



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF TUESDAY, FEBRUARY 21, 2006

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

Edward Kelley, presiding

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

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:33 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, Kelley, Montlack, Tumeo, Wilcox

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, February 6, 2006 were signed by Mayor Kelley after one minor correction was noted by Council Member Tumeo and corrected, along with the ordinances and resolutions passed at that meeting.

"Good evening. My name is Joseph Adolphus. I live at 3499 Randolph Road. I addressed the Council approximately seven years ago concerning an issue with the - I guess it was probably back in 1990 there was a situation where 17 residents of Woodview and Randolph Roads had to have service laterals connected to the sanitary system that the city constructed at that time. Throughout the 16 year period I have had numerous, numerous incidents of raw sewage coming back into my residence, of varying levels and various frequency. It is now 16 years later, I still

have the problem and the response that I'm getting from the city is ridiculous. There was a pump station set up with a warning beacon that was situated on top of the pump station that was supposed to illuminate - to notify basically the residents that there was a problem and that particular pump station when the light was illuminated it was supposed to notify the fire department, police department, service department and an on-call 24-hour electrician, that was supposed to respond, get the pump station up and running and basically get it up and running. As a result throughout the 16 years, and more so in the latter since I spoke at the last Council meeting, there were two incidents that I'm going to recall briefly. Back in December, 2004 in which the alarm beacon went off and I'm so used to the city not responding in a timely manner to get the pump station running, I noticed that the alarm light was on and it took the city 16 hours to respond to the alarm to get the system up and running. By then I had a significant amount of raw sewage in my basement. The most recent occurrence was February 4th of this year. The alarm as usual - I was told that when that alarm beacon annunciates it's supposed to notify the proper authorities. I've just been accustomed to myself, the only person that's affected basically of the 17 residents. I'm the lowest house of the 17 residents, so I'm the one most directly affected by ineffective response to get that pump station started. On February 4th, I called again. It took the city 3 hours to respond. Their responding noticed that the overloads on their pump station were kicking out. The service people attempted to reset the breakers a number of times without success. They said that the electrician was on his way. Okay. He would be there in two hours, so the three goes to five. The electrician or the electrical contractor arrived on the scene with no tools, not even a flashlight. It was raining cats and dogs out there. He didn't even have a flashlight or a screwdriver to affect any kind of trouble-shooting correction to get this pump station up and running. The only response I got from him, and basically from him was he was upset that he had to leave a party. He's contracted by the city to respond in a timely manner to get that pump station up and running. I didn't want to hear the mess that he was talking about, because by then I had sewage, a mixture of sewage and storm water - whatever you want to call it - in my basement at that time. He didn't have any tools to work with at that time. He left [and] came back two hours later with his truck. I think at the scene were city workers, a service crew from Triple AAA Plumbing. He returned with his truck and some tools. I guess the city or somebody had a lantern-type flashlight. It was very dark at this point - rain and very hazardous conditions to be working on the electrical panel. We looked in the pit. I was there.

Basically I have an avid concern when this goes down because it directly affects me and it's been affecting me for 16 years and I'm tired of it. I want a resolution. The lantern that they had lasted about 20 minutes. Fortunately, I wanted to be up on top to see basically what had failed, what was the problem and what not. Fortunately, I brought a flashlight with me, the resident that already had the basement full of sewage. I looked down in the pit and I noticed that one of the floats was missing, which may have attributed to the system's failure. I was looking down into the pit, there was an overflow pipe on one of the pumps that was improperly repaired with hose clamps and rubber couplings. Some of the service people said the pump was obsolete and city service workers wanted to know why it hadn't been repaired properly. I wanted to know why it hadn't been repaired properly. With all the problems over the years that I've encountered with the ineffectiveness of this service department and the city to affect a solution to this problem, they basically said, 'Well, we're going to try to fix it.' They sent a guy down there. He repaired it again, poorly. During the time they tried to restart the pumps the thing blew off of the pump again. The electrician, which was getting on my nerves because he was upset because he had to leave a party to do his job, suggested - now the alarm beacon for me is the only acknowledgment that I'd know and I normally always have to call the city to get a response. I don't rely on the so-called tell us where ever the signal goes when the pump fails, because the longer that I wait, the more of a level of sewage that I have. So the guy suggested - now basically I work in the electrical field - I'm

familiar with pit, float switches, and what not. I don't know if he was aware of that, but he made a decision - an arbitrary decision to take - there were four floats that basically control the system. He took the fourth float - you know, I looked at the schematic. The fourth float that controls the alarm, he removed that and put it in the position of the first position, which allowed the pump station to operate. I expressed my strong objection. I said, 'What are you doing?' I said, 'The only acknowledgment I have is to see a light go off and then notify the proper authority.' Basically he said, 'What do you want?' He said, 'You want the system to work or do you want the alarm to ^?' I said, 'The thing is - it was never ascertained basically, what the problem was.' I said, 'The heaters were kicking out. There is a problem with the pumps.' He basically ignored what I said. He disconnected the fourth pump and put it on there. So there was effectively no acknowledgment of an alarm. That happened on the 4th of February. The 11th is when they returned. There was a crew that returned - 11 days later there was still not four floats in there. That float was still missing, a float switch, which I know can be obtained at any electrical supply store. The thing that pissed me off the most is if he has to service that and the sewer department has a service there, simple spare parts like that should have been on hand. Floats, they are not expensive electrical devices. No one had any floats, but it took them 11 days to get floats - to get a float to replace it. When they came back on the 11th day, which was the 15th of February, they were removing the pump from the pit and I asked them, 'Why are you removing the pumps from the pits?' He said, 'Well, it's no good.' So 11 days the pump operated with only one pump, which was designed to operate with two for 11 days and without a warning float that was functional in the control system of that pump station.

Now my issue is that I am sick and tired of all of this stuff about - just the response by the city, the people that you sub-contract or whatever to maintain this pump station is unacceptable and I want a resolution to this problem. I was trying to relate to I guess the new sewer guy ^. I don't know there was an individual, let's see what his name was. I was trying to enlighten him basically. I think Thomas Webster. He was on the scene. I was trying to enlighten him on the - I guess basically the history of my problem. I told him that there were issues that he needed to be aware of since he was the new sewer guy. I wanted to bring him up to speed. Well he basically, 'Well, I'm on top of this.' Well, obviously from my conversations with the electrician and this Thomas guy, that they both basically have been effectively managing or in charge of these systems for three or four years. They kept telling me about this alarm that would enunciate these certain areas; fire, police, service department. The electrician had a beeper. I asked him, 'Well, what happened to you in 2004 when the alarm beacon flashed for 16 hours?' Then the electrician said, 'Basically, in the fire station it was such a redundant', and I quote, 'Such a redundant fault warning at the fire station. I guess they decided not to respond.'

Mayor Kelley asked, "This is the electrician that you just had out there?"

Mr. Adolphus answered, "That's correct."

Mayor Kelley continued, "Who is sub-contracted by us?"

Mr. Adolphus replied, "Right."

Mayor Kelley continued, "I wouldn't put any credence - -. More importantly, if I may interrupt you, where are you at today? What type of system do you have in your house right now, today? Do you have anything in there to protect you from what could happen?"

Mr. Adolphus answered, "Okay. Throughout the 16 years. You know, first I basically on the onset of it, I was kind of naive and I learned through being involved since it directly affected my

property. The city, basically - - . I said, 'You have to stop this sewage from backing up because you are not responding in a timely manner.' So the city installed a vault and a back flow valve in the sanitary line. But the problem is, initially in the onset of this whole project, all of our basement drains were supposed to be inclusive and closed dumping in to the sanitary system. On my property that's not the case and I've told them that. They know it. They came out in 2004, ran a camera down in some of the clean outs and found that instead of going - varying toward the back flow valve, there was a branch off toward the manhole. I would assume that's a storm manhole. So they do have that on video tape. I was trying to relate that to Thomas. That there is still my problem basically, and then I guess who is that - Mr. Zentarski, was telling me, 'Why are you still getting sewage in your basement, when we have back flow valve in there?' If all of my lines are not severed and completely dedicated to the sanitary lateral I'm going to have a mixture of storm and raw sewage in my house and I still have it today after 16 years."

Mayor Kelley continued, "This last one happened on a Saturday, right, February 4th?"

Mr. Adolphus replied, "Right."

Mayor Kelley asked, "Mr. Downey, would you want to comment further?"

Mr. Downey said, "Your Honor, I would just add a few things just so all the facts get out here on the table. Mr. Adolphus, do you remember me?"

Mr. Adolphus replied, "Yes."

Mr. Downey continued, "Do you remember the times I visited you in your house? The times we went out there when we were explaining the type of system we were going to put in? Mr. Benza was there. I was there. I believe Mr. Tomaro was there. We walked through this with all of the neighbors, you included, and the system was installed."

Mr. Adolphus added, "Right."

Mr. Downey continued, "The system worked fine for a number of years. At some point and what I don't understand is you knew me, you have my card, and you've never called me. Now, I find out in the meantime that you're having some problems. Mr. Zentarski tells me today that you've had problems and I was wondering if you were going to mention that the city went out and put in the back flow prevention device just to protect you. Now what you know and what I know is that you've never had your septic tank removed."

Mr. Adolphus said, "Okay."

Mr. Downey continued, "All the other homes on the street all had their septic tanks removed as a part of this problem and you chose not to. Now, I can't comment on - now I don't know all these stories about you waited 16 hours or 20 hours. If you say it, I believe it. I have no reason not to believe you. I will get to the bottom of this tomorrow, first thing, but you need to call me and tell me if you've got a problem. When you and I worked before we solved your problems. Now, do I understand it correctly that you're about the business of trying to sell you home now?"

Mr. Adolphus said, "That's correct."

Mr. Downey continued, "And you need this information to disclose to potential buyers?"

Mr. Adolphus replied, "Right. To me basically the problem is not solved. Even with the advent of the - okay - to correct you - I never did agree to not have my septic tank removed. I don't know where you got that information from, but it was not from me. Okay, I did not - -"

Mr. Downey said, "You told me that, Mr. Adolphus, because you have a part of your house sitting on top of it now and it couldn't be removed unless you had your floor removed to get to it."

Mr. Adolphus answered, "No, that's not correct - that's not correct."

Mr. Downey continued, "Well, if you want to try one more time, I'd be more than happy to meet with you tomorrow morning to get to the bottom of this."

Mr. Adolphus said, "Well, like I said, I want the situation resolved. Okay. It's not like you just knew about this. I mean Mr. Zentarski, the Council is aware of the issues that I've been having. Okay - and like I'm saying, a lot of these times, basically, I would not have ended up with sewage in my basement [if] the city had responded in a timely manner. I was there - I knew, if I would have waited for somebody to respond I would have had more sewage and more water backup in my basement. These are facts. This is not something that's just coming off my head. The alarm the light goes off - there is no response until I affect the call to the authorities to get that moving."

Mr. Downey answered, "That's just not true, but ~"

Mr. Adolphus said, "Well ~"

Mr. Downey continued, "You can say that, but it's just not true."

Mr. Adolphus said, "Well, nobody - -"

Mr. Downey said, "I'm not going to debate it with you. If you'd like to come in tomorrow morning, I'd be more than happy to meet with you and get to the bottom of this."

Mr. Adolphus said, "Well, it's not going to be tomorrow morning, but we're going to have to get to the bottom of this, because like I said it's unacceptable. It's unacceptable - 16 years is unacceptable. That's all I have to say."

Mayor Kelley said, "Thank you for coming tonight and let's try to work this to a satisfactory resolution for you."

"I'm Gabe Schaffer from 2781 Hampshire Road. I want to start off by saying that I still have not found out why there are tow trucks in the city with emergency lights, but I'm afraid the answer is not so simple. When I went to the Internet to learn about the Cleveland Heights police department, I see like encouraging words like professionalism and education, but when I ask people about their experiences, I hear words like abuse, harassment and terrorism. Terrorism, I mean that's a pretty strong word, but the new Heritage dictionary defines terrorism as the unlawful use or threatened use of force or violence by a person or an organized group against people or property with the intention of intimidating or coercing. Now, recently my girlfriend was so distraught with her experiences with the Cleveland Heights' police, that she discussed them with a mental health professional. Her therapist then related a story about how she was pulled over recently in Cleveland Heights and the policeman was not only angry and intimidating, but he was basically the rudest man she'd ever met. He became even more enraged when the therapist sug-

gested that he attend some anger management counseling. So, even disregarding my own experiences with the police, it's stories like these that make me feel that our police force is not a group of educated professionals whose job is to serve and protect the public but a bunch of bullies who like to harass and terrorize the public. Thank you."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I would like to request authority to advertise for bids for the purchase of fire hydrants."

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

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

Second by Council Member Dietrich.

Mayor Kelley asked, "Mr. Downey, do you know how many fire hydrants we're purchasing in a ballpark figure?"

Mr. Downey replied, "Generally, your Honor, when we buy these it's usually around forty at a time."

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

Nays: None **Motion passed**

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that one resolution of the Board of Zoning Appeals has been received pertaining to a variance in the Zoning Code and is requested by the following: BZA Calendar No. 3096 Eileen Burkart, 2485 Fairmount Boulevard, Supplemental Accessory Use Regulations. Your Honor, I need to make this a matter of record."

Mayor Kelley made it a matter of record and referred it to the Planning and Development Committee of Council.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is one piece of legislation and one Board of Zoning Appeals Calendar matter and I'm going to ask Council Member Dietrich to read BZA Calendar No. 3096 which was heard on February 15, 2006 at the Board of Zoning Appeals' meeting."

Council Member Dietrich stated, "This is BZA Calendar No. 3096, Eileen Burkhart, 2485 Fairmount Boulevard, which people may know as the Deming House. It is at the corner of Fairmount and Cedar, in an MF-1 multi-family district, requesting a variance from the Supplemental Accessory Use Regulations of the Zoning Code to permit a home occupation with three non-family employees. The Zoning Code permits no more than one non-family employee when

you have home occupation. A public hearing was held on February 15, 2006 and the BZA approved the variance 5 to 0. The reasons being given were that, the home is uniquely situated at a juncture of a commercial district and neighboring multi-family properties and that is actually more closely, physically linked to the commercial district than it is to the residential properties. There is satisfactory parking on the premises for both the residential and occupational uses that would be in that building. No alterations are necessary to the building and that the business that the applicant conducts is that she is a financial consultant and so she and her employees do most of their business on the phone or on line and so it's not a business that would have a lot of clients coming to the house so it wouldn't be very disruptive. One very unusual condition that was discovered that could be put on this, was that this variance will go with this person and her business. It will not run with the land as most variances do. We usually give a variance and then that property has that variance, but in this case when she no longer is using it for this use the variance will no longer be in effect.

I want to add my two cents to this. I think that this use is a perfect transition between the commercial and the residential areas, especially because it's a really light use. There won't be a lot of people. It'll be very quiet and non-disruptive. It also makes good use of a house that has sort of lost its context now that the condominiums have all been built around it. By her using it this way, it kind of ties everything together. Another thing that I want to tell you about that she did, is several months before even coming to the Board of Zoning Appeals, Ms. Burkhart held two neighborhood meetings at two different times, invited people from streets all surrounding her area and just to find out what the neighbors would think of it. People were very supportive of it, but what they didn't want was for it to be the beginning of a slippery slope where now it's her financial business and then next time it'll be a restaurant. That was solved by having this variance only go along with her use. It almost seems to me like the perfect, just the perfect way to go between the commercial and the residential. I offer BZA Calendar No. 3096."

Second by Council Member Tumeo.

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

Nays: None **Resolution confirmed**

Council Member Wilcox continued, "Thank you. Next I have legislation which involves the development of the Meadowbrook and Lee site, which is a mixed use retail residential project. All development requires a number of attributes to be successful and including site control and patience and the Meadowbrook and Lee Project is no different. This legislation relates to both of those issues. The City has emphasized two things about this project and that is providing needed parking for the area and providing a quality retail/residential building that complements and enhances the Lee Road Business District. The city is in the process of making sure the first goal is met by issuing bonds and authorizing re-bidding for the construction of the parking garage. This legislation addresses the second goal which is allowing sufficient time to find a private partner through a developer to build the retail/residential component.

I have Resolution No. 17-2006(PD), authorizing an interim agreement with Ohio Savings Bank for the property at 2223 Lee Road; and declaring an emergency. The city currently holds title to the Ohio Savings Bank property at 2223 Lee Road pursuant to an agreement with the Coral Company, which agreement has been terminated. Ohio Savings Banks has offered to permit the City to retain title to the property until May 31, 2006 for the purpose of performing environmental remediation on the property and to cooperate with the City in finding a new developer for the

mixed retail/residential development contemplated for the site; and that agreement would be in the best interest of the City. Section 1 of the Resolution authorizes the City Manager to enter into an interim agreement with Ohio Savings Bank for the property at 2223 Lee Road, which agreement shall contain the following terms: 1. Until May 31, 2006, Ohio Savings Bank will not exercise its option to require the City to reconvey the property to the Bank and it agrees that the City may, at its option, implement environmental remediation of the property. 2. The Bank acknowledges its willingness to participate in the City,s proposed mixed use retail/residential project for the property, but the Bank may require that any developer give the Bank the same terms and conditions which had previously been agreed to between the Bank and Coral Cedar/Lee I, LLC and the City for such development. 3. The terms and conditions of a parking agreement between the Bank and the City and a limited warranty deed are to remain unchanged and in full force and effect. Section 2 of this Resolution provides that the interim agreement and any related documents shall be approved as to form by the Director of Law. I offer Resolution No. 17-2006(PD) for passage tonight.”

Mayor Kelley accepted Resolution No. 17-2006(PD).

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

Nays: None **Resolution passed**

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, “Thank you, your Honor. I’d like to present Ordinance No. 18-2006(PSH), amending subsection (a) of Section 1329.04 “Fees”, of Chapter 1329, “Point of Sale Inspection”, of the Codified Ordinances of the City of Cleveland Heights to raise the fees for certificates of inspection for properties in the City of Cleveland Heights; and declaring an emergency. The fees for certificates of inspection issued pursuant to Point of Sale Inspections have not increased since 2002. The current fee of seventy-five dollars (\$75.00) is no longer adequate to cover the City’s administrative costs associated with such properties. Therefore, we’re proposing in Section 1 that subsection (a) of Section 1329.04 be amended as follows: *The fee charged for the certificate of inspection shall be one hundred dollars (\$100.00) for the first dwelling or business unit in any building or structure, and an additional fifty dollars (\$50.00) for each additional dwelling or business unit in such building or structure. The fee(s) shall be paid at the time the application for a certificate of inspection is filed with the City.* Section 2 is notice of passage and Section 3 declares this to be passed as an emergency measure. I’d like to submit Ordinance No. 18-2006(PSH) for passage.”

Mayor Kelley accepted Ordinance No. 18-2006(PSH).

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

Nays: None **Ordinance passed**

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, “Thank you, your Honor. I have several items tonight. First I’d like to introduce Resolution No. 19-2006(AS), authorizing the City Manager to enter into agreements with two temporary services agencies, Snider-Blake, Inc. and MinuteMen Staffing Services, for the provision of seasonal temporary workers for the Public Works Department; providing compensation therefor; and declaring an emergency. We know from experience that recruitment and hiring of seasonal public works department employees demands an inordinate amount of time and investment from the City’s Personnel and Payroll Departments. After several years of

experience we have determined that it is more cost-effective to contract with temporary agencies to fill these positions. The City Manager has reviewed several proposals and has recommended that contracts be executed with Snider-Blake, Inc. and MinuteMen Staffing Services for this purpose. Section 1 authorized the City Manager to enter into these agreements and provides for seasonal workers for the Public Works Department. The agreement with Snider-Blake, Inc., will provide a billing rate of Eight Dollars and Sixty Cents (\$8.60) per hour, as will the staffing for the MinuteMen Staffing Services which also goes up to Eight Dollars and Ninety Cents (\$8.90) for more specialized. All such workers shall be employees of the agencies for the purpose of workers compensation and unemployment payments. Hiring under the two agreements shall not exceed a total of Forty Thousand (40,000) man-hours without further authorization of this Council. The City Manager shall have the discretion to allocate hiring between the agencies in hiring based upon the availability and quality of temporary workers provided at the billing rates. Your Honor, I offer Resolution No. 19-2006(AS) for passage tonight.”

Mayor Kelley accepted Resolution No. 19-2006(AS).

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

Nays: None **Resolution passed**

Council Member Tumeo continued, “Thank you. Next, I’d like to introduce Resolution No. 20-2006(AS), affirming the policy of pick-up of contributions to the Ohio Police and Fire Pension Fund for an eligible non-bargaining unit employee; and declaring an emergency. In March, 2004, the City passed legislation to authorize the city to withdraw through payroll deduction the employee contribution of the ten percent (10%) donation to the Ohio Police and Fire Pension Fund. In addition, at that time, the legislation allowed the city to make the payment of the entire ten percent (10%) of the contribution on behalf of the Police Chief, who is a non-bargaining union employee of the police department. The Ohio Police and Fire Pension Fund has introduced new procedures for their 1099-R for those benefits that are picked up by cities for members and has requested that we introduce a separate resolution authorizing that payment again and that’s what this resolution does. It authorizes the city to pay that ten percent (10%) for the Police Chief. I’d like to offer Resolution No. 20-2006(AS) for passage tonight.”

Mayor Kelley accepted Resolution No. 20-2006(AS).

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

Nays: None **Resolution passed**

Council Member Tumeo continued, “I also have for tonight, to introduce several appointments to the boards and commissions of the city. We have a great number of volunteers and great involvement in our city boards and commissions. First, I have two appointments to the Board of Zoning Appeals this year. This is for two expiring terms that of Michael Benjamin and Betty Nelson. Michael has served since September 2, 1997 and Betty has served since January 22, 1991. Both of their terms ended on the 31st of January. They both have agreed to serve for another four years and I would move to reappoint both of these individuals to a four-year term beginning immediately and ending on January 31, 2010.”

Second by Council Member Dietrich.

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

Nays: None **Reappointments passed**

Council Member Tumeo continued, "Next, we have a vacancy of an expiring term on the Cable Television Commission. Jonathan Goldman has served on that committee since February 22, 1994. His term is ending at the end of this month on February 28th. He has done an excellent job and has agreed if appointed to serve another four-year term. Therefore, I move to reappoint Mr. Goldman to a four-year term beginning March 1, 2006 and ending on February 28, 2010."

Second by Council Member Caplan.

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

Nays: None **Reappointment passed**

Council Member Tumeo continued, "Next I have three appointments to the Citizens Advisory Committee that is near and dear to my heart since I served there for six years before being elected to Council. The individuals to fill positions are Kevin Smith, who is a new applicant to the board and commissions. He is a life-long resident. He brings expertise in urban planning and community action. We have Joanne Anderson who has been on the Fair Housing Board since February 18, 2003 and her term is ending there on March 31st. She is very interested in expanding her involvement and activity and will serve as a representative of the Millikin area which we have no representation from. I would like to add to that list Allison McCallum, who is currently a member of the Administrative Services Commission since December 2, 2002. She is a lawyer with expertise in labor relations and is also interested in increasing her activities on the boards and commissions and her expertise will provide new perspectives to the CAC. I would move that these three individuals be appointed immediately to unexpired terms ending December 31, 2006."

Second by Council Member Evans.

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

Nays: None **Appointments passed**

Council Member Tumeo continued, "Finally, I have one vacant position to fill on the Commission on Aging. Patricia Dillard, who is a highly qualified individual who works as a specialist in the area of aging. She has applied to fill the vacancy that has been existing for quite a while that occurred on the death of Dr. John Elder. I would move to appoint her to fill the remainder of Dr. Elder's term effective immediately and ending on June 30, 2006."

Second by Council Member Wilcox.

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

Nays: None **Appointment passed**

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, "Thank you. I have no legislation and I have to express a

little bit of envy that Councilman Tumeo gets to do all the appointments now. I had gotten really used to doing those and I really like appointing people to things, so I'm jealous.

Anyway, I have just a few school related events that are school district related events that I thought I would tell you about tonight. The first two things are events that you could go to if you wanted to. This Friday, February 24, students at the Mosaic School, which is one of the five small schools at Heights High, will perform a dance concert based on a month long residency with the Inlet Dance Company. That will be at 7:00 at Heights High. If you are more interested in the other end of the age spectrum and have a future kindergartner, it's very important to attend the Cleveland Heights-University Heights Kindergarten Information Night. That will be on March 16th at 7:30 at Millikin School and they will have kindergarten teachers on hand to familiarize parents with whatever they might expect of the kindergarten experience in our public schools.

I have two sort of school related news announcements. The first is that the Pride Small School, one of the other five small schools at Heights High, has been focusing on a civility theme lately. They are incorporating the concepts of civility into their daily curriculum, so if you've been listening to me talk about the Civility in Action project that the city and others are undertaking, this is a sign that it's catching on. They had the superintendent come and have a discussion with them. I guess they've incorporated this theme into all sorts of things that they're doing.

Finally, I wanted to announce that Cleveland Heights-University Heights earned a distinguished service award from the Ohio Association for Gifted Children and it was the only district in Ohio to do so. That's quite a good honor to get. That's all that I have. I just thought I would give you some good school news tonight."

Mayor Kelley asked Council Member Dietrich to talk a little bit about the civility meeting held the previous Thursday.

Council Member Dietrich continued, "The group of people, there are about 40 people that are working on this Civility in Action Project, met last week. There is a lot of energy in that group. We divided into sub-groups and every sub-group has come up with activities that are going to be happening between now and about August. We have a list of calendar items which I will be telling you about as they come in, in case you want to know when they're coming. The first public thing is May 2nd when Deborah Plummer who is an author and a local person is going to come and talk about - it has something to do with race relations and getting to know each other and I'm not sure exactly what her topic will be. That will be at the community center 7:00 on May 2nd. The Civility Project is moving right along. You'll be seeing more and more. We have a contest. I should have talked more about that. We have a contest for a slogan and/or a logo. So you could submit an idea for either slogan or logo or both. You'll be seeing the application for the contest in your next Focus that will be coming out end of March, I think, and flyers will also be distributed widely through the community. So, if you have a catchy idea for either a slogan or a logo for the civility project and if your idea is chosen you would see it plastered all over town for a whole year. If you have any good ideas, enter the contest. Thank you."

Mayor Kelley reiterated, "Again, the workshop is Tuesday, May 2nd at 7:00 at our community center. The significance of Tuesday, is that will be the primary election day."

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is no legislation tonight, just a

few comments on a few subjects. First, although you have heard reports of the budget processes through 2005, I'm not sure that we've talked about the final figures on the Cleveland Heights revenues and expenditures through the end of 2005 and they merit a few comments. As of December 31st of last year, the expenses amounted to about 39,858,000 dollars. For the same period in 2004, the expenses were almost identical 39,851,000 dollars. The income or the revenues side was up a bit and the unencumbered balance as of the end of the year amounted to about 2,890,000 dollars, just a little bit under that. That unencumbered balance, certainly is not as great as it was a few years back, but it is quite respectable all things considered, and certainly when compared to many of our sister-cities here in northeast Ohio and around the region. What I think is truly remarkable is that not for the first year, but now into the second and third year, the expenses have been maintained at almost the same level. Now think of this, think of your family's expenditures and the cost of all manner of things from eggs to gas prices to gasoline prices and the consumer price index all have gone up and on the municipal level there are municipal cost indexes also that are maintained and they every year - that index - goes up at a greater rate than the consumer price index probably because our services are so much related to personnel costs. What this means, is that because of truly the great staff sacrifices in Cleveland Heights, with actually job losses and time losses doubling up and making up for work, that we have maintained the expenses at exactly essentially the same level as last year and effectively the year before. I think that we can all be proud of the effort that has been taken to do this and maintain our services.

A second comment relates to a very recent report and a website chat through the National League of Cities and the report and the guests on the website chat were from Brookings Institution, a well-respected think tank, that has focused now nationally on first suburbs and the name of their report is, 'One-Fifth of the Nation: a comprehensive guide to American's First Suburbs'. The one fifth of America relates to the demographic determination that approximately 20% of the folks in our country live in what are essentially first suburbs municipalities. We are continuing to make great progress at least on the intellectual front. In Ohio, especially, dealing with a state government and of course all over dealing with the federal priorities we have a long way to go, but things are happening which leads me to the third brief comment.

We have a First Suburbs Consortium meeting coming up on Friday, March 3 at 8:30 a.m. at the Bedford Heights City Hall and at that time those of us that are there, mayors, staff, council people from the 16 first suburbs in Cuyahoga County will hear two reports on two different potential county development funds that are under consideration and we hope to come out of that meeting as well as the events that are unfolding working towards yet another try at creating a development fund that will give us the assistance and the help that we need to keep redeveloping. In addition, at that meeting, we will be hearing from a housing committee of First Suburbs cities consisting of the housing directors and managers from our various First Suburbs including our own Rick Wagner who will report on what efforts they have made and progress in dealing with foreclosures and vacancies and how we are again working with Cuyahoga County to match our resources in that regard. Those are my comments on those various subjects and that concludes this report."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have no legislation this evening. I do have a couple of comments about various issues. One is, one of our residents talked a little while ago and was not pleased with the police department and it concerns me when we talk about a whole group of people when we paint them with the same brush. We could all tell stories about not such good school teachers, not such good grocery store clerks, as well as we can tell stories about occa-

sionally having extreme examples with a police officer, but that does not mean that a whole group should be seen in a negative light. Recently, I've talked in the past about my relationship with the Mental Health Board and recently somebody called me to tell me that they have a child at home who is mentally ill and they were having a terrible time and this child was out of control and they called the police because they didn't know what else to do and the police came in Cleveland Heights - these are Cleveland Heights' residents and the police came and were so skilled at being able to calm the situation down and being able to calm the child down and was so sensitive to the entire family that they did not have to take this child and enter him into what everybody calls, 'the system', that they didn't have to take him and put him in jail or do anything to him and he was able to diffuse the whole situation. So that, we can all tell stories both on the good and on the bad. I think it does us better to try and understand whatever the situation is and try to understand it and try to rectify it if there is a problem than to paint a whole group of people in a negative light. So that, I don't usually comment on what people say, but it really is - it distresses me when we do that.

Spring is coming and I keep talking about recycling and I'm going to continue to do that. Somebody commented that they heard me talk two weeks ago about recycling and they thought it was interesting that I talked about that and that they do the newspapers. More than newspapers, do your mail, do your magazines, do your catalogs, put them in paper bags that you get from the grocery store and put them out. You can put out paint if you tell the city about it and you mark it on the box. You can do virtually everything in your household so that we can recycle things. It's really an advantage for the city. It saves money - we don't have to pay money to put it in the landfill and sometimes we get money for the things that we recycle.

The last thing that I wanted to comment on - we were in Mexico where there had been hurricanes in September and my husband and I were enormously impressed by what the Mexican government had done in terms of taking care of the infrastructure in the area that had been hit by the hurricane and by doing the roads and the electricity and cleaning up. And we commented, 'Gee, if the Mexican government can do this, what was happening in New Orleans?' Today I saw something on television that my worst fears were realized and that our government has not been very good about doing something about those people who've been hit by Hurricane Katrina. The garbage in the streets, the decaying refuse, the contaminated water that surrounds where people are living, it is disgraceful. If you were concerned in September and in October and sent money and wrote letters, do it again. Write some letters to your congress people and say, 'What are we doing?' This is in the United States of America. It's shameful what we have not been doing in those areas that were hit - and I know that has in someways nothing to do with Cleveland Heights, but in someways it has a lot to do with us. That's all I have for tonight. Thank you."

REPORT OF THE MAYOR

Mayor Kelley stated, "First off, to Tom Malone, our deepest sympathy on the loss of your mother. Our thoughts and prayers as you move through this most difficult time.

I, too, want to just briefly comment on our safety forces. Now, for about a month now there has been a lot of things said and maybe not some good things but by and large being the son of a fireman who made it through the 50's, 60's and 70's and made it through the Glenville riots and being shot at and bricks being thrown at him when he went down there in answering the call of duty to put out fires in the Glenville area in the late 60's during the rioting. I saw a different view as an eleven year-old child what can and cannot happen. The bottom line is, and I think Councilman Caplan said it, we have over 200 people that work in our safety forces and I wouldn't trade

them for anybody. It's very important for what they do and the stress they're under and we see these people day in and day out. We are in one of the safest communities in the United States bar none and I would not trade our safety forces for anyone else's. It's very simple. Sometimes things may not happen that are acceptable to some people. We work through them, we'll get to a better place and that is very simple. So, when I hear words like, *abuse*, *harassment*, and *terrorism* to describe our safety forces, I take exception to that. I think it isn't a just way to talk about our safety forces. A lot of these people live in our community, grew up in our community, raise their families here, are very proud to be here and they have my support, very simply.

Finally, our next meeting will be Monday, March 6, 2006. This meeting is adjourned at 8:40 p.m."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc