the imminent commencement of war against Iraq and urges President Bush to work with America's partners, its allies and the United Nations Security Council to eliminate Iraq's capacity to develop, keep, make available to others and use weapons of mass destruction. Section 3. The Clerk of Council is hereby directed to transmit copies of this Resolution to President George Bush, Senator Michael DeWine, Senator George Voinovich, Congresswoman Stephanie Tubbs Jones, Congressman Dennis Kucinich, Congressman Sherrod Brown and Congressman Steven LaTourette. Section 4 is notice of passage and Section 5 declares this Resolution to be passed as an emergency measure. I'd like to submit Resolution No. 21-2003(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 21-2003(PSH) for passage.

Council Member Evans stated, "I would just like to thank the many residents who have shared their opinions and most of all those who encouraged us to really consider this resolution. We certainly received a lot of information that we were able to use, particularly from Nina McLellan and her husband Walt Nicholes and a pastor at the church that I go to, Reverend Dennis Zimmerman. I appreciate all the help that we've gotten with that and I think I'd like to add I hope it's okay, Nina, as I mentioned with your web address so that people can get information about the fund-raiser that is being held. [Nina affirmed her okay from the audience.] Web address is nina@apk.net and that concludes my comments."

Vice Mayor Montlack added, "I'm one person of x-hundred million in this country. The resolution to which I made some contributions reflects the way I feel about our situation and I'm going to vote for it."

Council Member Caplan added, "Thank you. Earth and now our universe have become a smaller place. Just this weekend it was so visually demonstrated when the citizens of the world watched with horror and then felt a collective and enormous sadness about the Columbia Shuttle tragedy. The ripples from an event from one corner of our world eventually will touch us all. Perhaps a thousand years from ago when two warriors and their troops fought over a land dispute the repercussions were felt only locally, but local has a very different connotation now because of the speed of electronic communication and in addition the tools of war can now impact the entire world. That is why it is so important for each of us to add our voice so that President Bush and Members of Congress will hear the chorus of citizens urging diplomacy, negotiation and thoughtful cooperation rather than proposing imminent war as a first step in neutralizing Iraqi's capacity for mass destruction.

In the 1950's, President Eisenhower was considering nuclear solutions to his conflict with China and the people of the country made their opposition known by sending little bags of rice to the White House and it has been suggested to me that we can all add our voice individually and actually I'm going to show you how to do that - a half a cup of rice (I happened to use brown, it's healthier than white) put it in a little bag, you can add a note, I encourage you to add your name to it. The note that was suggested to me is, 'If your enemies are hungry, feed them', and that is from Romans 12-20, and a nice Jewish girl is even using 12-20. And the note says, 'Please send this rice to the people of Iraq, do not attack them'. In the mid-1950's, tens of thousands of people sent rice to President Eisenhower and when he discussed (on two different occasions with his generals, what should we do and the generals said let's drop bombs on Matsui and Quomoy, he called his aids and said how are those bags of rice, how many do we have? And there were tens of thousands and he said, "If so many Americans are against this, I am not going to go to war." So you can send this rice, you can send a note, you can send them all to President George Bush. You can put it in a regular envelop, and you should put on three stamps, it's only \$1.06, but three stamps are \$1.11 and so if you want to give the extra pennies please hand stamp the envelop so it doesn't pulverize, but if you want to

make your voice heard, people are doing this all over the country and I encourage you to do it too. I support this legislation and I sincerely hope that our voices will form a chorus that cannot be ignored. Thank you."

Council Member Hicks stated, "I just got through clapping for Councilwoman Caplan. I thought that was an excellent presentation. I really don't even like being in the position to say I'm voting for war or against the war. I don't like war at all but taking this from another perspective, as a council person I see my job is to gather information and then make an informed decision. We don't have a foreign affairs committee of City Council. All we have been given are resolutions from other communities [as to] what they have done. I applaud my fellow council members who have tried to draft something that everyone could pass but I don't have any information on the war. No one has briefed me on what the situation is. No one has briefed me on the pros and the cons. I don't have that information. We have elected officials, whose job is to consider foreign affairs and they have that information and they take that information into consideration and so there are times when this Council has been - I could say - this Council has been offended when people have said that we haven't considered all the information and made the right decision. I don't see that as my job to offer a foreign affairs' opinion on what the President should or should not do in a way of saying opposing imminent commencement of war. What is imminent? We've been talking about war in Iraq since November/December, September. I mean what is imminent? Talks about satisfactorily demonstrated to the American people - what is that? When will it be satisfactorily demonstrated to the American people that war is necessary? I don't think - [there was talking from the audience and Mayor Kelley called him out of order. Council Member Hicks continued speaking.] That's the time for debate. I mean we are spending a lot of time as a City Council and that's not a subject that - it's not even an issue that we, even can really deal with. Again, John Gibbon and I'm not going to say that - you know we talked about this particular resolution. I'd hoed that we could get more information on it. I really wish we really could have gotten more information on it instead of just a resolution to vote on. When you do these type of things then you get more people coming in saying, 'Well, why not pass a resolution for our issue?' You know we get that all the time and this is more about a feel-good resolution then about basing my opinion on facts. If my fellow council members are more up-to-date on foreign affairs than I am, then I commend them, but I am not and I can't vote for this or against this. [Because of] September 11th - October 7th we bombed the heck out of Afghanistan. Were we satisfactorily demonstrated at that point? I really can't say that we were. Were we opposed to imminent commencement at that point? I know our emotions were so heightened. We consistently bombed them, and bombed them, and bombed them. No one came up here to Council to say, 'pass anything'. This particular war, if we want - I think a war has to be two-thirds of Congress. Don't our legislative people have to vote on that? I don't know. Again, foreign affair issues, it's not what I was elected to consider, foreign affair issues. There might be some more people out there that know more about foreign affairs than I do, but you haven't given us that information in order to base a decision upon. You want us to do an emotional response to newspaper articles, to television sound bites, but I won't be forced into voting for something that I don't have the information to base my decision on. Thank you."

Council Member Dietrich replied, "I suppose I'm not a foreign affairs expert either but I do feel fortunate that I am in a position that I can publicly express my opinion and where I can hope, meaningful, with others, in opposition to unilateral action against Iraq. I think anybody in this room could probably expound in length about this, but I will give you my eight reasons why I am supporting this resolution. I oppose war with Iraq because I think there are many more pressing domestic needs that require our attention and our resources; education, healthcare, homeland security, we all know what they are. Second, I oppose war with Iraq because it turns our attention and resources away from the terrorist threat that I think is far more pressing and real. Third, I oppose this war because all and I'm not exaggerating all of the feedback that I've gotten from my constituents has also been to oppose the war.

It's gratifying to get feedback from people. It's gratifying to be able to respond to the feedback and I've heard from people that I don't know. I've heard from people whose daughter went to kindergarten with my thirty year old daughter and I think it is my duty to respond to what my constituents are telling me. Fourth, I think as we, as local legislators, should express the will of our constituents and carry that up to our state and federal counterparts. I oppose war with Iraq because it will bring death and injury not only to American servicemen and women some of whom, will obviously be from Cleveland Heights, but also to innocent Iraqi citizens. I oppose war with Iraq because I do fear the retaliation in terms of biological and chemical warfare that we could feel right here at home. Seventh, I oppose war with Iraq because I think defying the United Nations will increase international ill-will towards us and deservedly so. And, finally, and this is probably that I feel the most emotional, is I oppose war with Iraq because I think it makes us hypocrites. If our rhetoric is peace and our actions are warlike, it means that we ourselves are doing exactly what we condemn other governments for doing. I think it makes us the aggressors. We would be the ones striking first - we would be the bad guys and with all this sort of cowboy rhetoric that is going around right now - I tell you, I don't want to be one of the bad guys. So, for those eight reasons I probably say, 'Not in Cleveland Heights name' and vote yes."

Council Member Wilcox stated, "Thank you. It's a hard act to follow. I'm voting for this resolution because I believe that when we say, war is a last resort, we should mean that, war is a last resort. When the United States engaged with the United Nations in a weapons' inspection process we committed ourselves to honor that process. And while the United States certainly has a right to defend itself if attacked or if it faces imminent danger it is always better to have a coalition of our allies behind us. Nobody disputes the right of this country to defend itself after 9/11 and certainly the war in Afghanistan is proof of that. A war, by the way, that is continuing, in which we don't hear much about today. But this war is different. There has been no link to 9/11 to support this attack and the evidence we are relying on to invade another country is not overwhelming at this point. While no one is expecting to find a smoking gun, there at least needs to be evidence that the gun exists. In addition, I think our objectives need to be spelled out. There has been very little discussion about what happens when Saddam Hussein is no longer in power. Do we commit ourselves to a military presence in nation-building for the next ten years? Finally, Americans need to be clearly told of the cost of this war. What are the political costs? How will the war affect our standing in the world? What dangers does it pose to allies in the Middle East, especially Israel, and to the civilian population of Iraq? What dangers does it pose to our security at home? Will it make us more or less secure? What are the economic costs? The President's State of the Union message seems to indicate that we can have massive tax cuts and spending increases without regard to any economic cost from this war. Americans simply aren't being asked to sacrifice here at home while we ask our sons and daughters to risk their lives over seas. And in the end this is the highest cost of any war. What are the likely risks our troopsface? Although we always support our troops when they are called to action, before we send our young men and women into this war we should have more evidence of the need to do so, more clearly defined long-term objectives and a better understanding of what the true cost will be."

Mayor Kelley spoke, "Thank you, Councilman Wilcox. As your Mayor I proudly will vote for Resolution No. 21-2003(PSH). And I am proud of this City and the people that brought this resolution and pushed for this resolution and I'm proud to be the person and one of the people on this Council to be voting it. Soon after this meeting is over, I will actually sign this resolution to begin its journey to Washington to the people that need to see it and need to be put in front of. We will not wait two weeks to have it done.

Every once in a while this City Council addresses an issue that is bigger than the City of Cleveland Heights. Tonight is the night. Tonight Resolution No. 21-2003(PSH) is such an issue. This resolution supports the men and women who serve us everyday in the armed forces and honors their commit-

ment to our safety and security. But this City Council will not sit back on the sidelines while our country goes to war with Iraq without first encouraging President Bush to exhaust every possible diplomatic effort at home for peace. So tonight we oppose the imminent commencement of war against Iraq and urge President Bush to work with America's partners, its allies and the United Nations Security Council to eliminate Iraq's capacity to develop, keep, make available to others and use weapons of mass destruction. A war even though not fought on our soil, still impacts local citizens. It is important for the voices of the people at the local level to be heard in Washington, DC. Let me repeat that: 'It is important for the voices of the people at the local level to be heard in Washington, DC.' Cleveland Heights has a long history of citizen involvement in social activism and I wouldn't trade that for anything. Tonight, as your Mayor, I pray for a peaceful resolution in these difficult times. Thank you."

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

Nays: Hicks

Resolution passed

At the conclusion of the Roll Call, Mayor Kelley requested the following, "Mr. Malone, would you sign a copy and bring it over to me and I'll sign it now, also so we can get that out of the way right now." Mr. Malone signed the resolution and gave it to Mayor Kelley for signature.

Council Member Evans stated as everyone was getting up, "They can't leave until my report is completed."

Mayor Kelley requested, "Why don't you sit down for one minute and let Councilwoman Evans finish her report and she'll talk about something in the Public Health and Safety issue that is almost as important, I'm sure --"

Council Member Evans interjected, "Almost as important, certainly at a local level. As you know, this has been probably our snowiest winter that we've had in many, many winters and it seems that our residents have forgotten that it's important to shovel their walks. And since I couldn't let all of you get out of here without telling you this so perhaps we will put pressure on ourselves as well as pressure on our neighbors to clear their walkways, to make it safer. We still have a lot of people that walk. Particularly, our school-age children and just a lot of people that walk. We'd like to keep them from walking in the street if at all possible. As you know, it would be absolutely tremendously expensive if we took it on as a city project. We just can't do it all - how many miles and miles of shoveling. We have taken the responsibility of plowing the walks of the commercial areas that we feel we needed to do for a good number of reasons, but there is no way we could possibly cover all of our residential streets.

I was going to read some excerpts from a couple of letters that we received, but I'm not so sure that's really necessary. Oh maybe I will. One young lady says, 'As I understand it, homeowners and apartment managers are required to clean the sidewalks in front of their homes or buildings within twenty-four hours of a snowfall. It's been several days since the last snowfall but judging by some of the sidewalks you would never know it. Furthermore, this has been going on all winter. On some days it takes an extra 15 minutes for me to walk from my apartment to Case because the sidewalks are so bad which is significant if you are walking in freezing cold weather. I understand that I cannot expect the City to hire a crew to clean every sidewalk, every time it snows because that would be outrageously expensive. However, I do expect the City to enforce this ordinance. For example -'

I don't want to go into signing or anything like that, I just think we need to lay this responsibility on ourselves and make people more aware of how important it is.

Another person writes that one of the reasons that he bought a home here more than two years

ago was the walkability of the neighborhood. Something that's hard to find in newer more affluent suburbs. In snowy winters like we're having now, this neighborhood is anything but walkable but it is an important City ordinance that is - he says, 'because an important City ordinance is being ignored.' So I ask everyone to help each other and help our city by clearing the walks. I don't think winter is over yet.

Other than that we did meet with the County Board of Health one day last week and they shared a lot of information about West Nile virus. We will certainly be prepared to tackle that problem as we get closer to the season. The other information they shared with us is about the smallpox information so that we can be prepared in the event that there is an outbreak. That concludes my report."

Mayor Kelley stated, "Thank you, Councilwoman Evans. [Addressing the audience] if you'd like to leave, thank you for coming. We appreciate you coming tonight."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. I have two important pieces of legislation from the Finance Committee tonight. Both of these involve the improvements we will soon be making to the Ring Road here at Severance Town Center. Some of you may remember that last year Council authorized litigation against the previous owner of Severance Town Center and the City resolved that litigation by agreeing to dedicate the public roadway in return for the owners of Severance Town Center for paying the bulk of improvements for a new roadway system and access roads from Mayfield and Taylor Roads. So we have gone through that process and now what we have here tonight are two pieces of legislation that once passed, will permit the City to actually go out for bids so the work can commence this spring. So this is obviously important to Severance Town Center. It will obviously increase the safety and convenience of people using the Center. The first one is Resolution No. 16-2003(F), declaring it necessary to improve the Ring Road, including its access roads to Mayfield and Taylor Roads located at the Severance Town Center and all appurtenances; and declaring an emergency. The City's Engineer has been authorized and requested to prepare plans, specifications, profiles and cost estimates for the improvement described in this Resolution and a Petition for the improvement of the Ring Road has been presented to Council and executed by CJUF Severance LLC, which is the owner of one hundred percent of the area to be assessed for this improvement.

I am not going to read the entire resolution, but some of the highlights are in Section 1. It is declared necessary to improve the Ring Road, including its access roads to Mayfield and Taylor Roads. Section 2 notes that the plans, and specifications noted before are approved by Council. Section 4 provides that the Council will accept the Petition from the land owner to commence the assessment proceeding. Section 5 indicates the portion of the cost of the Improvement shall be assessed in accordance with the Petition which was filed on the lands that are owned by the owner of Severance Town Center in proportion to the benefits which result from the improvement. Section 6 identifies the costs which will be included in the Improvement to be assessed. Section 7 provides that the estimated special assessments are to be filed by the Clerk of Council based on the estimate of the costs of the Improvements which are now on file with the office of the Clerk of Council. Section 8 provides that special assessments will be levied and paid according to a 25 year annual installment schedule. Section 9 indicates the City intends to issue securities in anticipation of the levy and collection of these special assessments. Section 11 is the emergency measure. I offer Resolution No. 16-2003(F) for passage tonight."

Mayor Kelley accepted Resolution No. 16-2003(F) for passage.

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

Nays: Nays

Resolution passed

Council Member Wilcox stated, "Now I have Ordinance No. 17-2003(F), determining to proceed with the improvement of the Ring Road, including its access roads to Mayfield and Taylor Roads, located at the Severance Town Center and all appurtenances; and declaring an emergency.

Now that the Council has adopted Resolution No. 16-2003(F) this ordinance determines to proceed with the improvement and authorizes the City Manager to advertise for bids and to enter into the contract for the improvements pursuant to the previous resolution we passed. I offer Ordinance No. 17-2003(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 17-2003(F) for passage.

Vice Mayor Montlack commented, "I just want to say on these two pieces of legislation just like so often happens we're seeing a culmination of years of work. There are many congratulations, I think, that are well-deserved and it speaks for the cooperation between City Council and the City Manager. Tremendous input by the Planning Department that has made the now final plans so much more people friendly. The City Manager, Law Director and others did a tremendous job of negotiating this matter in a very complex area with several owners. We had great cooperation from the major owners CJUF Severance, the Canyon-Johnson organization that moved us in the space of several years farther, much farther than we ever could have hoped to get over decades with the former owner and now the result is going to be this tremendous improvement and of course, we had public input and public meetings. I think this is one of those text book kinds of operations where you see every thing that is supposed to happen, that has happened and our thanks to the staff, especially, on a great job. Thank you."

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

Nays: Nays

Ordinance passed

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have two pieces of legislation. I have Resolution No. 18-2003(MS), authorizing the City Manager to enter into a renewal of a lease agreement with The Ohio Bell Telephone Company, dba SBC, Ohio (fka Ameritech) for a municipal parking lot at 13172 Cedar Road; providing compensation therefor; and declaring an emergency. The City Manager is authorized to enter into an agreement with The Ohio Bell Telephone Company, dba SBC Ohio (fka Ameritech) for the renewal of a lease for a parking lot at 13172 Cedar Road. The term of the lease renewal shall be for a period of ten (10) years, commencing December 1, 2002 and terminating November 30, 2012, unless earlier terminated by either of the parties. The rental payment for the first year shall be the sum of Six Thousand Three Hundred Eighty-two Dollars (\$6,382.00), payable in one installment, with the lease payment for each subsequent year being a sum equal to the amount of the real estate taxes and assessments on the Premises for the previous tax year. The renewal lease agreement and any related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 18-2003(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 18-2003(MS) for passage.

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

Nays: Nays

Resolution passed

Council Member Hicks stated, "Ordinance No. 19-2003(MS), authorizing the City Manager to enter into an agreement with The Sherwin Williams Company for paint and related accessories for the Public Works Department; providing compensation therefor; and declaring an emergency. The City Manager is authorized to execute any and all agreements necessary for the purchase of paint and related accessories for the Public Works Department for the purpose of pavement marking, painting of buildings and similar purposes from The Sherwin Williams Company, 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 be for a period of time from December 20, 2002 through January 31, 2008, and provide for purchase prices as listed on the term schedule on file with the Department of Administrative Services, with total purchases not to exceed the sum of Thirty Thousand Dollars (\$30,000.00) per year. The purchase agreement and all related documents shall be approved as to form by the Director of Law. Your Honor, I offer Ordinance No. 19-2003(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 19-2003(MS) for passage.

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

Nays: Nays

Ordinance passed

Council Member Hicks stated, "At the last meeting I forgot to mention Judge Deane Buchanan, to thank him for coming out and being the guest speaker for the Martin Luther King Program. I think he did an excellent job. I think he brought out points that I know that I did not know about that era and I think when you see it on our cable station playing through-out the month of February you will find it a very interesting presentation from him. So thank you again to Judge Deane Buchanan."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, and Councilman Hicks wants to remind you that he wasn't even born at that time. So just keep that in mind.

We have one piece of legislation, Resolution No. 20-2003(PD), authorizing the City Manager to enter into an agreement with KSM Tavern, Inc. for a loan under the City's Commercial Revolving Loan Fund Program; and declaring an emergency.

This resolution implements two kinds of assistance that the City again through its Planning Department is giving for a business that is presently located on Coventry, the Grog Shop and it is relocating to another store area also on Coventry, remaining in the City and in that neighborhood and to assist in this the following kinds of assistance is being proposed. Passage of this resolution the City Manager is authorized to enter into that kind of agreement for assistance on interior and exterior renovations to the commercial space located at 2785 Euclid Heights Boulevard for the relocation of the Grog Shop.

For those of you who go by names like most of us do, this would be in the space formerly occupied by Arabica on one level and Café D'Oro on a lower level.

First, there is a Commercial Revolving Loan amount of One Hundred Fifty Thousand Dollars (\$150,000.00), to bear interest at a rate of two percent (2%) per annum and to be repaid in twenty-four (24) consecutive monthly payments of Two Hundred Fifty Dollars (\$250.00) followed by ninety-six (96)

consecutive monthly payments of One Thousand Six Hundred Ninety-two Dollars and thirteen cents (\$1,692.13). Then, secondly, there is a Storefront Renovation Loan. This being the second of the block grant funded kinds of assistance available in this case and that would be in the sum of Fifteen Thousand Dollars (\$15,000.00), at an interest rate of zero percent (0%), to be repaid in monthly installments on the following schedule: Year One - no payments; Year Two - One Thousand Five Hundred Dollars (\$1,500.00); Year Three - Three Thousand Dollars (\$3,000.00); Year Four - Four Thousand Five Hundred Dollars (\$4,500.00); and Year Five - Six Thousand Dollars (\$6,000.00). The loans shall be secured by the personal guarantee of the principal of the Borrower, who is also the operator of the business, as well as a second lien on her residence. The security in this case a little bit thin and perhaps - but this is another situation where the City has responded to the importance of keeping a long-time business that has some allegiance right there in the same community and neighborhood and so has done a good job in going ahead on that. Resolution No. 20-2003(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 20-2003(PD) for passage.

Council Member Caplan commented, "I'd just like to comment on how pleased I am that we're able to support this proposal that the Grog Shop is an institution in Cleveland Heights, owned and run by a Cleveland Heights young woman who also happens to live here. People from all over the county and beyond come here. So, I am really happy that she is keeping her business here and we need businesses, especially on Coventry that brings people from all around. I think it's something that City Council should feel good about doing and supporting a program that's really been very successful and gives us some interesting public relations."

Mayor Kelley added, "Thank you. Obviously, the earlier report by Channel 3 news and the Free Times and Scene Magazine that the Grog Shop was leaving the City of Cleveland Heights was both premature and inaccurate and the Grog Shop will be alive and well on Coventry and adding to the 45,000 people a year they bring into the City of Cleveland Heights and the dollars and the financial support on Coventry will be very welcomed. My hats off to Kim Steigerwald, from our Planning Department and Richard Wong and probably John Gibbon and Bob Downey and probably a few other people I'm forgetting along the way - made this deal happen. We're glad to have her in Cleveland Heights, she's part of the fabric and tradition. She celebrated ten years in Cleveland Heights and I'm sure she wouldn't mind me telling her age, maybe she will, she's thirty something, so it's good to have young business people here in Cleveland Heights to keep them here. If passing this resolution makes it happen, I'm more than happy to do it. There is just one thing to say. We do things for our merchants in Cleveland Heights. This is going far above the call of duty to make it happen - to continue to help Coventry and stabilize Coventry. It is things we do here in Cleveland Heights to make things happen - whether it's with the diners, the Zagara's. This may be small on a scale but it makes things happen. When things are over with and the Grog Shop gets up and running in year one, two or three and there are 50,000 - 60,000 people coming to Coventry, that has a big impact on the whole business district, not just for the Grog Shop and for the other people when it translates into sandwiches and parking meters and things of that nature. This is a good deal for the City, it's obviously a good deal for Kathy and for the people and obviously for Mr. Peterman, because it takes care of the hole in Arabica and the Café D'Oro [spot], so we get two places filled at once and I'm more than happy to be voting for this. Again, the idea that the Gro Shop was leaving Cleveland Heights as reported by Channel 3 news not once but either two or three times on three different reports over two weeks was certainly premature and not really good accurate news reporting."

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

Nays: Nays

Resolution passed

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. My first order of business is a housekeeping ordinance. It is Ordinance No. 22-2003(AS), amending specified sections of Part Three, Traffic Code, and Part Five, General Offenses Code to conform such Ordinances to current State Law; and declaring an emergency.

This Ordinance is about a half inch thick so I am just going to read you a few examples of the changes and you will see how these changes, which were made in state law, so now we [the City] are making, reflect the times.

The first example: grants persons operating motorized wheelchairs all the rights and duties of pedestrians. It adds a category to the definition of property, to include property used to facilitate the commission of a terrorist act. It has another category under Inducing Panic, that increases penalties for threatened or actual use of a weapon of mass destruction. It also increases penalties for alarms pertaining to threatened or actual use of weapons of mass destruction (false alarms). It redefines beer, to include all beverages brewed from malt products containing one-half of one percent but not more than 12% of alcohol by volume. Under Domestic Violence, it expands types of violations that constitute prior offenses for purposes of penalty. It revises the elements and the penalty for the offense of taking identity of another. So you can see we are keeping up with the times as the state is keeping up with the times and I offer Ordinance No. 22-2003(AS)."

Mayor Kelley asked, "Taking an identity of another, does that apply on Saint Patrick's Day?"

Mayor Kelley accepted Ordinance No. 22-2003(AS) for passage.

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

Nays: None

Ordinance passed

Council Member Dietrich added, "I also have a couple of things to do for the boards and commissions of the Administrative Services Committee. I would first like to announce a Board appointment that Council doesn't actually make but that we did make the recommendation on and then Housing Preservation staff made the appointment of Zak Zuik to the Apartment Renovation Rebate Board. Zak is one more of those next generation of Cleveland Heightsers whose family has lived here for years. He went through the Heights schools. He is now a landscape architect and a Cleveland Heights homeowner and is wanting to serve his community in his own right as an adult. So, we welcome Zak Zuik to the Apartment Renovation Rebate Board.

Next I have three appointments to make to the Citizens Advisory Committee. In case people forget or don't know, that is the group that advises Council on how to spend the block grant money that we get from the federal government. Last meeting I announced the retirement of Kathleen Binnig and Anita Rogoff. Tonight, one more member Ernestine Rembert has decided not to go on for another term on the Citizens Advisory Committee. She has been on CAC for seven years and we thank her for her fine service. The three people that I would like to offer for appointment are Shirley Moore, who is a twenty-seven year resident and lives on Caledonia and who recently retired after thirty-four years with the County Department of Senior Adults Services, and Carol Staiger, a marketing consultant, who lives on Meadowbrook and has been in the City for twenty-four years. Finally, Terry Schwarz, who is a senior planner with the Urban Design Center of Northeast Ohio, a resident of Hampshire who has been here for seven years and all these three terms commence immediately and extend until December 31,

2003. I offer Shirley Moore, Carol Staiger, Terry Schwarz for the Citizens Advisory Committee.”

Second by Council Member Caplan.

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

Nays: None

Appointments passed

Council Member Dietrich concluded, “Lastly, I want to say a word to those of you who have applied for board and commission positions but have not been appointed. I hate to be discouraging, but not everybody who applies is appointed and that some of the people that have been appointed have actually been on our applicant list for several years. We’ve just had quite a windfall of applicants, wonderful applicants I might add, because we did advertise some openings. Right now we have many more applicants than there are positions available and when we do fill board positions we try hard to balance our boards both in terms of gender, race, street residence, background. Like we can’t have everybody on CAC be from the Coventry neighborhood, for instance, although there are certainly enough applicants from Coventry for that to be the case. Also, we do tend more to offer positions to people who have some experience with some knowledge of the City rather than to brand new residents although there are some cases where the new person is just the one we’ve been looking for to sort of round out a committee. I hope people don’t get discouraged if they are not appointed or if they are not appointed right away. It could be because there are already people just like you that are already on the board that you would like to be appointed to and we are looking for a range of residents. We certainly thank everybody who has applied. We are extremely fortunate right now to have so many qualified applicants that we are able to chose from and urge you not to be discouraged. Thank you. That’s all I have.”

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, “Thank you. I have one piece of legislation and actually I think this piece of legislation really exemplifies at how we look at our citizens in Cleveland Heights just by the fact that we do this. This is Resolution No. 23-2003(CRR), recognizing February, 2003 as National African American History Month; and declaring an emergency. The City of Cleveland Heights is rich in its diversity of cultures and races; and the citizens of Cleveland Heights take great pride in the harmonious relationships that exist among and within the City’s many diverse communities. The Council of the City of Cleveland Heights recognizes the importance of explaining and sharing the rich cultural and spiritual heritage of each of the City’s various ethnic groups in order to foster and encourage harmony and understanding among these groups. The month of February is recognized as “National African American History Month” by communities throughout the United States in order to honor and review the accomplishments and contributions of African Americans to the United States. Therefore, be it resolved by this Council that the month of February, 2003 is hereby designated as National African American History Month in the City of Cleveland Heights in recognition of the accomplishments and contributions of African American citizens to this community and to our country. The City hereby reaffirms its commitment to maintain Cleveland Heights as a truly integrated community and to continue the tradition of appreciation and respect of our cultural diversity. Notice of passage of this Resolution shall be given and this Resolution is hereby declared to be an emergency measure, such emergency being the need to recognize National African American History Month in a timely fashion. I offer Resolution No. 23-2003(CRR) for passage tonight.”

Mayor Kelley accepted Resolution No. 23-2003(CRR) for passage.

Council Member Evans stated, "Thank you, your Honor. National African American History Month as we know it today, began as a result of the dedicated hard work of scholar Carter Woodson, who was the first black person to receive a doctorate in history from Harvard University. In 1915, Dr. Woodson began to press for the establishment of Negro History Week as a way to bring national attention to the accomplishments of African Americans. He wanted to clear many misrepresentations and hoped to provide a more objective and scholarly balance to American and world history. Dr. Woodson's dream became a reality in 1926. He chose the second week in February because of the birthdays of two individuals he felt dramatically affected the lives of African Americans, Abraham Lincoln and Frederick Douglas. In 1976, the observance was expanded to Black History Month. I would like to encourage all of us to remember the successes and challenges of our past and keep in mind the theme for this year is, 'The Souls of Black Folk Centennial Reflection'."

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

Nays: None

Resolution passed

Council member Caplan added, "Thank you for passing that resolution. The only other personal comment that I'd like to make is when we have a difficult or thoughtful issue before us, I am always impressed, sometimes astounded, sometimes moved by the comments that our citizens make. That someone in the audience relayed her experience about going to Iraq, just moves me that she had the courage to do that because of her convictions. I've gotten many e-mails, lots of phone calls about this whole issue and I'm grateful for living in a community where people pay attention and think about the issues that really affect all of us. That's all I have. Thank you."

REPORT OF THE MAYOR

Mayor Kelley stated, "I'm pleased to announce that on this Wednesday, February 5th at 4:30, there will be a meeting here at City Hall with the Architectural Board of Review and Steve Wood and the design architect, Mr. Ricciuti, to discuss the library project and try to move the library project forward in a positive direction. The meeting will be open to the public, but the comment and direction of the meeting will be between the members of the Architectural Board of Review and Mr. Wood and his architects. The meeting will start promptly at 4:30 and the sole purpose of the meeting will be to begin a dialogue to help the design architect do the job that he was hired to do, which is to improve the design of the two buildings and the form and function of the two buildings and to begin that process and to move it forward so at some point in time the Architectural Board of Review can re-look at some better plans - make things work and look forward to good things happening. So again, by the time you see this meeting on your Channel 23, the [Wednesday] meeting will have already been held. But again, the meeting will be on Wednesday, February 5th at 4:30 p.m. I think it will be a very productive meeting and will be very helpful for all people involved. It will be open to the public. However, the meeting really will be between the members of the Architectural Board of Review and Mr. Steve Wood, the library director, and the design architect and his architect too if he indeed thinks that it is necessary for him to be there. I will be, as the Mayor, facilitating the meeting. So that's what our plan is for that Wednesday.

It certainly was an interesting week in the City last week with the person stealing the ambulance and the poor dog that died but hopefully people are learning from that and keeping their dogs and cats in when the weather gets bad and people will learn to leave our safety vehicles where they need to be, just in case there is a medical emergency that something like that doesn't happen again. God forbid if a person needed to be transported to the Clinic or University Hospital or Hillcrest or Huron Road with a heart condition or a stroke, every minute would have been crucial and that person driving around in

our ambulance, when it would have been needed somewhere else, would have looked pretty foolish if somebody would have had a major catastrophe.

I'll end the meeting. Our next meeting will be Tuesday, February 18, 2003 at 7:30 p.m. This meeting is adjourned at 9:15 p.m. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc