



# CLEVELAND HEIGHTS

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:20 p.m.

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Czaga, Downey, Malone, Mannarino, Niermann O'Neil, Ruane, L. Wagner, R. Wagner, Wong

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

Committee of the Whole adjourned at 7:32 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:43 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, March 6, 2006 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

"Good evening. Carol Gibson, 1836 Wilton Road. I'm here tonight speaking for the League of Women Voters of Cleveland Heights-University Heights, for a sad duty to announce the death of Sheba Dube, who I think Mayor Kelley gave her the key to the city in 1998, when she was our visitor from Zimbabwe. She died of hypertension on March 7th and I have a statement to read first by Lolly Jacobson, who couldn't be here tonight and she was the person that really is responsible for putting us in touch with Sheba initially and bringing her over here. And then I and Claudette Woodard did a return trip to Zimbabwe the following year and I will speak briefly about my impressions of Sheba while I was there as her guest.

*'The League of Women Voters of Cleveland Heights-University Heights has been host to league fellows from Poland, Hungary, Mexico, Argentina, Brazil and Zimbabwe. All impressed us and touched our hearts, but*

none as deeply as Sheba Dube of Bulawayo, Zimbabwe. Sheba was unlike any person any of us had met. She was a born leader, who lead from strength of character and by example. She was a person of abiding faith and daunting courage. In the spring of 1998, when the League's twenty African fellows arrived in Washington, DC, it was clear who among them was the leader, not the architect from Harare or the princess from Nairobi or the professor from Lagos. It was the barmaid from Bulawayo. In the 1970's Robert Mugabe of the Shona tribe and Joshua Nkomo of the Ndebele tribe joined forces in a guerilla war for independence which was achieved in 1980, when Rhodesia became Zimbabwe and Mugabe became prime minister of a coalition government. During 1983 and 84 Mugabe consolidated his power by sending thousands of troops into Matabeleland, the area surrounding Bulawayo, to eliminate any possible opposition from Nkomo's Ndebele loyalists. Dozens of Sheba's friends and family members died during this purge and she barely escaped with her life. During the year after the Matabeleland massacre, Sheba listened to the political discussions of the men in the bars, where she worked. She decided that for the sake of the children and the country's future, women had to step forward and take leadership roles. She joined Zim Rights, an organization working for constitutional reform - became the first woman on a board of directors and through that organization she learned of the League of Women Voters and its fellowship program that was sponsored by our national league. When Sheba came to Cleveland Heights, she was already a seasoned politician, an organizer, and a persuasive speaker. She absorbed all we had to teach and show and she taught us much about ourselves.

*'In the Spring of '98, Sheba Dube stood in the atrium of this City Hall and gently admonished us to treasure democracy and to exercise our right to vote. She observed that perhaps the reason many of us do not vote is that we are too far removed in time to remember what the vote cost in human lives and I must interject here, the most embarrassing moments I had while I was in Zimbabwe was when I got direct questions, 'Why don't Americans' vote?' Because the Zimbabweans, especially the women vote, if they have the chance. She said perhaps we do not appreciate our own history as much as do people in countries still struggling for the rights we take fore granted. This thought, spoken so gently and with such kindness brought tears to the eyes of many of her listeners. Providence House, Cleveland's crisis nursery, was one of the places Sheba visited during her stay with us. 'This is what I will do when I go home.' I will make a place like this for the children and she did it. Just recently she sent us these tags. I have about eight of them, that she wanted us to drum up support for the P-O-C-T (Providence Orphans Caregivers Trust). She started it and she sustained it.*

*'First she went to South Africa to learn about establishing non-governmental organizations ("NGO's") writing grants, and securing funds. She wrote to Providence House for permission. (By the way she had an eighth grade formal education.) So, she wrote Providence House for permission to use their name and she established Providence Orphans and Caregivers. A program of substance, by physical and spiritual for AIDS' orphans and the people caring for them in the area in and around Bulawayo. I don't know how up to date some of you are on this particular country, but when we were there is '98, AID's was estimated to touch 25% of citizens and it's up to around 40% now. So, it is truly a horrific thing.'*

*"Now it's me talking. In the fall of '99 the national league sent Claudette Woodard and me to Zimbabwe for ten days as part of their grass roots democracy program in Africa. Sheba's visit the year before was the first part of that exchange, of course. We spent four amazing days with Sheba in Bulawayo. It had taken the Ndebele people nearly two decades to again feel the possibility of a better life after the devastating times they experienced in the early '80's that Lolly spoke about earlier. Lolly through me - channeling Lolly. Out of the new hopefulness, people were beginning to organize and speak out. Sheba seemed to know everyone and we could see respect in the eyes of her colleagues as she hustled us to meetings of the National Constitutional Assembly, the MCA or marched two surprised Americans, Claudette and me, in front of 200 waiting smiling African women, when we were expecting to talk to a handful of women, with no prepared speech. These are pictures that I took while I was over there and the one at the bottom shows part of that group that we walked into. Many of them were from the country side. It was a society that they had walked for hours to come into*

these meetings. They had beautiful headdresses. There is a picture of Claudette and me. These pictures in this corner show her orphans - pictures that she sent to me. These pictures are the orphans that Sheba was taking care of. This picture up in the corner is her grandson. This is a woman that works with women who have been abused by their husbands. A scene in the home that she had established for them. They cooked us a meal while we were there. Wonderful children - wonderful people. Feel free to come up and look at these pictures later at the end of the meeting.

“Sheba was a quick study, and suddenly Claudette and I had to become a quick study as well. That was the moment that we developed our stump speech. One of us made some opening comments - I don't remember which and then while Sheba translated the other one had a chance to think what we were going to say next and so it went. I must say that was one of our better moments. We really got a good speech together.

“Sheba often didn't know what was going to happen next, but her boundless energy, her good heart and her quick mind always seemed to pull her through and all of us with us. In a country where many ancient tribal laws and customs still severely repress women, Sheba stood out. There are so many stories I could tell, but for tonight I'd like to emphasize the spirit and the character of Sheba. In '99, Sheba's political activism was in full flower. In the short time I was with her, I saw her emphatically and without noticeable anger correct, direct or disagree with men as well as women, strangers as well as colleagues. She didn't have time for anger because her work was too important. She was filled with the vision of a just and democratic society and she radiated that vision through her work and her actions. Lolly mentioned that Sheba went back to Zimbabwe after her visit here and founded the Providence Orphans Caregivers Trust. While Claudette and I were with her in Bulawayo, she insisted that we show her how to establish a League of Women Voters of Zimbabwe. I don't know what became of that organization really, but she still used that name up to a few months ago to gather women together. It's something she brought to them from America. When she starts something, she doesn't let go of it. (When I look up I lose my place.)

“Sheba really got things done. What has happened in the years between 1999, when Claudette and I were there, and today is tragic. There has been a systematic destruction by Mugabe's government of the nascent hope for a free society that Claudette and I witnessed. Sheba, eventually turned her energy away from political activities to full-time humanitarian work with the Providence Orphans and their families where she continued to live - her faith of hope and love. It has been obvious to us for sometime that Sheba's 24 year-old daughter, Patience, was cut from the same cloth as her mother. She and Sheba housed and fed six orphans in their small flat over the past year and it's clear that Patience will continue her mother's work with the Providence Trust. The League has been wiring funds periodically, but even before Sheba's death, we were concerned about the safety of continuing that practice because of the increased isolation of Zimbabwe to the west and because of the disintegrating social fabric within the country.

“A small group of league members are reorganizing themselves in order to continue our support and we are currently exploring how to do this. Sheba certainly would not understand dropping our connection with Bulawayo at this point, just because it's difficult. She had a way of cheerfully saying God will provide. I recall joking with Claudette that we were God, but I didn't mind Sheba asking me for help. If she asked for something we could not give, she gracefully accepted it. In fact, Sheba was full of grace. It's what defined her life, and we will miss her very much. Thank you.”

Council Member Caplan stated, “I just wanted to add that if somebody wants to know more about her, you can Google her name and write in Sheba Dube and Zimbabwe. It's fascinating to read the articles about her that have been in their newspapers. She was an extraordinary women.”

Ms. Gibson added, "All over the world, Australia, England, America."

Mayor Kelley asked for the correct spelling of her name. The Mayor repeated, "D-U-B-E. I just want to say, I got to spend a lot of time with her in 1998 and what I remember most about her, especially her warm smile, but was her faith, her passion and her courage. It kind of makes what we do here very minor, but I mean, she really captured - I think you and Lolly both captured it. In the time I got to spend with her over at Lolly's house and here at city hall, she just knew how to brighten up a room and to do things to get things done. I'm certainly saddened by the loss, absolutely on March 7th, we really lost a very, very good person. A very strong supporter - somebody who actually went back home to spread the work and do good deeds and things of that nature and the time that you and Claudette got to spend ten days with her."

Ms. Gibson corrected the Mayor that it was four days.

Mayor Kelley continued, "Oh it was four, but you were there for ten days. You got a very good snapshot. The enthusiasm - I remember her laugh and the time we spent with her and I had dinner with her at Lolly's house. It just was a great time. She really had the courage and passion. She wanted to learn a lot of what we're doing here and take it back there and obviously she did and I'm very saddened by her loss."

Ms. Gibson added, "There is so much I could have mentioned but I didn't, but you touched on it about her faith. If anybody ever lived her faith it was Sheba and I didn't mention her resourcefulness. She was the most resourceful person and a question was asked, she was in her mid-50s."

Mayor Kelley added, "Thank you, Carol, for sharing that with us. It's our loss also."

"Good evening everybody. My name is David Lipins. I live at 3495 Shannon Road in Cleveland Heights. I've been in the city since 1971 and I do travel to other cities. I just want to tell you how privileged I am in living in Cleveland Heights, especially with the mayor, the vice mayor, council team. I went through a lot of councils over here and this is one of the finest we've had in many, many years. Compliments go to the city manager and his staff, building department, planning department, chief of police and his team, also the fire chief and also the court with our Honorable Judge Deane Buchanan doing a wonderful job. But, in the last year - year and a half maybe, we have a new service director here, Alex, it's amazing how these streets are starting with the leaf collection and especially in the snow and the ice. I travel a lot. I'm in New York a lot. New York has a great company that does their snow plowing, it's called the sun company [joking] (you know, you pray that in the next few days the sun will come out) - not in Cleveland Heights. So, again, my compliments to everybody here. You have a great team here and again, I'm here since 1971 and I'm privileged to live here. Thank you very much for keeping up such a great city."

"Good evening. My name is Vanessa Gilbert. I live on Bellfield Avenue. I'm here tonight to speak up and show my support for the garden space at the top of Bellfield Avenue on North Park Boulevard. As a home owner on Bellfield I know the garden space there very well. I remember when it was a vacant lot and not properly developed and both then and until very recently it was often a walk destination for myself and my husband and our four children. When the space was developed into a garden I was very impressed that I lived in a city where a resident could take a piece of vacant land and craft an eclectic and inspiring garden space. When I think back over the last four years that the garden space has been there, I'm amazed that such a small garden could have such a large impact on a neighborhood, but in those four years that garden has become a landmark of sorts. It was profiled in the Plain Dealer and truthfully when we tell people where our street is when we're directing

them to our home we use the garden as the landmark when you come down North Park and you know where the garden is and people always know and they say, 'Oh yes, the garden.' So, it's very visible in our community.

"I am here tonight simply to express my opinion and I feel the opinion also of many of my neighbors, and that is that the garden has a place in our community now and in peoples' hearts and it should not be done away with without first considering the opinions of all of those of us who have enjoyed it. Therefore, I respectfully request that no further move to disassemble the garden is made until all community members who wish to be consulted have been consulted and that all avenues for negotiation and resolution in the community have been explored. Thank you for your time."

"Dear Mayor Kelley and Members of our Cleveland Heights City -"

Mayor Kelley interjected, "Hold on one second, I don't want to stop your steam, but do you want to tell us who you are?"

"Oh yes, I'm Samantha Peachey. I live on 2223 South Overlook Road."

"I'm Augustina Odenbrett and I live on 2295 Overlook Road."

Mayor Kelley said, "Welcome. Take your time. You don't have to go too fast."

Samantha read a letter, "Dear Mayor Kelley and Members of the Cleveland Heights City Council. Although, not all members of Girl Scout Troop 1024 can be at the City Council meeting, we are writing this letter to express our opinion about the garden spot on North Park between Bellfield and Grandview."

Augustina continued reading, "We don't think it's fair that the City bulldozed the garden because it killed a lot of living things that added beauty to the neighborhood. We know that some people were complaining because the garden was not being maintained. But we're writing to ask that the city not bulldoze over it and make it just another lawn."

Samantha read, "We do not think that's nice to put chemicals on the grass because it's bad for the environment. When it rains the chemicals run into the ravine and the chemicals are bad for the animals that live in their neighborhood."

Augustina read, "We know that different people have expressed different opinions about what should be done with the garden. We would like to help come up with a solution. Maybe we could go door-to-door to talk to the people who live near the space. We would like to talk with the people who live in the condos. And we would like to meet with officials from the city to better understand the needs of this city. We hope that we can help a create a solution that works well for everyone."

Samantha continued, "Several of us worked in the garden on Saturday March 18th to try to recover some of slate and replant the bulbs that we could find, to try to save them. Please don't make anymore damage until we can agree on a plan."

Augustina concluded, "Please consider our request. Signed, Concerned members of Girl Scout Troop 1024."

"Good evening and thank you for providing such a welcoming environment for two future

leaders of our community if not our country. We were chatting outside about who was going to be the first female president of the United States and hopefully we have a couple of candidates right here. My name is Glenn Odenbrett and I live at 2295 South Overlook Road. I have had conversations with Nancy Dietrich and Ed Kelley about the issue that has just been so eloquently addressed by the previous speakers. We understand that the issue of the future of the garden on North Park was raised at the last Council meeting and so we are here tonight to just be sure that support for the garden as a garden is a matter of public record with respect to at least some of the folks who could be here tonight and a significant number of other people who could not. You heard from a committed resident and two young women who are willing to help in surveying the community, helping to develop a plan that is agreeable to all. They and many others helped to try to clean up the garden over the past two weekends in an effort to address some of the concerns that we understand had been raised by some residents that live in the neighborhood. Nonetheless, much of the work that we put into those two days is now gone as a result of an action that was taken by the city last week. We are interested in working closely with the city and have in fact been working as closely as we could with Kathleen Ruane. We're requesting that tonight, however, that the Council designate one of its members or a committee of the council as a liaison to us who have a concern about the future of this space. Thank you very much for your time."

Mayor Kelley said, "The direction we're headed - I think Kathleen Ruane will continue to be your vehicle. She absolutely has been working on this with you. You are free to talk to any council person you feel comfortable with, but any further direction on this issue will come through Kathleen Ruane. I think you have a clear line of communication with her. I've been reading some of the correspondence that's gone back and forth. Kathleen is here for the day-to-day operations of the city. She is actually the Assistant City Manager. I'm sure within the next couple weeks Council will have a little more discussion on this issue and give her better direction on where to go or where not to go on this issue. Alright. Fair enough, guys? You are more than welcome to stay. It'll be a short meeting, but on the other hand if you want to go you can go. We're not going to talk about it anymore up here while you're gone or anything. The president and vice president of the country better get our social security right at least for some of us here, but we're glad you came. I'm sure Kathleen will get back to you before the end of the month with some better direction or the first week of April, because I realize there are things that need to be done."

## **REPORT OF THE CITY MANAGER**

"Thank you very much, your Honor. I have several items this evening. The first of which would be to request authority to advertise for bids for the 2006 Street Resurfacing Program."

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

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

Second by Council Member Dietrich.

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

Nays: None **Motion passed**

Mr. Downey continued, "Thank you very much, your Honor. In your packets you received copies of several awards of contract. The first is one from late last year, Bid Document No. 2005-15, the Cain Park retaining wall renovation project. The lowest and best bidder is Masonry Restoration

Maintenance, Inc., in the amount of \$173,710.00; Bid Document No. 2006-07, the mechanical HVAC maintenance contract for all city buildings. The lowest and best bidder is Jacco & Associates, in the amount of \$49,800.00 [per year]; and, Bid Document No. 2006-08, food concession services for various locations throughout the city. The lowest and best bidder is Lum's Vending & Food Services, Inc., in the amount of \$6,000.00 rent plus 22% of the gross sales. Your Honor, I would request that the bid tabulations and the award of contract be made a matter of record."

Mayor Kelley made them a matter of record.

#### **REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL**

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that two resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following: BZA Calendar No. 3098 David Goodman and Cynthia Langmack, 3217 East Scarborough Road, accessory use regulations; and BZA Calendar No. 3101 Marty Resnik and Sherri Appleton, 2812 W. St. James Parkway and 2392 Woodmere Drive, supplemental standards for conditional uses regulations. Your Honor, I need to make this a matter of record."

Mayor Kelley made them a matter of record and referred them to the Planning and Development Committee of Council. The Mayor added, "We are going to hold BZA Calendar No. 3098 for the next Council meeting which will be Monday, April 3, 2006."

#### **REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE**

Council Member Tumeo stated, "Thank you, Mayor. Tonight I have one ordinance, Ordinance No. 24-2006(AS), Second Reading, of the City of Cleveland Heights, Ohio, establishing salary schedules, position classifications and other compensation for officers and employees of the City; and declaring an emergency. This Ordinance was introduced at the last meeting on first reading. It has not changed in between. In summary, it establishes the salaries for city employees. We established minimums and maximums under this. We are raising the minimum salary for all positions by 2% and the maximum by 3%. There will be basically a pay increase for city employees of 2% but employees who are earning less than \$30,000.00 annually will receive 3%. In addition, the legislation ratifies the contract with the police union, they have agreed to a 3-year contract. This is on second reading and I introduce Ordinance No. 24-2006(AS) tonight for passage."

Mayor Kelley accepted Ordinance No. 24-2006(AS), Second Reading, for passage.

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

Nays: None **Ordinance passed**

Council Member Tumeo continued, "I would like to point out that our assistant city manager did an excellent job in negotiations with the police and should be commended for the hard work she put in to keeping things down even though she wasn't in the room when I said it. I would like to formally make sure that is in the record and thank you very much."

#### **REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE**

Council Member Dietrich stated, "Thank you. We have nothing to vote on from this committee tonight but I do have as usual a couple of announcements to make and a couple of comments to

make. First I want to say a few words about something that we've been getting a lot of e-mails and calls about which is the school closing process. As everybody probably now knows, that our school district is in the process of deciding which of the eight elementary schools to close for financial reasons and because the school population has decreased some over the years. People seem to think that city Council is part of that decision, so I just want to let everybody know that we are not part of that decision making. That is a decision of the school board. When you send us an e-mail asking like not to close your school, it really isn't our decision to make. A word about that process though, the school board is being incredibly open and very energetic about taking feedback from people about which school to close. There have been meetings. There will continue to be meetings, but also - and I think this is the last week for this, there is a survey online. It's not a survey which school to close but it's a survey about criteria that they should weigh when they decide which one to close and how heavily they should weigh one criteria against another, being things like condition of the building, age of the building, boundaries, things like that. This is a very long website name, although I think that Councilwoman Caplan knew of a shorter one. Why don't you say it? Do you know it?"

Council Member Caplan responded, "Just type in chuhschoolsystem and it will come up and then you can just click on. Very easy."

Council Member Dietrich continued, "Thank you, because I had a website that would take me 10 minutes. So, if you want to have your say into criteria for school closing, go to the site that Councilwoman Caplan just told you."

"Next, I want to give a very, very brief civility update, which you are probably getting sick of hearing me talk about this Civility Project, but I wanted to mention two things. Mayor Kelley is holding a breakfast for all clergy members in Cleveland Heights and University Heights. You are all invited. You all should have received an invitation, but in case somebody out there - it fell out of your mailman's pocket or something we just want you to know that all clergy are invited to a breakfast here at City Hall at 8:00 a.m. on March 29th and it is to basically hear about the Civility Project and talk about perhaps what your congregation could do to spread the community values of civility. We do need to thank Mayor Ed Kelley for thinking of that."

"The next meeting of the working group for Civility committee is April 5th, 7:00 p.m. at the community center. If you are one of those people that had come to any of the three previous meetings, we'd love to have you there. That's when the committees will break down into groups and further their work and if you've been anxious to get involved and haven't been to those meetings you are welcome as well. Just know that, that meeting is a working meeting."

"Finally on civility, you will soon start to notice around town a flyer that says, "Put Your Creativity in Action for Civility in Action". We are starting a contest to decide the slogan and the logo for the Civility Project so that we can really start doing some real 'PR'. We are asking anybody and everybody for their ideas for a logo and/or a slogan for the Civility Project. There is a flyer that lays out what you have to do in order to enter but just in case you don't see one of these flyers around [displaying flyer] you can basically enter your logo or slogan idea on any 8 x 11 inch piece of paper with your name, address and phone number and turn it in at any one of the library branches by May 1st to be considered as part of the contest."

"My final thing that I wanted to mention tonight is about something that came up two weeks ago here at Council when we started talking about the resolution declaring Red Cross Month. Some of us voted to do it, some of us voted not to and I'm not going to get into reasons for that because what I want to say is, the fact that we talked about that, shows the value of new blood. We have a

new member, this Council has existed as it has been constituted for a number of years and now we have Councilman Tumeo and you know we do get a little bit used to doing things to the point that you don't think as hard about what you do when you are used to it and we sometimes really do need somebody to say, "Hey, wait a minute, you've always been doing it that way, maybe you need to stop and think". To me that was such a great example of why you do need a little turnover now and then. I'm glad that I and two other colleagues got reelected, but to have a new person really has added new ideas and is challenging us in some of our old ways of thinking and I thank you for that. That's all that I have."

### **REPORT OF THE FINANCE COMMITTEE**

Vice Mayor Montlack stated, "Thank you, your Honor. There is no legislation from this committee. There is a reminder however, as unpleasant as this reminder may be, income tax time is approaching and because April 15th falls on a Saturday, the magic date will be Monday, April 17th. Of course, we all know that the largest chunk in most cases will go to the federal government. And then another chunk, less than that goes to the state, and we should be aware for all wage earners that the city income tax forms are absolutely due at the same time. Given that more than 50% of the city's badly needed revenues comes from the city's income taxes. This is a very important filing and of course, that's why it is backed up by the force of law. Again, all wage earners, make certain that your forms are in. Those forms are available at City Hall, of course from the Finance Department. They are also available on the city's website and I am told there is even a chart by which numbers can be plugged in by the residents to calculate your own taxes. If help is needed beyond that, come to the city or call in and help can be made available. Naturally, waiting till the last minute is not advisable in that situation. Over the past couple of years at least, there has been an aggressive effort by the city to collect back taxes that are due and specifically to locate individuals who may have inadvertently forgotten to file for a year or so. When such inadvertent forgetfulness is discovered, there are of course taxes to be paid, interest, penalties and all manner of bad things. Again, be aware that it is a responsibility of every resident and file those taxes. Thank you. That concludes this light-hearted report."

### **REPORT OF THE MUNICIPAL SERVICES COMMITTEE**

Council Member Caplan stated, "Thank you. At one something this afternoon it became spring. The sun was out, but the temperature didn't feel like spring and there is even a forecast of snow and we've been known to have snow through April, but nonetheless our minds are beginning to think about spring. As you think about cleaning up your yard and your garden, I have a few suggestions. One is, you can now already put out your leaves in a pile on your tree lawn, not on the street, but on your tree lawn and the city will come and pick them up for you. Do not put those leaves in plastic bags, it sort of defeats the purpose. Plastic is not recyclable nor can we make it into mulch. Just put those leaves onto your tree lawn or put them in one of those Kraft bags that you then can put out and the city will come along and pick it up and then we can mulch the leaves for you.

"If you are interested in mulch, we take those leaves and we take trees and we take all kinds of other things and we make them into mulch and you can go and collect your free mulch. I had told you that it would be available I think April 1st, it's available now. You just go to the Forest Hill parking lot off of Forest Hill Boulevard in our park and bring something to put it into and you bring your own containers and you can take home as much mulch as you would like to make your garden beautiful.

"Along with spring comes another wonderful thing that we all like to see called orange cones.

Those orange cones are going to start blooming very soon. The first place you will begin to see them is on Euclid Heights Boulevard, so begin to think about another way to go where you're going because Euclid Heights Boulevard is not going to be an easy traverse street between Lee and Taylor Road. Pretty soon we're going to start working on that street and there will be other streets and I will be telling you about them as we go along, but Euclid Heights is going to be the first. That's all I have. There is no legislation from this committee. Thank you."

## **REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

Council Member Wilcox stated, "Thank you, your Honor. There are two BZA calendar matters before the committee, although as you noted we are deferring action on BZA Calendar No. 3098 until our April 3rd meeting. We have BZA Calendar No. 3101 and this was heard at the March 15, 2006 meeting of our Board of Zoning Appeals and Councilwoman Dietrich was at that meeting and I'm going to ask her to read this one."

Council Member Dietrich stated, "Thank you. This is BZA Calendar No. 3101. This is a split double house that is 2612 W. St. James Parkway and 2392 Woodmere Drive. It is owned by Marty Resnik and Sherri Appleton. It's in an 'A' single-family district. I should go back and tell you that the Planning Commission had granted them a permit to divide the house so that it will be sold as two single family properties even though it is connected - it's all one house. The property will be divided into two parcels, but then they needed to go before the Board of Zoning Appeals to request a variance to permit the two attached single-family dwelling units to continue to maintain a single driveway and one four-car garage. The Zoning Code in a case like this requires that each of the two attached units have its own driveway and its own garage. This variance was granted because constructing another driveway to the four-car garage would have eliminated an existing tree and much of the green space in the rear of the house and keeping just the one driveway causes no physical changes to the neighborhood, and having this as two single-family homes, hopefully owner-occupied, will ultimately be an improvement for the neighborhood. This was passed with a couple of conditions:

*The existing units which are converted to two attached single-family dwelling units must be brought into compliance with all applicable regulations of the Cleveland Heights Housing and Building Code, and regulations of the Water Department;*

*Each unit must have separate utility meters and HVAC systems;*

*The common areas should be maintained jointly so that there is a uniform appearance from the exterior of the house;*

*The construction or placement of additional accessory buildings shall be restricted in the areas defined by the Code as the rear- and interior-side-yard.*

I offer BZA Calendar No. 3101 for passage tonight."

Second by Council Member Tumeo.

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

Nays: None

**Resolution confirmed**

Council Member Wilcox continued, "Thank you. Next we have Ordinance No. 27-2006(PD), first reading. It's an amendment to the Zoning Code and particularly our sign regulations and because this is an amendment to the Zoning Code, I should note that there is a procedure we follow that starts with a public hearing which will be held in Council Chambers on May 1, 2006 at 7:00 p.m. The Planning Commission will consider this matter at their meeting of May 10, 2006 and then it will come back to Council. This particular ordinance deals with permitting projecting signs in our commercial districts. The current Zoning Code permits projecting signs only if they're submitted as a part of a plan involving six properties and that process requires Planning Commission approval and Architectural Board of Review approval and what has happened is that these restrictions have proved to make them almost impossible to enact. We find that these signs can make our commercial districts more inviting so we're trying to make these restrictions a little less onerous.

"This is an Ordinance, amending specified provisions of Chapter 1163, "Sign Regulations", of Part Eleven, "Zoning Code" of the Codified Ordinances of the City of Cleveland Heights to provide for projecting signs on individual buildings in the City of Cleveland Heights and to establish appropriate regulations for said signs, and to amend regulations regarding nonconforming signs. As I said, the projecting signs currently are only allowed with a group of six or more adjoining properties and this requirement has had the effect of precluding the use of projecting signs and Council has determined that properly regulated and locating projecting signs can be a positive addition to the City's commercial districts. Section 1 of the Ordinance (and by the way this Ordinance will be on file at City Hall for anyone that wishes to review it) amends Section (a) (2) of Section 1163.03 which are the Computation sections and that is just to include Projecting Signs. Section 2 amends Subsection (e) of the Notes to Schedule 1163.04, "Maximum Sign Area Regulations", and indicates projecting signs to be part of that code section. Section 3 amends Section 1163.07, and this is the section that is amended the most by this particular ordinance and that is the "Projecting Signs" procedures and that includes the preparation of a projecting sign applications which has to set forth the materials, colors, dimensions, method of illumination, and method of attachment as well as the computation of the sign area, the depiction or description of the color scheme, lettering or graphics, and the location of the sign on the building and the perspective rendering or photographic illustrating proposed sign in the context of other building signage. Also, this section provides for guidelines and regulations on these signs, including the area of the projecting sign, how they relate to the public right-of-way, and that they must be at a 90 degree angle to the facade of the building or at the corner of a building at 135 degree angle. Probably, the most important change is that the projecting sign instead of going to the Planning Commission will just need to be submitted for review and approval of our Architectural Board of Review. So, again, this Ordinance will be on file with the Clerk of Council and I offer Ordinance No. 27-2006(PD), first reading only tonight."

Mayor Kelley accepted Ordinance No. 27-2006(PD), first reading only and reiterated that a public hearing will be held on Monday, May 1, 2006 at 7:00 p.m. and that it will also be reviewed by the Planning Commission at the May 10, 2006 meeting which is a Wednesday.

## **REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE**

Council Member Evans stated, "Thank you, your Honor. I'd like to present Resolution No. 28-2006(PSH), authorizing an agreement with Partners Environmental Consulting, Inc. for environmental consulting services relative to the implementation of the United States Environmental Protection Agency grants for the clean-up of properties at 2223 Lee Road and 2231 Lee Road in the City of Cleveland Heights; providing compensation therefor; and declaring an emergency. The City of Cleveland Heights has received Brownfield grants from the United States Environmental Protection Agency ("USEPA") for remediation of impacted properties owned by the City located at those ad-

dresses I already mentioned. It is necessary for the City to retain an environmental engineering firm to provide environmental consulting services in connection with the remediation of said properties. In accordance with USEPA procedures, the City issued a Request for Qualifications ("RFQ") to several qualified firms seeking proposals for the provision of such consulting services. After review of the responses the City has determined to retain Partners Environmental Consulting, Inc. to provide such services. It is contemplated that the cost of such services will be paid from USEPA Brownfield grant funds and with monies received from the State of Ohio Petroleum Underground Storage Tank Release Compensation Board at a cost not to exceed One Hundred Seventy Thousand Dollars (\$170,000.00). The terms of the agreement shall be substantially as set forth in the consultant's proposal dated March 8, 2006, a copy of which is on file with the Clerk of Council. I'd like to present Resolution No. 28-2006(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 28-2006(PSH) for passage.

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

Nays: None

**Resolution passed**

Council Member Evans continued, "Next, is Resolution No. 29-2006(PSH), declaring the property at 2490 Lee Boulevard to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. The City Manager and the Certified Building Official have reported to this Council that the garage portion of the commercial property known as 2490 Lee Boulevard owned by MayLee Building, LLC has not been maintained for a number of years and is in a state of severe disrepair. They have further reported that the owners of the subject property have been cited by the Housing Inspection Department for serious building code violations on the property over the past three (3) years and that no progress has been made toward correction of the violations. The City Manager and the Certified Building Official have further reported that the property has deteriorated over the years to the point that it is a hazard to the health, safety and welfare of visitors and occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property. Therefore, I would like to present Resolution No. 29-2006(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 29-2006(PSH) for passage.

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

Nays: None

**Resolution passed**

## **REPORT OF THE MAYOR**

Mayor Kelley stated, "This meeting will be adjourned at 8:41 p.m. The next meeting will be Monday, April 3, 2006. Thank you for coming tonight."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc