



CLEVELAND HEIGHTS

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

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

Edward Kelley, presiding

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

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:42 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:48 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Tuesday, February 18, 2003 were approved and signed by Mayor Kelley along with the ordinance and resolutions passed at that meeting. Mayor Kelley added, "I know that a lot of people are here to speak about Ordinance No. 29-2003 tonight but I am going to ask you to sit back and relax for a minute and let anybody else who is here to speak on any other issue (because I think there will be a little bit of dialogue on Ordinance No. 29-2003) to first raise your hand and be recognized and I'll give you the opportunity to speak on that issue. Dr. Elder would you please come forward."

"Thank you, your Honor."

Mayor Kelley responded, "Welcome, Dr. Elder."

Dr. John Elder, 2613 Derbyshire Road, stated, "I appreciate the opportunity to appear here. I represent the Cleveland Heights Commission on Aging and at the last meeting we had a discussion of

physical assets at Severance Center we understand that an undetermined number of food suppliers will be coming into the area. I'd like to urge some consideration be of the type of fast food franchise [that] will be added. An increasing problem of obesity is in our country and it is, in particular, our children. The increasing proportion of meals eaten each week come from fast food sources and these are known, in most instances, to be high caloric. Obesity is reaching epidemic proportions and with this we expect an increasing instance of disease-processes associated with obesity. These known associations include diabetes, heart disease, high blood pressure, and arthritis. We have appended this letter - a recent editorial from the New York Times, which we believe is pertinent to the subject. Franchises which emphasis healthful foods should be given preferential consideration. This would be a service to the community and to its citizens. This is not an intent to be obstructionist or to deal with trivia. We are at a point with fast food franchises which is not dissimilar from what was the situation with the tobacco companies some thirty/forty years ago in that lawsuits are now being brought against these people because of what they are putting into their food. In this editorial and just a couple of items; a Chicken McNugget is an experiment of an entree, larded with ingredients like TBHQ, a flavorless stabilizer and Dimethylpolysiloxane, an anti-foaming agent (I guess we have foaming chicken). The lawsuits have been brought already. One judge has said already that the Chicken McNuggets are, "a McFrankenstein creation," and is putting McDonald on the legal defensive. Big tobacco was held responsible in a similar manner for cancer-causing things. Chicken McNuggets rather than being chicken fried in a pan is a Frankenstein creation of various elements not utilized by the home cook. His decision (the judge's decision) listed thirty or forty ingredients other than chicken. It is noted that although chicken is regarded as a healthier food than beef, Chicken McNuggets are far fattier and it is at least as fat and caloric as beef. This is the purpose of our presenting this for your consideration. I thank you for this opportunity."

Mayor Kelley continued, "Dr. Elder, you'll be happy to know that the City Manager and I met with Peter Houghton who is the representative from Canyon-Johnson on both Wednesday and Thursday and we expressed your concerns and we will forward to him, obviously, this editorial, and your comments at this meeting and try to get more of a healthier blend at Severance and not just concentrate on the fast food industry because we really want to be more representative and more health conscious for our community. But thank you, and thank you for the most important work you do on the Commission on Aging and please thank the members on the Commission on Aging and their thoughtfulness and their caring on this issue. We do appreciate your comments and we do take them to heart. Thank you.

Is there anybody else who wishes to speak to council on any other issue besides the ordinance that is before us tonight. I guess everybody is here to speak to us about a particular issue. Before we begin the issue tonight, I do want to let people know that it's important to have your say and speak to us tonight and we do appreciate it but we will not be voting on this issue tonight. We are here to listen to you [and] to take your comment [s]. What we are doing with Ordinance No. 29-2003 will no way take away what we expect our Architectural Board of Review to do in their role as members of this community, as a board of this city. We appreciate your involvement in whatever side of the issue you are on. So we are here tonight to hear from you. We are considering authorizing the City Manager to enter into an agreement with the Cleveland Heights-University Heights Library Board of Trustees to permit the Library to construct and maintain a bridge / walkway over Lee Road to connect the Main Library building and the former YMCA building. That is what we are considering, but again we are here tonight to listen to you - to hear your comments. There are many people here tonight to speak. If you could be brief, we'd appreciate it, but again, if you can't that's fine, too. I'll ask you to move along if you can. The important thing, again, as I said, we're here tonight to listen. We will not take a vote on this tonight, so if indeed there are other people in the community that are hearing this or at other meetings you are free to fax us, to write us, to e-mail us, to let us know what your concerns are and what your ideas are on this issue. We'd be more than happy to hear from you. We're not voting this [tonight]. And as I said before, the Architectural Board of Review still has their work to do on this issue. I know that Mr. Ricciuti is at

the drawing board coming up with ways to help the design along and move the project forward and we look forward to that happening in the near future. So, I begin to open the personal communications from our citizens. I am going to ask Mr. Wood, the library director to step forth and give us some comments and please be cognizant of the time also, Mr. Wood, if you would."

"Mayor Kelley, Members of Council, I am Steve Wood, Director of the Cleveland Heights-University Heights Public Library."

Mayor Kelley requested, "If you would, before you start - it would be appropriate if you would introduce your board members who are here with you tonight."

Mr. Wood continued, "Absolutely. I have with me this evening, Christine Stouffer, who is President of my board."

Mayor Kelley requested, "Please get up and be recognized. We can give her a hand, can't we?"

Mr. Wood continued, "I would. Pippa Carter, is on our board [Vice President]. In the back row is Susan Janssen [Secretary] and Jerry Blake and Esther Moss are here [Members]. William Batcheller and Eric Silverman are also on our board and they were not able to be here this evening."

Mayor Kelley said, "Welcome, Steve and Board Members. Welcome, nice to have you here tonight."

Mr. Wood continued, "I couldn't miss this opportunity to promote one of our programs in the packet that I left at your places [addressing Council Members] is a poster for our North Coast Neighbors, Share A Book Program, where all over northern Ohio we're reading the same book and this year it's Fahrenheit 451. What makes this poster interesting is that this shows the firemen of the City of Cleveland Heights all out reading a book. They have been very generous with their time and I'm going to pass this copy onto Mr. Wittenberg from the Sun Press. Maybe we can get some nice publicity for it."

Mayor Kelley asked, "Is it a Fahrenheit 451 book or is it their union contract that they are negotiating?"

Mr. Wood answered, "I can't speak to that. It is my pleasure to speak to you this evening about the exciting plans your library has for the communities of Cleveland Heights and University Heights. We especially appreciate your support and your willingness this evening to consider an ordinance permitting the right-of-way for the project's walkway. I want to explain why the walkway is so critical to the success of the cultural arts complex we propose.

Purchase of the Heights YMCA in 2000, gave the library the unique opportunity to create a cultural arts complex in the heart of our service area. Passage of a 9.5 million dollar bond issue in November 2001 - with a 72% approval of those voting - made clear the community's support for the library's vision.

In the handout I provided you I described where the library is today and how our use continues to grow. With this ever increasing use of our facilities and this level of support from our customers we must be doing something right. The reason we purchased the former - and abandoned - Heights YMCA was to protect this library's future 20 to 30 years down the road. Libraries are changing. The demand for what we use to consider our "core" services, the free borrowing of books and the answering of reference questions, is completely different today than we saw even as few as ten years ago. New

media, computers and cutting edge technology alter the complexion of all that we do today. With these changes comes the demand for even more programs because our customers recognize the library's important role as an essential community center and their need for such centers in today's society. People want opportunities to come together with their friends and neighbors for life-long education and entertainment, for music and literary discussions, and for the free exchange of ideas. In this context, purchasing the former Y makes considerable sense.

What we have come to realize is that this is not just a vision for tomorrow. Having this added space now gives us the ability to provide some extraordinary opportunities today to the two communities we serve. But our vision is not created in a vacuum. It is based on community input we received in the fall of 2000 through four town meetings and a professionally designed telephone survey. Indeed, our vision also responds to many elements of the City's recently completed strategic plan especially regarding the importance that our community places on the arts as a fundamental part of our lives.

The renovation of the Main Library and the former Y will connect these two buildings to create the community cultural arts center for the cities of Cleveland Heights and University Heights. The center allows the library to make an even stronger contribution to our residents by offering targeted programming to meet the interests of the citizens of the diverse cities we serve.

The design for this complex provides us with a number of venues for programming for all ages. Not only will we have space adjacent to the Children's Services Department for puppetry, storytelling and other craft programs and activities, but also we have in the former Y another major activity area adjacent to classroom spaces our programming partners, Dobama Theatre, the Heights Arts Collaborative and the Heights Parent Center will use to broaden and deepen the scope of programming we will collectively provide. Yes, we will have a functional and accessible performance space for Dobama Theatre, one of the most popular and innovative theater groups in northern Ohio. And yes, we will have an art gallery and I am sure that you have heard that the Heights Arts Collaborative has engaged William Buster, one of the best known gallery owners in greater Cleveland to operate this gallery.

But what is vitally important to understand this evening, is that it is the partnering commitments for educational programming that we have in place that makes this renovation project so unusual and so exciting. Because of the demand for our children's programs alone, we anticipate using several venues at the same time. We will offer homework help, classes in the arts such as pottery, painting, music, creative writing; classes in theater arts; and curriculum-related activities developed in concert with our schools. We anticipate many children will participate in several programs in the same afternoon along with using the more traditional library services such as getting answers to questions and receiving help selecting a book to read.

With this renovation you can expect to see a number of things happening and I have described them in greater detail in the handout. For this evening, though, it is important to understand that we are creating a community cultural arts center focused on life-long learning, but especially on programming for children and especially after school. As computers and the Internet increasingly isolate people, this cultural arts and library complex will increase the number of gathering spaces, increase the numbers of reasons for people to gather, respond to our community's unique needs, and bring people together now and for generations to come.

As the planning for our renovation progresses, we realize that despite a dramatic increase in space, there is not enough space on only one side of Lee Road for the customer-focused uses coming from the library and our partnering commitments to be housed together. Therefore, the only way we have found to meet our space needs is to consider the two buildings as a single whole that just happens

to have two wings separated by a major thoroughfare. But for this concept, this vision, to make sense, there has to be a connection, a corridor, between the two wings that links them together.

Crossing Lee Road at the library today is neither easy nor safe. There are many cars, often traveling at high speeds, and children (and adults) often dash across the street. Crosswalks are rarely used. With increased programming taking place on both sides of Lee, the situation is exacerbated dramatically.

A pedestrian walkway, crossing over Lee Road, unites these two buildings and allows safe access for our customers. This is the key to our program's success because the walkway permits these buildings to function safely, as a single, unified whole, a single, unified vision.

When the time is right, and the heavy construction equipment has ceased its work, I know that the city will address the need for traffic calming along our part of Lee Road and further to the south. But this does not preclude the need for the walkway. A calmer Lee Road responds to the needs of pedestrians. The walkway responds to the needs of those specifically using this cultural arts complex.

The vision I have described to you is unique. I know of no other library in the country that is bringing library services together with the arts in this way. And the walkway is the visual representation of this synergy we are creating. Frankly, our project speaks highly to our city and its recognition of the importance of the arts to a community as expressed in its recent strategic vision. Our complex is the perfect compliment to the recently completed "recreational" Community Center. What an extraordinary opportunity this is for all the residents that all of us serve so proudly. Thank you very much for your time."

Mayor Kelley responded, "Thank you, Mr. Wood. Would any of you, board members, wish to address us before we go on?"

"I'm Christine Stouffer, 2435 Canterbury. I'm president of the board [library] this year. I just want to make this brief and to thank you, Mayor Kelley and the Council, for taking this opportunity to show your support for this project. It's really my hope that we can move this forward. Over the past year, we've got a lot from different groups in the community, and we appreciate that dialogue, but I think the time has come that we really need to realize the vision that Steve so eloquently talked about a moment ago. So, I just wanted to thank you on behalf of the board."

Mayor Kelley continued, "Thank you. I know there are other people who want to speak to Council, so I will start over here."

"Good evening, Mayor Kelley, Members of Council. I am Julie Langan. I live at 2427 Derbyshire Road, and I'm here this evening representing FutureHeights, of which I am the new executive director. Our board of directors passed unanimously the statement that I would like to read for you. First we would like to state that we believe the Library Community Center has the potential to be a wonderful addition to Cleveland Heights embodying many ideals that FutureHeights believes are central to building a strong community for the future. We sincerely hope that a few years from now our city will be enjoying a vibrant new civic amenity. The concern we express today is not about the buildings themselves, but about the surrounding pedestrian environment and the responsibility our community has to guarantee the rights and safety of people on foot. With the granting of air rights would come a heightened responsibility for the city to insure pedestrian safety in the vicinity of the library. And why do we think that? A bridge would certainly be a convenience for library staff and patrons during library hours and it would allow people inside the facility to circulate back and forth between the library and community center without going outside and crossing the street. But what about the other people and the other

times? Kids walking to Fairfax School have to be in a class before the library opens. Late night Doboma patrons would exit the theater after the library closes. Even during library hours, many people walk along Lee without crossing it or if they do cross it they need to cross it someplace other than where a bridge might be. And some people would just as soon take the risk of walking across the street rather than expending the time and effort and go inside a building, climb to the second floor, cross a bridge to another building, walk down the stairs and go back outside to a place only eighty feet away from where they started. Street safety for pedestrians is in no way solved by a bridge. In fact, in at least one important way, the street would be made less safe. A pedestrian bridge sends a visual cue to drivers that people on foot have been segregated into their own space, away from the street, so drivers don't have to look out for them. The street becomes less safe for those who don't or can't use the bridge. No matter what form the final design of the Library Community Center takes, a lot of pedestrians will be using these sidewalks and crossing the street and that's truly a wonderful thing. This project presents not just an opportunity but a civic responsibility to make significant and comprehensive modifications to the street and pedestrian environment in this area in order to provide for the rights and safety for people on foot. Thank you very much."

Mayor Kelley stated, "Thank you, Julie. Welcome to your new job."

"My name is Joan Costello, 2181 Bellfield Avenue. I'm director of the Cedar-Lee Merchants Association, and that's who I am here on the behalf of, this evening. The merchants have long supported the library's expertise in programming and we trust that they have the right tools and people in place for the programming ideas. We think design is something that can be worked out - and is a subjective thing, but we are extremely eager to have this library and community cultural center built and functioning on our street. It will help (we think) the merchants on the street as an economic development tool, which will then help all of our neighborhood. Thank you."

"My name is Katherine Heylman, 1590 Compton Road and I'm not representing anybody. I just want to make three very brief points. I think the bridge is just absolutely essential. It is important for the smooth operation of the library programs and not to have the bridge - if people had to go outside and walk across Lee Road to get from one part of the library to another, I think it would just have a very chilling effect on the programs that Mr. Wood has outlined, very exciting and innovative programs. I think it would just do wonders for the city to have something like this. The second point is safety and that really needs no elaboration except that I am just appalled that there are some people who think it is more important to have the looks of the building rather than what goes on inside and for the safety of the people who are using it. The third point is, we voted for the bridge. Now I know it wasn't in the ballot language but anyone that didn't know that bridge was part of the plans, must have been, not reading anything. Seventy-two percent (72%) of the people voted for that and I think that it's essential that it be built and I just urge you all to approve Ordinance No. 29-2003."

"My name is Pat Crago. I live at 2988 Washington Boulevard. I'd like to speak in favor of the bridge. The bridge is something that will make it possible for people to utilize both facilities safely when visiting either one or the other facility. We have to own up to the fact that we don't live in San Diego. Side streets and sidewalks in this part of the country are frequently dangerous or even impassable because of darkness, snow and rain, for many months of the year. Everyone is at risk at crossing Lee Road under these conditions. The risk, of course, is much higher for certain populations. People are disabled or the elderly. The elderly are certainly an increasing part of our population. It's also dangerous for parents with children. Children in strollers or young children who are anxious to get out of their parents' hands and cross the street by themselves and it's also dangerous for pre-teen children who often are thinking of other things when they're trying to go some place. All of these populations are people who would be expected to be high-users of these facilities and who we want to be high-users

of these facilities. Without a bridge it puts all of these people at risk. In conclusion, I view the bridge as really a necessary part of the complex in order to make it a really beneficial contribution to the community. The bridge will increase the use of both facilities and keep our citizens safe and also we must consider, as the first requirements of this facility, the safety and function rather than the design. In summary, I urge the adoption of the resolution."

"Thank you, Mayor. I'm Spencer Caress. I'm president of the Board of Trustees of Dobama Theatre, 1846 Coventry Road and hopefully 2344 Lee Road in the not too distant future. We, at Dobama, appreciate your interest in helping to move along the library's project and the former Y. Late in the year 2000 after a widely-publicized process, library board chose Dobama to partner in the use of the activity center. In June 2001, the library and Dobama signed an agreement. Dobama would make its new home in the activity center and partner with the library and the Heights Arts Collaborative in presenting increased programming, including greatly increased education programming. Dobama would be responsible for building-out its facilities within the center. Upon signing the agreement, Dobama received a \$200,000 lead grant to help us get us started. We hired an architect who began to design, based on the building plans being developed by the library's architect. In November 2001, voters of Cleveland Heights and University Heights overwhelmingly supported the project in the vote for a bond issue to finance it. At that time, Dobama was planning its capital campaign. We intended to begin our campaign upon completing our design which could only happen when the library received its approvals. That has still not happened. Last spring we suspended our design work. When I was asked to join Dobama's Board four years ago, Dobama was beginning to look for a new home. The search was not limited to Cleveland Heights. My hope was that I could help Dobama find a new home within the city. I believed that we had achieved that goal with the agreement of June 2001. During the last six months while the library's project has been stalled other communities have approached Dobama. We, however, remain committed to Cleveland Heights, our home for the past thirty-five (35) years and we remain committed to fulfilling our obligation to the library and the community. Therefore, we hope that the library will be able to move forward according to its original vision to connect the buildings and provide greatly enhanced programming for the entire community. Thank you."

"Good evening. I'm Louisa Oliver, 1644 Crest Road. I'm the executive director of Heights Parent Center and I am here to express the strong support of Heights Parent Center, its board and its staff for the original vision that the library had in purchasing the old YMCA building. The plan to create a cultural arts campus on Lee Road is forward thinking and will establish another special destination in Cleveland Heights. The walkway is critically important as a part of this concept and we urge you to insure its inclusion as the project moves forward. Heights Parent Center is one of the three community partners who will offer programming in the new building. Our particular program will be serving families with young children in a literacy-based-plan-learn-center. This program will offer play activities which will promote school readiness for a broad range of families. We expect to draw families who are already using the library and also to serve new families who will benefit from coming into the library and learning all that it has to offer. Successful synergy between our programs will depend on easy access from one building to the other. As you can imagine mothers with strollers and toddlers in winter clothing will not cross the street if they have to get all dressed up and put the boots back on again and go across and take them all off again. Older children trying to reach the after school programs that we are going to co-sponsor with the library and the other two partners will be put in danger crossing Lee Road. We thank you for your consideration of this and we firmly believe that achieving the vision of the cultural arts campus on Lee will be a truly exciting accomplishment and will create a national model of library and community collaboration. Thank you."

"Mr. Mayor, Council. My name is Keith White. I live at 3125 Fairfax. I'm an architect and a member of a group of local architects that has expressed more than average interest in this project from

time to time. I can't speak for that group. I don't think any one person could possibly do that, but I can tell you that almost to a man or woman, we've supported the bond issue. We celebrate the concept that Steve Wood and the library board have presented about the cultural arts center and we hope that both the library and Dobama can afford to build it as they intend.

We have architects in our group around both sides of the bridge issue. Personally, I can't understand how anybody can support the concept of the cultural arts center and oppose the bridge. It's been clear tonight from remarks that others have made that they can't very well be separated. Most of us, would support a bridge, if it were part of well-designed building or buildings on a well-designed campus that's thoughtfully fitted into the neighborhood context there on Lee Road. That makes it all the more important that a recommendation that we made more than a year ago and was followed up largely through your efforts, Mayor Kelley, to bring on an architectural design consultant. He is going to be needed now more than he ever was. And I'm sure that everyone in this room knows that the city has generously volunteered to pay part of his fee. I would urge you to lend your full support to Paul Ricciuti, the design consultant, and give him free-hand to help this project's design as it very much needs. For me, I urge you to support this issue; to grant the air rights and the rights for a walkway to the library as they have requested. Let's get that issue aside and off the table and turn this project back over to the ABR and the BZA and Paul Ricciuti and get the thing moving again. Thank you very much."

"I'm Mary McMillan, 954 Pembroke Road. And also, although I am not speaking on their behalf I am the former past president of the Friends of the Library and speaking from that prospective I've been with the 'Friends' for six years now and have watched this process from the time before the library bought the Y. I would just say that it has been a long and thoughtful process on all parts and the library's intentions are the best for the community and the people that it serves and I would strongly support the creation of the campus including the walkway. I grew up on Coleridge. I walked to Heights for years right pass the library. I drive on Lee Road now. I think that having that asset available to the community in a manner that is accessible not only for children and mothers with strollers (which I am not). I would like to use the walkway, personally. I don't want to have to go outside and put my coat back on in the middle of the winter. So, I would just state that I feel the library has worked long and hard on this project with the best of intentions and it is in tune with the visionary intent of the City of Cleveland Heights and would be an asset both in the near future and for the next generation to come."

"Mayor, Council. I'm Joyce Rajki, 2328 Stillman Road. Tom Bier in a Plain Dealer article Sunday, January 13, 2002 stated, "City Hall is the caretaker of community standards. It should not accept second-rate, ever. It must insist on quality and require products that people will be proud of for a long time." On this important legislation, does City Council intend to vote without having been provided with a design for the bridge or of the two buildings it is envisioned to connect? So that you could see the change that would occur on Lee Road vista and streetscape, would it not be appropriate to have renderings of the proposed design when making your decision? Since fall 2001, when an out-of-scale rendering of the architect's design appeared in the Sun Press, citizens have not seen what the library board intends to do with the bridge.

This comment is for John Gibbon, Law Director. Someone gave me an item from the Internet, which states that in Minneapolis, king of skyway towns, to build a structure across a street, owners must first get an encroachment permit (which I think is the same as the air rights) and second, post a \$500,000 bond to provide for possible removal in the future. Mr. Gibbon, could you check to determine whether the bond is a reasonable requirement for Cleveland Heights? Pittsburgh has a website listing all their bridges; some of those between buildings have been boarded up. Thank you very much."

"James Redhed, 3236 Redwood Road. Good evening, Mayor, Members of Council. I am not

opposed to the project but I encourage Council, in this particular case, to table this ordinance until such time as a unified plan is presented for the library. Even with some of the comments tonight, it is clear that is not the case. Dobama signs an agreement before the library even knows that they are going to succeed at the bond issue. They purchased the building before a plan is presented to the community. A number of things that seem to be done out of order. At the town meeting (two of which I attended) asked questions about financing the programming - details about the programming - little or none of which was forthcoming and what was - were - actually disturbing things, like the programming we're not requiring any new funding beyond that which was provided in the most recent levy which leads me to ask why the levy then was as large as it was, if there was all this extra money around? As with Joyce, I think that the issue ought to be considered in a broader context than this what seems to be out-of-order step wise fashion. I'm not opposed to a bridge or the campus or the concept, although the lack of details concerns me a great deal, but I think I would urge Council to urge the library board and Steve Wood not to discourage their vision but to create a plan from it before things like this legislation is considered. Thank you."

"Peggy Spaeth. I'm the director of the Heights Arts Collaborative. I'd like to point out that two of my board members are here tonight. I shouldn't say my board members, our board members: Sharon Grossman, the president of the Heights Arts Collaborative Board and George Grossman, over in this corner and Carole Wallencheck, in the back, our secretary.

"The vision, as well as reality of our unique community, is that the arts are not apart from life but a part of life. The Collaborative is planning joint programming with our partners which will create community life through the arts, bring arts' opportunities to people of all ages, and provide a venue to exhibit the work of artists from our own community and beyond. And importantly, all of the partners have an imperative to offer - free activities to the many children who are at the library after school. If any of you are interested in a summary of our proposed programming please ask me and I will send you a copy. Separating joint programming into activities fitting one side of the road or another is difficult, as friends and families engage in different uses of the facilities simultaneously. The bridge is a physical manifestation of the programming that will flow throughout the library campus. It is a functional link between the two buildings that should not abrogate responsibility to create a functional, safe, pedestrian-friendly Lee Road that is not a place to speed through but a destination in itself. Thank you, Steve Wood, the library board and library staff who have dreamt of a special, unique library in our unique community. I believe you have been respectful of and responsive to the community in this lengthy process. Thank you, Mayor Kelley and Council, for supporting this vision. We look forward to our mission of expressing the creative spirit of the community in the former Y as the arts are the heartbeat of the Heights."

"I'm Susan Redhed. I live at 3236 Redwood Road. I just want to say I have spoken at some of these other library meetings but I do want to say that I love our library. I use it a lot and it's been a wonderful resource for us as we're trying to fix up this old house in Cleveland Heights. I do want to say, although, that all of the talk about the arts and culture I'm not hearing anything about the library - are we losing our library in getting a cultural center? I went to the Board of Elections a couple weeks ago to look at the wording of what I voted on back there in 2001 and it said that it was for the buildings of the Cleveland Heights-University Heights Library and there was nothing mentioned about the community center aspect of it. I think it's a matter of integrity with our community and when you put an issue on a ballot that it would say what really [sic] are we voting about and I would like that clarified here and - I'm not against the arts or culture I just love the library and I just want to see it really not get overshadowed."

Mayor Kelley said, "Thank you, Mrs. Redhed. I do have to speak to the word, integrity, and

what is on a ballot issue whether it be a city issue or a library issue or school issue. The ballot is worded in a certain way to meet the special specifications - any lawyer will tell you [that]. But as far as the word integrity and this library director, this library board, I have never met eight people with higher integrity than those eight people and I am proud to stand next to them when the word integrity is mentioned and I'll clarify that issue particularly now - on the record."

"Hello, Council, Mayor. My name is Bill Busta. I live at 2304 North Saint James Parkway. I'm representing, in part, the Heights Arts Collaborative. I've been working on the plans for the art gallery aspect of that project now for about nine months. One of the things that we discovered is we've been developing the concept of the gallery in Cleveland Heights. We looked at the Ohio Arts Council which each year awards fellowships to the best artists in all endeavors whether its choreography, visual arts, or crafts in the State of Ohio. Each year approximately 100 are awarded in the state. Over the twenty-four years of the program, the cities of Cleveland Heights and University Heights - individuals who have lived there have been awarded 180 fellowships, approximately 8 _ percent of the total, which indeed speaks to the point of this being the home of arts and the home of artists. I think that we have a unique opportunity to work with those artists in all media to develop a type of gallery and a type of art programming that not only is of the highest level but is integrated with the community to children, to middle school to high school to adults to seniors. Too often when we work with contemporary art, we find ourselves isolated. We find ourselves, in the case of the Museum of Contemporary Art [of] Cleveland on the second floor of a building in the center of the city or we find ourselves in University Circle where sometimes the parking is very hard. It's very exciting to [be] part of a project which actually is not only a place that you perhaps can go to as a special destination, but also a location which is a common destination where the arts will be something that people can participate in not by always having to make a special trip but as more as part of their life. I believe that the campus proposal of the Cleveland Heights-University Heights Public Library will offer an opportunity for that type of integration of arts into our lives. Thank you."

"My name is Karen Schneiderman. I live 2943 East Derbyshire, apartment 2. I'm really excited about this project for a lot of reasons. I'm an avid library goer and I'm a fan of much of the cultural aspects of Cleveland Heights and I also think that there's a natural segue between the arts and a library. That's where I learned about all sorts of music and I still take home bags and bags of CD's, sometimes I return them on time. The other thing I want to speak to is the fact that it's exciting to see new development in Cleveland Heights, especially with one of our bigger employers, which is the library. In a first ring suburb it's exciting to see things grow because there is not a lot of space left and we have to use buildings like the old Y so that they don't go vacant and I'm excited for that, too. Thank you."

"I'm Marianna Stein, 2727 Lancashire Road. I think from what I can gather many of us who are seniors and those of us who have grown up in this area - we're excited about the project. Years ago, when I was in school we did not have quite as extensive [the] opportunities as Dobama and I'm glad to see it. The people who mentioned that they don't think it's perfect. If we wait for perfection we'll never do anything. I think that moving on with it and looking at it from different directions as it moves on - we have to start somewhere and I'm glad that we're doing that."

"I'm John Elder. I live at 2613 Derbyshire Road. I am again representing the Commission on Aging. This subject was discussed at our last meeting and I was to put together a draft letter for the review of the full Commission. We're obviously ahead of that, but although this is coming to a head this evening I think that perhaps I should give you the flavor of the feeling of that group. First of all, we do live in Cleveland as has been brought out that the weather is less than it is in San Diego and thereby a mechanism for transit between these two buildings is certainly essential; putting on the clothes, the children, and all this again is a manifest impossibility - a terrible inconvenience. As time goes by we all

become more fragile and we are a little more concerned about how fast we can get across that street and if you are going to go from one portion of the library to the other without putting on your boots, putting on your clothes and then having to go out and run through the snow and rain then we have a little problem with the passage way. The feeling of the group of senior citizens with whom I'm dealing (or dealing with me) is that it is essential that this go forward. It was approved by the voting public of the city and certainly from the standpoint of convenience, safety for all concerned and the culmination of what is a fantastic project and at this point it may be inappropriate I would give all the kudos in the world that I can to the people involved with the library in any way. It is a magnificent institution and it serves us so well. It's a pleasure to go there. The people are a pleasure to deal with and I haven't had anybody give me anything but a smile and all the cooperation in the world. Thank you very much."

Mayor Kelley jokingly asked, "You were speaking of city hall at the end, weren't you? Seeing no one else wishing to speak, I want to thank you for coming. Council, again, will take up this issue on March 17th. I am probably safe to say that we'll probably take some type of a vote on the 17th on this issue. So please feel free to come back. In the meantime, if there are other issues or other correspondence you would like to get to Council, please feel free to send us a letter, e-mail us, fax us, telephone us if you need to. Let your friends and neighbors know but I do think speaking on behalf of City Council, that on one of my favorite days, St. Patrick's Day, March 17th, we will take this issue up again and in all likelihood have some kind of a vote on it. I know that the Sun Press is here and he'll [Ed Wittenberg] be more than happy to put it in his article. Again, we are considering the air rights issue on this. They're still hoping that our ABR will move ahead in their issues on this and I challenge again, Mr. Ricciuti and the architect involved to move that design forward in a positive direction, address the bridge and the other design issues and the safety issues related to this.

"On behalf of this City Council and the city staff, we will, of course, get the issues related to safety on the ground level in addition to what this bridge does or doesn't do for the project. We will not be delinquent in taking care of the safety issues related to Lee Road. We did it on the north side all the way down and we'll do that also at the appropriate time. We will not discount what needs to be done on the floor. We have a history of doing traffic calming and doing good things on the road and we will do it here also at the appropriate time regardless of whether there is or isn't a bridge but we will take that into account and we will not be delinquent in our responsibility as a city and making sure that the ground is safe for people with or without a bridge. If there is a bridge we will not shirk our responsibility and just say the bridge is there and forget the people that walk on the ground. That is our responsibility. We are fully aware of it. We have talked about it and we'll work very hard to make sure things happen on the ground and to make that place a safe place when the appropriate time is necessary to do it. We look forward to the Architectural Board of Review getting back with Mr. Wood and Mr. Ricciuti and doing some good things here and making this a project that we can all be happy about just as we are so proud of our community center. That also took a long time to become our community center and we wouldn't trade our community center for anybody else's. We might want a swimming pool there but that's another issue for another day.

"I'll let you go if you want to go because we have a lot of council business and we certainly don't want to hold you up but thank you for coming. Please feel free to come back on March 17th if you'd like. Thank you for coming. If you'd hold up for a minute I'd like the Vice Mayor to speak for just a minute. It is in his committee. So give him a minute, if you'd just sit down."

Vice Mayor Montlack stated, "You might be interested in knowing exactly what the legislation that you were here to speak about says or doesn't say and it will be the first item under the committee reports tonight if you have that interest I just wanted to give you that information."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have just a couple of items this evening. As you know earlier in the evening we spoke to you of the need for some emergency repairs to fire engine truck #222. Just last week the engine truck had problems with its engine coolant system and the oil-return system. We would, your Honor, request that Council move to approve the payment of invoices totaling \$19,550.33 to W. W. Williams Repair Service for the emergency repairs needed on engine truck #222."

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

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

Second by Council Member Caplan.

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

Nays: None

Motion passed

Mr. Downey continued, "Thank you, your Honor. We have two bid tabulations and award of contract. The first is Bid Document No. 2003-07, the purchase of various shade and flowering trees. There were six successful bidders: Davey Tree, in the amount of \$8,125.00; Brookside Lawn Service, in the amount of \$1,512.00; Manbeck Nurseries, in the amount of \$4,825.00; R & J Farms, in the amount of \$4,425.00; Shemin Nurseries, in the amount of \$1,570.80; and Split Rail Nursery, in the amount of \$13,600.00. Bid Document No. 2003-08, the purchase of parks and recreation uniform employee clothing items. The lowest and best bidder was National Screen Productions, in the amount of \$10,462.05. Your Honor, I would request that the bid tabulations and the award of contract be made a matter of record."

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that one notice has been received from the Ohio Department of Liquor Control advising that application has been made by the following: Coventry Pizza Co., d.b.a. Decent Pizza, new D5 permit, premises 2768 Mayfield Road, 44106. Your Honor, I need to make this a matter of record."

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

Mr. Malone continued, "I need to notify council that three resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following: Board of Zoning Appeals Calendar No. 2990 Motorcars Toyota, 2950 Mayfield Road, sign regulations; Board of Zoning Appeals Calendar No. 2998 Denise Wells, 1164 Quilliams Road, family-definition regulations; and Board of Zoning Appeals Calendar No. 2998(a) Cathedral of Faith Assembly, prospective tenant, 2920 Noble Road, restriction set out in the Zoning Code's definition of "place of worship," to permit establishment of a place of worship in a building not originally designed for public worship. Your Honor, I need to make these a matter of record."

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

Mr. Malone continued, "I also need to notify Council in accordance with Chapter 1143 of the Zoning Code that two resolutions of the Board of Control have been received as amendments to the Detailed Development Plan. Board of Control Resolution No. 2003-01 Canyon-Johnson Urban Fund Severance L.L.C., 3640 Mayfield Road, development of four freestanding restaurants. Board of Control Resolution No. 2003-02 Canyon-Johnson Urban Fund Severance L.L.C., 3640 Mayfield Road, four free-standing entry signs. I need to make these a matter of record."

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

Mr. Malone continued, "I also need to notify Council that one Fiscal Officer's Certificate pertaining to proposed legislation to be introduced later in the meeting to provide for the issuance of notes in anticipation of the issuance of bonds. For the purpose of improving Ring Road, including its access roads to Mayfield and Taylor Roads, located at Severance Town Center and all necessary appurtenances. I need to make these a matter of record."

Mayor Kelley made it a matter of record.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is one piece of legislation, a couple of Board of Control resolutions, and three Board of Zoning Appeals calendar items. Let's take the ordinance first. This is on first reading only, Ordinance No. 29-2003(PD), authorizing the City Manager to enter into an agreement with the Cleveland Heights-University Heights Library Board of Trustees to permit the Library to construct and maintain a bridge/walkway over Lee Road to connect the Main Library building and the former YMCA building; and declaring an emergency. The Library has submitted plans for review by various City Boards, Commissions and permitting authorities for expansion of the Main Library facility on Lee Road. Those plans for expansion have been approved by one such board or commission, that being the City Planning Commission. The proposed expansion includes a bridge/walkway over Lee Road, of course, which would connect the Main Library building and the former YMCA building. The Library has asked this Council pursuant to a letter of February 25th of this year for approval to use the space within the City's right of way above Lee Road for the purpose of a bridge/walkway connecting the two buildings (and I am going to emphasize the next phrase which sometimes gets lost in all the excitement) contingent upon approval by the other City Boards, Commissions and/or permitting authorities necessary to finally approve the project. It would be in the best interest of the City to grant that permission at this time contingent on those other approvals so that the project could be commenced as soon as possible after all required approvals are received. Under Section 1, again, this will not be voted on tonight. The City Manager is authorized to enter into such an agreement on behalf of the City of Cleveland Heights with the Cleveland Heights-University Heights Library Board of Trustees to permit the Library to construct and maintain a bridge/walkway above Lee Road connecting the Main Library building and the former YMCA building. Under Section 2, that agreement shall be contingent upon the Library receiving all required approvals from the City's Boards and Commissions and other permitting authorities necessary for final approval of the project and upon substantially commencing construction of the bridge/walkway within eighteen (18) months of the date the agreement is authorized. The agreement shall further provide that the bridge/walkway shall not impede traffic or other users of the right of way and it shall contain the appropriate indemnity, maintenance and insurance provisions deemed necessary by the Director of Law and City Manager, and ap-

proved as to form by the Director of Law. We anticipate that this will be for voting up or down at the next regular Council meeting.

"A few comments, if the matters that I just read directly from the ordinance are not completely understood. The consent to use the right of way, for which an agreement by the City Manager would be authorized under this legislation, has been provided from time-to-time by the City, to other entities. It's not unprecedented and it occurs especially in situations where redevelopment is envisioned. I am confident that the Architectural Board of Review's determination of whether the design of this project, this entire project, which includes the bridge / walkway meets its standards that, that determination will be given, according to the highest professional standards of the ABR. And it should be emphasized that this legislation in no way modifies or interferes with or is intended to do that with regard to the ABR's responsibility and authority. The project design can include but [is] not limited to the bridge / walkway [and] must meet the standards of the Architectural Board of Review. The ABR, just to remind ourselves, is an independent board of Cleveland Heights' residents who are experienced and well-qualified architects. The charge to the ABR members in this and every other project that is reviewed by them is to apply professional criteria and to require that consent be given by them or approval by them only when the highest standards are maintained. The City's consent to this right of way if it is provided, does not endorse the status of the project. It does not interfere with or talk about traffic calming as the Mayor has indicated. Our message would only be that the design of the project must meet the standards of the ABR. That the presentation to receive the approval of the ABR should be done now rather than later and that this project if it is to be built should be done appropriately and should be done sooner rather than later. I would only say finally that Cleveland Heights' residents have shown a commitment to a form of government that most of us agree, most of the time, works pretty well. Our boards and commissions and specifically the role of the Architectural Board of Review is an important part of that form of government which has been proceeding in this case in a correct orderly way. I think now it is time, once again, to reinvest ourselves in the role of the Architectural Board of Review which we have entrusted with decisions regarding the design of this project. Those are some comments. I hope that for those of you who chose to remain and listen to the reading of this legislation that it's somewhat helpful. There may be other comments at this time, I don't know."

Mayor Kelley asked for any comments, there being none Vice Mayor Montlack continued, "There are three resolutions. The first is BZA Calendar No. 2990 Motorcars Toyota, in an S-2 mixed-use district, hereinafter referred to as the "applicant" has made formal application requesting a variance from the sign regulations of the Zoning Code, to permit a freestanding commercial identification sign, measuring 5 ft. in height and 8 ft. in width, placed perpendicular to Mayfield Road. The public hearing was held on Wednesday, February 19, 2003 at 7:30 p.m. In the opinion of the BZA, the applicant clearly demonstrated that there were exceptional and unusual circumstances resulting in practical difficulty in complying with the requirements of the Zoning Code, and that the variance was in harmony with the general purposes of the Code, and that the public health, safety, morals and general welfare were safeguarded and substantial justice was done. The applicant will suffer practical difficulty if the variance is not granted because due to the site's topography and its interference with lines of site and the often heavy traffic on Mayfield Road, it is difficult for motorists to ascertain the location of the applicant's used-car sales operation. The issuance of a special permit is authorized to permit the applicant to install a freestanding, double-faced, 8 ft.-wide-by-5-ft.-tall commercial identification sign at the Mayfield address shown on the plans submitted to the Board. The applicant is required to obtain a sign permit and approval of the Architectural Board of Review prior to the installation of the sign. Installation shall be completed within 60 days of this City Council's approval and other requirements of the Code are provided for. The BZA Calendar No. 2990 is presented for confirmation tonight."

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack continued, "BZA Calendar No. 2998 Denise Wells, 1164 Quilliams Road, in an 'A' single-family district, requesting variance from the family-definition regulations of the Zoning Code, to permit 3 foster children to remain living in her home. The Code provision limits the number of foster children permitted to live in a dwelling unit to two. In the opinion of the BZA, exceptional and unusual circumstances resulting in practical difficulty in complying with the Code, were presented and the other requirements as I stated in the prior calendar were also met. The applicant's practical difficulty was shown according to the BZA because requiring the three foster children who also were the applicant's grandchildren and each other's siblings to be separated or placed in another home would not be reasonable. The children, as the applicant's grandchildren, would be permitted to live in her house if they were not there as foster children; their residing in the home would not be injurious to the use and enjoyment of other property in the immediate vicinity nor constitute an undue burden on the school district; and the applicant's predicament cannot be resolved without a variance. This variance, if approved, would apply only to the three foster children now living in the applicant's home and other Zoning Code provisions are provided for. BZA Calendar No. 2998 is presented for confirmation at this time."

Second by Council Member Wilcox.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack stated, "The third calendar, BZA Calendar No. 2999(a) will be withheld at this time and will be addressed at the next Council meeting. Now we move to two resolutions emanating from the Board of Control. The Board of Control is a board provided for under our code with regard to matters presented with regard to "S-1" Mixed Use District. Board of Control Resolution 2003-01 relates to development of four freestanding restaurants and an amendment to the Detailed Development Plan of the S-1 district. Canyon-Johnson Urban Fund Severance L.L.C., 3640 Mayfield Road, in an "S-1" Mixed Use District, is the "applicant" and has made application requesting such an amendment for development of three freestanding restaurants in front of Home Depot, Office Max, Marshall's and Borders (that is on the south side of the Severance facility just within the ring road) and one freestanding restaurant in front of the north row of retail spaces to the west of Regal Cinemas pursuant to Chapter 1143 of the Cleveland Heights Codified Ordinances. The Board of Control has found that the proposal complies with the preliminary land use plan for Severance and the proposal is within the intent and purpose of the S-1 District and will not be harmful to surrounding properties. The Board of Control also found that desirable amenities will be incorporated in the developments, these include pedestrian paths that tie into the continuous sidewalk network that is being built this year by the city (and I should say will be also addressed later in this very meeting), direct pedestrian connection to the core retailers, outdoor seating areas, outdoor dining areas for the restaurants, extensively landscaped buffers, and elimination of a curb cut out onto Severance Circle. The Planning Commission met and unanimously approved this proposal for four restaurants at its public hearing recently and the public hearing to consider this application was held on Thursday, February 27, 2003 at 4:00 p.m. The development of these threestanding restaurants on the south side, as I indicated, are approved subject to the following conditions, each of which is very important:

- A. A full landscaped plan, including additional refinements to the buildings, structures, directional and ground sign, lights, plants, irrigation system, public art, sidewalks, low walls, berms, seating areas and parking, shall have been submitted to and shall have been approved by the Planning Director;
- B. A maintenance plan of landscaping and grounds shall have been submitted to and approved by the Planning Director;
- C. The restaurant buildings shall be characterized by a majority of the facade being of brick with ample clear glass. The design be of materials and forms selected especially for this Severance site;
- D. The restaurants shall be oriented such that the fronts of the restaurants face the ring road;
- E. The service areas and dumpsters of each restaurant shall be 100% screened from all directions, and well-maintained;
- F. All outdoor dining furniture shall be kept clean and well-maintained. All broken, cracked, or otherwise defective equipment shall be immediately replaced;
- G. No advertising shall be displayed on any of the outdoor dining furniture.
- H. Litter shall be appropriately contained and the outdoor dining area shall be cleaned at least four (4) times each day, and thoroughly cleaned at closing time each day of its use;
- I. Cooking odors shall be filtered by mechanical devices so as to not be objectionable from abutting properties;
- J. The applicant, Canyon-Johnson, shall be responsible for overseeing compliance with the conditions contained herein and shall be responsible for litter containment and pick-up of litter on both public and private portions of the development; which shall include the entire "S-1" district;"
- K. The applicant shall have obtained Police Department approval of the plan.[1]

Mr. Gibbon interjected, "Mr. Montlack, sorry, I'd like to just insert after the word litter - it says, pick up of litter and make that, from the restaurants."

Vice Mayor Montlack continued, "Certainly. We don't want to catch the applicant picking up anyone else's litter because severe penalties will result. Again, just a few brief comments. This resolution has been recommended by the Board of Control because we think that under all of the circumstances it represents the most efficient use of an area which is underused within the ring road and helps fill out that development. There is a decrease in curb cuts which is very good as the ring road construction goes forward. This will compliment the entire tenancy situation at Severance and of course, responding to some comments that have been made, perhaps if some of us were to choose the particular restaurants (and I'll make a comment on the ones that were at least shown on the plans that were provided) we might have picked one or two others but we do live, after all in a market-driven society, and to some extent these are decisions over which we don't always have ultimate control. The three restaurants that were shown on the plans that were provided and I understand that this is still in the discussion stage, but since they were presented at a public hearing I don't think I'm giving away

any secrets, were Donato's Pizza, Burger King, and IHOP. The restaurant provision that was presented with regard to the north side - and that is a freestanding restaurant according to discussions that we have held to be, I forget the exact category that it's called, but it will not be a drive-thru and it will be a full-service sit-down restaurant. With that having been said, Board of Control Resolution No. 2003-01 is presented for confirmation."

Second by Council Member Evans.

Council Member Dietrich added, "I feel the need to comment on this and kind of explain my vote on this and the next resolution from the Board of Control. We have received some correspondence in opposition based on the specific restaurant and we've been asked why we can't recruit healthier or classier restaurants? I just want to reiterate what some people don't quite understand is that council has no authority at all to recruit any tenant for Severance. It is a privately-owned shopping center and it's entirely up to the owners to fill it with tenants and this particular owner Canyon-Johnson, a relatively new owner, has been much more responsive for the city to work with. They will be helping us with many upgrades to the entire shopping area and although this plan may not be perfect, these restaurants are what is available to us and I actually think that families with children will like them a lot. I just want to explain that although I do have some reservations, I will be supporting this."

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

Nays: None

Resolution confirmed

Vice Mayor Montlack continued, "Thank you. Finally, Board of Control Resolution 2003-02, again from the Board of Control with regard to four freestanding entry signs and amending the Detailed Development Plan. The same applicant in the same district made formal application requesting an amendment to the detailed development plan for a 22 ft.-tall, two-sided, sign approximately 142 square feet per face, reading "Severance Town Center" with names of restaurants and other tenants, at each of the entry drives (two on Mayfield Road and two on South Taylor Road) as illustrated on the drawings by Karen Skunta & Company, dated February 12, 2003, pursuant to Chapter 1143 of the Cleveland Heights Codified Ordinances. The Board of Control found that the proposal complies with the preliminary land use plan for Severance and that the proposal is within the intent and purpose of the S-1 District and will not be harmful to surrounding properties. The Board also found that proposed signs are essential to the development of the four freestanding restaurants and will benefit the other tenants of Severance Town Center. The Board found that numerous restrictions in the Zoning Code will prevent the proposed signs from setting a precedent for the city's traditional commercial districts. The Planning Commission has unanimously approved the signs, subject to the condition that a landscaping and irrigation plan be submitted for Planning Director approval. This hearing also was on Thursday, February 27, 2003 at 4:00 p.m.

The resolution provides as follows: That this 22 ft.-tall, two-sided sign, approximately 142 square feet per face as described before and as illustrated by Karen Skunta & Company, in plans dated February 12, 2003, is approved subject to the condition that a landscaping and irrigation plan shall have been submitted to and shall be approved by the Planning Director.

Again, just a few comments on this. This project with regard to the signage has gone through a long process and as with the other resolution that was offered also resulted from meetings with all of the owners in the general area. In this case [there was] considerable compromise and reduction of the size

of the sign as the plans for that were originally presented. We were impressed (I think it is fair to say, we on the Board of Control) by how well this signage was designed. It is of high quality and the fact that it is placed in a manner that sets each sign back considerably from the right of way so that we don't have a situation that some may have observed as they travel east from this point along Mayfield Road, where signage clutter right up at the roadway, sometimes appears. We think this will help the commercial tenants in the Severance Center to be successful, to retain and attract the kind that we want to see here in Cleveland Heights - that's important. I think one other comment is fair. And that is, that in the few years of working with Canyon-Johnson, as opposed to the prior owner of most of the land in this S-1 district, I think we've come to possess a certain credibility in the applicant and to see that when the applicant indicates that it will make a substantial investment and insist on good quality that they follow through. This gives us some capacity to understand and consent to the comments that are made when they make these promises. Having said that, Board of Control Resolution 2003-02 is presented for approval."

Second by Council Member Hicks.

Council Member Caplan stated, "There has been a lot of discussion and I have received letters and e-mails about the signage that the neighbors, in particular, across the street from Severance are concerned about signage. It's what they look at when they look out of their windows. I certainly do understand their concern. I do remember the first time I saw the lights at Regal Cinema, that I was driving home and saw out of the rear view mirror all of these bright lights and actually, I honestly thought it was a space ship or something that I had to turn around and see what it was. I am sensitive to it and I, also as it turns out, live in the neighborhood, but I must say that Canyon-Johnson has been as careful as they can be and has certainly cut the size almost in half from what was originally proposed. They do need signage. Twenty-eight thousand cars pass by Severance on Mayfield alone and those 28,000 cars and the people in them need to know what's inside and we need those folks to be coming in. I will support this. I'm really pleased by what they have done and when we've seen designs of it in context it really is okay. I think it really will be okay. Although, I am sympathetic to the neighbors I will be supporting this."

Council Member Hicks asked, "I just have a question of the City Manager. Will it be possible to have the pictures of the signs shown on Council when it airs on tv so that everyone gets an idea of what we're talking about when we're talking about the signs and how nice they were designed?"

Mr. Downey answered, "The signs were referred to, Councilman Hicks, in Board of Control Resolution 2003-02 and I'm sure we can get those placed on the air as part of this."

Council Member Hicks continued, "Thank you and I'm sure - do you still have those with you, Richard? If anyone here would like to take a look at them, someone does have copies of them here, also."

Council Member Dietrich stated, "Again, I feel I have to explain my vote. I'm going to be voting against this resolution. I have to say that I was swayed just this afternoon by a letter that I received from a resident. The letter really made me think about how different Taylor Road is from Mayfield Road and that this woman's residence (the house that she owns) is directly across the street from what would be a 22-foot sign. It made me think that I wish in hindsight that we would have treated Taylor Road a little bit - the entrances at Taylor Road are a little bit different than we treat the entrances on Mayfield Road. I think two 22 ft.-tall signs are not particularly appropriate right across the street from single-family homes and that I am afraid that this might be harmful to the surrounding properties which is the word used in the resolution. I do think they are appropriate on Mayfield because it has a more commer-

cial aspect to it and also because I imagine that most of the people who come from outside of Cleveland Heights to use the mall are coming from the Mayfield Road entrance. I do appreciate that the signs are much reduced from what they were originally proposed but somehow I just can't bring myself to consider them appropriate right across the street from houses, so for that reason I'm going to be voting no."

Council Member Wilcox stated, "I just have a couple of comments and again, we've all received letters and e-mails and so forth on the signage and I'm going to vote in support of the Board of Control resolution. I did want to address two criticisms that we have received in writing. One was that the design was deemed contrary to the main street commercial district concept that was contained in our visioning report and the other was that it will set an unfavorable precedent for these types of signs in the city. With respect to the visioning report, I actually went back and reviewed the report and the report really focused on what they called, the Main Street Commercial Districts and when they listed our commercial districts, Severance was not listed as one of the districts that the visioning committee reviewed. I think that's because Severance is unique in Cleveland Heights under our Zoning Code. It is the only district in the city with an "S-1" designation. So this is the only district in the city that is subject to these sign regulations. Therefore, for that reason I believe it is not a precedent, plus in looking at the actual zoning ordinance, the sign is within the size permitted under the Code. The owners of Severance, Canyon-Johnson, have been willing to reduce the signage to make it code-conforming and in addition to that, I would add significant landscaping as part of the signage plan. So in addition to the signage there is additional landscaping including trees to the entrance ways to Severance which I think will improve its look. I believe that I need to go for this because it fits within the letter and the spirit of the Code for the "S-1" district."

Council Member Evans added, "As I sit here listening to the comments it occurred to me that we had given a lot of thought and discussion to the possibility of reducing the width of Taylor Road Right [side] - in that section. Now I am convinced that it's probably a good idea to keep it like it is so that those signs are a greater distance away from the residential properties on that street. That concludes my comment."

Mayor Kelley stated, "I will be voting for the freestanding entry signs as the way to help Severance become the mall we need it to become. As a community, we need the mall filled up, completely tenanted up, for a lot of reasons. We need to get onto other things in the community and certainly enjoy the tax base, but to have a full mall, to move it on, to get the restaurants in and to get the rest of the stores in there is important. Meeting last week with Peter Houghton from Canyon-Johnson, the City Manager and myself found out very clearly that most of the retailers whether they be restaurants or the Bally's of this world that are coming here, they want signage. In a lot of cases that is a deal breaker. I think these signs are very tastefully done at 22 ft., as Council Member Wilcox stated, they are within code. They are tastefully done. They hired a professional artist who is very good and the signs aren't blaring. They are not like the Regal sign that is blaring as we speak now and I do have complete faith in Canyon-Johnson to get it done. It is time to grow the tax base in this town, to get the mall filled up, to get all the stores filled up, to get the proper restaurants in there and move on so we can do things in other commercial areas to handle some of the things in the neighborhood - to get more involved in different projects in town and to leave Severance once and for all as a healthy mall and to let it compete with some of the other malls we compete with and do our thing right and let the Wal-Marts and the Home Depots have more people coming in there whether it be a Bally's or some of the other mixers of the restaurants. So it is time for us to get this mall tenanted up, to work with Canyon-Johnson, because lord knows we spent a lot of time getting no where with Winmar and Mr. Eichler and his shenanigans over the years. It's time for fresh people and the people from Canyon-Johnson to do the right thing and get this sign package in, get these restaurants in and create new jobs, new income taxes for the city and let people come to Severance and generate business in the other stores and let the good things that happen at Severance

to keep happening so we can move into neighborhoods and other commercial areas and let our staff concentrate there and get out of Severance and do what we need to do. So, I will be supporting Board of Control Resolution 2003-02."

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

Nays: Dietrich

Resolution confirmed

Vice Mayor Montlack added, "Just one other comment. Tomorrow I'll be joining a lot of other folks from around Ohio at a conference conducted by the Mid-Ohio Regional Planning Commission, sort of the NOACA of central Ohio. Although we will be expressing conditional support for Governor Taft's gas tax increase plan that also promises to provide some additional funding for municipalities such as Cleveland Heights we're going to use the opportunity to speak to that amorphous group known as the General Assembly to try and move their heads a little in the direction of actually reforming our gas tax legislation so that those who contribute funds have a fair shake at receiving a fair share of those funds for the maintenance of our roadways and as we discussed in at least in our work session before, the good news is that the major new road construction that ODOT seems to have endorsed, most of that will take place somewhere else in Ohio. So that what passes for progress will not be visited onto us to our detriment, but that's a pretty sad way of doing business in Ohio. Once again, we'll raise up our voices and fight the good fight. That concludes the report of this committee."

Mayor Kelley added, "I know the hour is late but Governor Taft and gas somehow is the highlight of the night so far."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, very much, your Honor. I'd like to present Resolution No. 30-2003(PSH), authorizing the City Manager to submit an application to the Cleveland Clean Air Century Campaign for a grant for replacement of diesel engines in City-owned vehicles to reduce emissions; and declaring an emergency. The United States Environmental Protection Agency ("EPA") considers diesel exhaust a significant health problem across the United States, with short-term exposure exacerbating asthma and allergy symptoms and long-term exposure contributing to a variety of respiratory illnesses, including an increased risk of lung cancer. The EPA recently awarded a grant to the American Lung Association of Ohio to lead the Cleveland Air Toxics Pilot Project. The Cleveland Clean Air Century Campaign ("CCACC") is a community based initiative to reduce toxic air pollution across northern Ohio. There is funding available through the CCACC for diesel-emission reduction projects, including fleet-retrofitting. It would be in the best interest of the City and its residents to apply for such funding. Therefore, in Section 1, the City Manager is authorized to submit an application to the Cleveland Clean Air Century Campaign for grant funds for the replacement of diesel engines in City-owned vehicles, and to comply with all terms of the grant, if awarded, including the provision of twenty percent (20%) matching funds. I'd like to submit Resolution No. 30-2003(PSH) for passage this evening."

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

Nays: None

Resolution passed

Council Member Evans concluded, "I'm going to do my part in moving the meeting along and not have any comments."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "I have two ordinances and three board appointments to make. The first is Ordinance No. 31-2003(AS). I can be quick on this. This is a fat ordinance which I will not read but it is always available to you and it's right here if anybody here wants to come up and see it. This is the ordinance that we do every year and establishes the salary schedules, position classifications and other compensation for officers and employees of the City. Just a comment to start off with, is that although our local revenues fortunately are holding steady (we are very lucky here in Cleveland Heights) the revenue that we receive from the state as you probably all know is being drastically reduced and so we're being very conservative this year in our budgeting. In order to manage costs the salary ranges for the current year have been raised by only 2% for next year and that reflects the rate of inflation. In addition, non-contractual employees will be expected to contribute higher co-pays for their prescription drugs and doctor office visits. Negotiations with the police and fire departments include the expectation that they will also make similar contributions to offset the rising cost of healthcare. The salary schedule will be in effect as of April 1, 2003. I think that, that's probably enough of this to read. I offer Ordinance No. 31-2003(AS) for first reading tonight."

Vice Mayor Montlack stated, "While the Mayor stepped out for one minute, Ordinance No. 31-2003(AS) has been accepted for first reading only tonight."

Council Member Dietrich continued, "Ordinance No. 32-2003(AS), amending Chapter 1109, "Board of Zoning Appeals", of the Codified Ordinances of the City of Cleveland Heights to provide for an alternate member of the Board of Zoning Appeals to serve in the absence or disqualification of a regular Board member and authorizing compensation for such alternate member; and declaring an emergency. Presently Subsection (a) of Section 1109.02 reads: (a) The Board of Zoning Appeals shall consist of five (5) citizen members, all of whom shall be residents of the City of Cleveland Heights, appointed by the Council and not employed by the City of Cleveland Heights. The amendment shall read as follows: (a) The Board of Zoning Appeals shall consist of five (5) regular members, all of whom shall be residents of the City of Cleveland Heights, appointed by Council and not employed by the City of Cleveland Heights, as well as one (1) alternate member having the same qualifications as the regular members who shall serve in the absence or disqualification of a regular member. The alternate member may participate in a meeting as a Board member only if he/she is acting as replacement for a regular Board member at such meeting. This would be passed as an emergency.

I would just like to say a word about why we're doing this.

We find that increasingly in the last couple of years that having only five members on the Board of Zoning Appeals has created a hardship for the

residents who apply for variances because if a member is absent or has to recuse himself from a certain case for one reason or another, the vote often results in a tie or else in not being able to move as a motion [and it] dies for lack of a second. It means that the applicants have to reappear. They have to restate their case and the results of that is that they often have to wait to start their project another month. In fact there have been some applicants, fairly recently, that have had to reappear three times. To have an alternate will be a good step toward alleviating that and I also think it's one more step in fulfilling the vision of the city which is to have city relationships with residents to be more user friendly. I offer Ordinance No. 32-2003(AS) for passage tonight."

Mayor Kelley accepted Ordinance No. 32-2003(AS) for passage.

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

Nays: None

Ordinance passed

Council Member Dietrich continued, "I now have some appointments to make and in keeping with the fact that, that was passed as an emergency I would like to move the appointment of George Gilliam to that newly created position of BZA alternate. Mr. Gilliam has been on the CAC for three years and has been such a valuable member that now we're asking him to move to this new slot on the BZA. He has been a resident for approximately twenty years and is a neighborhood planner with the City of Cleveland, Department of Development. His appointment to the BZA as alternate would begin immediately and extend until January 31, 2007 so it coincides with the term dates of his colleagues on the board. I offer George Gilliam for BZA Alternate."

Second by Council Member Wilcox.

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

Nays: None

Appointment passed

Council Member Dietrich continued, "Second, I would like to move the appointment of a new alternate to the Fair Housing Board to replace Alexander Gertsburg who has moved out of the city and of course, to thank Mr. Gertsburg for his service which unfortunately was only a little over a year. I'd like to move the appointment of Laura Meagher to that position. She's an attorney. She's resided in Cleveland Heights for 16 years. In her application for board membership she stated that one of her goals for Cleveland Heights is to enhance equal opportunities for home ownership to all community members. She will be filing an unexpired term which will begin immediately and extend through March 31, 2004. I move the appointment of Laura Meagher as alternate to the Fair Housing Board."

Second by Council Member Wilcox.

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

Nays: None

Appointment passed

Council Member Dietrich stated, "Finally, I would like to reappoint Pat McCarthy to the Cable Television Commission. He has served for two years, filling an unexpired term, and this will be his first full four-year term beginning March 1, 2003 and extending through February 28, 2007 and to thank Mr. McCarthy for his continued willingness to serve."

Second by Council Member Evans.

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

Nays: None

Re-appointment passed

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. I have no legislation tonight. I do have one little comment in the category of community relations. This winter has seemed interminable. The snow has been unending. The cold is really very difficult and I will say second only to letters about skunks, we get letters about people not shoveling. It will be spring. It may be, if not a month, certainly six weeks or maybe even eight. Could you try a little bit to try and clear your sidewalks? People who walk are having to walk in the street. It is not safe. It's not being a good neighbor. So, try, if you can get a neighbor to do it, if you know somebody who has a snow blower, encourage them - could they do your sidewalk and you'll bake him a cake or do so something, but let's try for the next however more weeks it is to try and do this. Because I'm getting ready to hear about skunks. I will tell you I've heard so much about the snow and not being able to walk on the sidewalks. That's all I have this evening. Thank you."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, Mayor. There are three pieces of legislation from the Finance Committee tonight. The first one deals with Severance Center and the new ring road that will be built this summer and the access roads as well. This is one of a number of improvements to Severance Town Center as you can see. This is one of the final steps in making the new ring road a reality. This is actually the ordinance that will provide the funds to do that.

"This is Ordinance No. 33-2003(F), to provide for the issuance of \$3,510,000 notes in anticipation of the issuance of bonds for the purpose of paying the property owners' portion, in anticipation of the levy and collection of special assessments, and the City's portion, of the cost of improving Ring Road, including its access roads to Mayfield and Taylor Roads, located at Severance Town Center and all appurtenances thereto, by reconstructing the roadway and installing sidewalks, curbs, water lines, storm sewers, traffic signals, retaining walls, lighting and streetscape, together with all necessary appurtenances thereto, and declaring an emergency. As referred to in the Finance Director's report, the Fiscal Officer, has certified to this Council that the estimated life of the improvements mentioned is at least five (5) years and has further certified that the maximum maturity of the bonds mentioned is at least twenty-five (25) years and the maximum maturity of notes to be issued in anticipation of bonds is until December 31, 2008. This legislation is fairly lengthy and it basically sets out the legal requirements for the notes to be issued. I am just going to summarize it. Section 1 declares it necessary to issue the bonds in the sum of \$3,510,000, in anticipation of the levy and collection of special assessments in the amount of \$2,525,000, and that is from the owner of Severance Town Center, and then the City's portion which is \$985,000, of the cost of improving Ring Road. Section 2 indicates the bonds themselves will be dated March 1, 2004. Section 3 determines to issue notes in anticipation of bonds in the amount of \$3,510,000. It indicates that the notes shall not exceed five percent (5%) per annum in price and we would expect that those notes will actually be closer to something like two percent as opposed to five percent. The maturity of the notes will be between nine months and one year and we'll be coming back next year to reissue new notes or bonds. The rest of the ordinance, some of the legal requirements are set forth for the notes that they will be in book- entry form, that they will be sold at a private sale of par value, and that the use of the proceeds of the notes will be restricted so they do not pass into arbitrage bonds and remain tax

free for federal tax purposes. Finally, that they will be “qualified tax-exempt obligations” and it further sets forth the City’s requirements to issue a continuing disclosure certificate and preliminary and official statements to sell the notes. It is being passed on an emergency basis, so I offer Ordinance No. 33-2003(F) for passage tonight.”

Mayor Kelley accepted Ordinance No. 33-2003(F) for passage.

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

Nays: None

Ordinance passed

Council Member Wilcox continued, “Thank you, your Honor. Next, I have Ordinance No. 34-2003(F). This will be read on first reading tonight. It is an ordinance disapproving the Maximum Permitted Basic Tier Cable Television Rate proposed by Adelphia in the FCC Form 1240 for the time period July 1, 2002 through June 30, 2003; approving a corrected Maximum Permitted Basic Tier Rate as prescribed in the “Revised 2002 FCC Form 1240” for rates effective July 1, 2002 through June 30, 2003; approving Adelphia’s actual Basic Tier Cable Television Rate effective July 1, 2002; disapproving maximum permitted equipment rental, service and installation rates; approving corrected maximum permitted equipment rental, service and installation rates as prescribed in the “Revised 2002 FCC Form 1205” for rates effective July 1, 2002; approving actual equipment rental and installation service rates charged by Adelphia effective July 1, 2002; and declaring an emergency. That is just the title of the ordinance, so I am not going to go through the entire ordinance tonight. Basically, what this does is that the city can regulate by federal law certain rates that Adelphia charges to customers which cannot exceed the maximum permitted by law. Thanks to our law department and our Cable Television Commission they have reviewed those rates for the period we are talking about here. The Basic Permitted Rate that was submitted was actually higher than that which was to be permitted. The Basic Permitted Rate that was submitted was \$10.17 and in reviewing the calculations and the inflation calculation, it was actually determined that the Maximum Permitted Rate is \$9.75 for Basic Cable. However, Adelphia actually only charges \$8.50 for those services, so they have not exceeded the Maximum Permitted Rate. The same calculation is true of the hourly service charges and those have been corrected as well. I am just going to offer Ordinance No. 34-2003(F) on first reading tonight.”

Mayor Kelley accepted Ordinance No. 34-2003(F) on first reading.

Council Member Wilcox continued, “I have Resolution No. 35-2003(F), authorizing the City Manager to enter into an agreement with Professional Consultancy International, Inc. for an upgrade of the City’s Point of Sale / Cashiering System; providing compensation therefor; and declaring an emergency. In 1997 the City purchased and installed a Point of Sale / Cashiering System from Professional Consultancy International, Inc. Due to the customized nature of the current software, it is necessary to obtain upgraded software and installation services along with necessary hardware upgrades. PCI has submitted a proposal to provide these services to upgrade the hardware and software at a reasonable cost. Section 1 of the resolution, provides the City Manager is authorized to enter into the agreement with PCI for the upgrade of the City’s Point of Sale / Cashiering System hardware and software at total fees not to exceed Thirty-five Thousand Dollars (\$35,000.00). Section 2 is notice of passage and Section 3 declares this to be an emergency measure. I offer Resolution No. 35-2003(F) for passage tonight.”

Mayor Kelley accepted Resolution No. 35-2003(F) for passage.

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

Nays: None

Resolution passed

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have several pieces of legislation this evening. First I have Resolution No. 36-2003(MS), authorizing the City Manager to execute an agreement with Brilliant Electric Sign Co., Ltd. for the design, manufacture and installation of two signs for the Community Center; providing compensation therefor; and declaring an emergency. The City Manager is authorized to enter into an agreement with Brilliant Electric Sign Co., Ltd. for the design, manufacture and installation of two freestanding signs with electric messages for the Community Center. The terms of the agreement shall be substantially in accordance with the company's proposal dated February 3, 2003, a copy of which is on file with the Clerk of Council, and shall provide for payment for such services in a sum not to exceed Forty-three Thousand Two Hundred Seventy-eight Dollars (\$43,278.00) for both signs. The agreement and all related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 36-2003(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 36-2003(MS) for passage.

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

Nays: None

Resolution passed

Council Member Hicks continued, "Thank you, your Honor. I have Ordinance No. 37-2003(MS), authorizing the conveyance of the City's interest in the former East Cleveland Township Cemetery property, Permanent Parcels No. 120-24-008 and 120-24-034, to the East Cleveland Township Cemetery Foundation, a non-profit corporation, pursuant to a settlement agreement in Case No. 369386, Cuyahoga County Court of Common Pleas; and declaring an emergency. This Council hereby authorizes the transfer of all of the City's right and interest, if any, in the former East Cleveland Township Cemetery property, Permanent Parcels No. 120-24-008 and 120-24-034, fronting on East 118th Street in the City of Cleveland, to the East Cleveland Township Cemetery Foundation, a non-profit corporation, pursuant to a proposed settlement agreement in Case No. 369386, Cuyahoga County Common Pleas, a copy of which is on file with the Clerk of Council, and further authorizes the City Manager and/or Director of Law to execute and/or approve any documents necessary to effectuate said transfer, upon forms approved by the Director of Law. Your Honor, I offer Ordinance No. 37-2003(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 37-2003(MS) for passage.

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

Nays: None

Ordinance passed

Council Member Hicks jokingly stated, "Your Honor, I have one piece of legislation that stands between all of the business tonight and [ending the meeting]. Ordinance No. 38-2003(MS), authorizing the City Manager to enter into an agreement with Valley Ford Truck Sales, Inc. for a Ford F250 truck for the Streets Division of the Public Works Department; providing compensation therefor; and declaring an emergency. The City Manager is hereby authorized to execute any and all agreements necessary for the purchase of a Ford F250 truck from Valley Ford Truck Sales, Inc., through the Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements of Section 125.04 of the Ohio Revised Code and this Council's Resolution 115-1988. The purchase agreement shall provide for payment for said vehicle and options in a total sum not to exceed Twenty-six Thousand Eighty-

eight and 97/100 Dollars (\$26,088.97) and shall be in a form approved by the Director of Law. Your Honor, I offer Ordinance No. 38-2003(MS) for passage tonight.”

Mayor Kelley accepted Ordinance No. 38-2003(MS) for passage.

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

Nays: None

Ordinance passed

Council Member Hicks concluded, “Thank you, your Honor. I could not help but to have one comment on the letters that were presented to us today from FutureHeights. Julie Langan, executive director, I think presented this. I can’t help but to say that I think it was just a little bit over the top to suggest that a bridge would make the road less safe and send a cue to drivers that people on foot have been segregated away from the street so that the drivers don’t have to look for them. And so you would have this view of people bouncing up in the air as drivers went by. I think that was just a little bit over the top and having an opinion against the bridge, I think you can have opinions for the bridge or against the bridge but I think that particular argument was just a little bit too much. Thank you, your Honor.”

REPORT OF THE MAYOR

Mayor Kelley said, “Usually I give the state of the city address at this point in time but I think I’ll wait until March 20th. This meeting will be adjourned at 10:02 p.m. Our next meeting will be on Monday, March 17, 2003. Mr. Malone, are you going to be in attendance or is that a national holiday for you?”

Mr. Malone replied, “Your Honor, I will do my duty?”

Mayor Kelley reiterated that the meeting was adjourned.

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc

[1] Omitted during reading.