



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY, APRIL 7, 2003

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

Kenneth Montlack, presiding

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

Council Members absent: Kelley

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

Vice Mayor Montlack excused the absence of Mayor Kelley.

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

Committee of the Whole adjourned at 6:37 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:47 p.m.

Kenneth Montlack, presiding

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

Council Members absent: Kelley

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

Vice Mayor Montlack excused the absence of Mayor Kelley.

The minutes of the Regular Council Meeting held Monday, March 17, 2003 were approved and will be signed by Mayor Kelley at the next Council meeting along with the ordinances and resolutions passed at that meeting.

Vice Mayor Montlack stated, "Before going to personal communication from citizens, it is my honor and pleasure to briefly suspend the regular agenda so that we may present a proclamation to some dear guests of ours and residents of Cleveland Heights. I'm going to read the proclamation. I'm going to stand up to do so and while I am doing that I will invite Carolyn Cooper and her family, please, to come to the podium because I will be asking for some remarks, if I may? Please let me read this proclamation on behalf of the Council.

Whereas, Cleveland Heights resident Richard Cooper was a selfless individual who believed in the importance of living a full life; and

Whereas, after graduating from Morris Brown College in 1946, Mr. Cooper played semiprofessional football with the New York Brown Bombers, a team often referred to as the most important all-black team of the 1930's and 40's.

Whereas, after his football career, Mr. Cooper taught at Macon High School and Campbell College in Atlanta. He then moved to Cleveland, where he worked as a teacher at East Technical, John Adams and Glenville High Schools; and *Whereas*, his extracurricular activities included officiating scholastic sports, developing new methods for teaching physics to the Space Age generation, and counseling young gang members at the Friendly Inn Settlement House; and

Whereas, Mr. Cooper received his master's degree in education from Western Reserve University, and later served as assistant principal at Glenville, John F. Kennedy, Audubon Junior, John Hay and West Technical High Schools; and *Whereas*, after retiring in 1987, he added volleyball and track to his officiating duties and served as an official at major events, including the Jesse Owens Classic, National Junior Olympics, and Para-olympics, and even the Summer Olympics in Georgia. He also belonged to Saint James AME Church, where he sang in the choir, helped develop the Boy Scouts program and drove a van to take elderly parishioners to Sunday services; and

Whereas, Mr. Richard Cooper, loving husband of Carolyn and proud father of Richard, Jr., and Markita, was a community treasure who will be greatly missed (and of course the Cooper's are our pride and are residents of Cleveland Heights).

Therefore, on behalf of the Council and the people of the City of Cleveland Heights, I hereby issue this Proclamation in Memory of Richard Cooper. Mr. Cooper served as an inspiration to so many people. Our most heartfelt condolences to his family, especially his wife Carolyn, who in her own right is an important citizen of Cleveland Heights as a volunteer, especially for the ARRP, and a strong community supporter.

Signed by Edward J. Kelley, Mayor and endorsed by the other members of the Cleveland Heights Council, April 7, 2003. Thank you.

Before I ask for some remarks and I certainly hope you have some, I would just like to take a minute to see if there are other Council Members who wish to add their comments at this time?"

Council Member Hicks spoke, "I want to say congratulations. With 50,000 people in this community it's so hard to know all of the treasures that we have in this community. But when we saw - I think my mother is the one who pointed out the obituary to me and I was so proud to see that we had someone in our community who had so many accomplishments, and so we welcome all of our residents to let us know who we have in this community - so that we can do what we need to do to recognize those individuals. So, we thank you for what your husband has done for this community - what you are doing for this community and we're grateful to have you as a resident of Cleveland Heights."

Council Member Caplan stated, "Thank you. How fortunate we are, and we have been, to have you as members of our community. We have all benefited from both of you and even in your sorrow, I know you must have great pride with all the memories that you have and the great feelings that you must have about being a really contributory member of our community and the bigger community of the United States, really. Thank you for sharing your lives with us and we hope you have strength from those memories and we are sorry about your loss."

Mrs. Cooper responded, "Thank you."

Council Member Evans added, "Thank you. It's nice to see you here this evening. I know that this is both a sad and a happy time, but it sure is good to see you looking so nice and with your daughter embracing you so sweetly. I hope you continue to stay here."

Council Member Wilcox added, "Thank you. I just wanted to add my thanks to your husband, and both of you for all you have done for the community. I think it is quite a tribute with all the people that have shown up tonight as well as to hear the proclamation and again, thank you for everything you've done for the community."

Council Member Dietrich stated, "I didn't know Mr. Cooper, but looking at the people here and watching the peoples' faces as Vice Mayor Montlack read the proclamation, I could just tell how much he meant to everybody and I can see it on your faces as you react to what he was saying, how much he meant to you. That's enough to tell me that he was a wonderful, wonderful citizen of Cleveland Heights and that we wish you strength."

Vice Mayor Montlack added, "We are deeply honored. Do you have some comments that you'd like to share [addressing Mrs. Cooper]?"

Mrs. Cooper commented, "I thank the Council for thinking of us during our bereavement and remembering my husband who liked to do things for people undercover. He was a strong believer that what you did, you were doing it for that person and not for self-gratification. Therefore, a lot of people did not know of the people who received what he did for them. He was never at a loss to help people and he loved children and the young people and there are a lot of people here who were young people [at one time] and they all have loved him over the years. I always told him when he went someplace be very careful because everybody knows you. So, we are very happy that you remembered him and I'm sure that he would be delighted to be remembered, but he would be sitting down somewhere saying, 'Oh let someone else get the honors, I'm okay, I can do the work'. That's the way he was, that was my husband and I miss him and I will miss him.

When he went with us on the trip with ARRP he was always there to help the ladies and when the bus would return if someone's driver had not picked them up or would be late he would say, 'We can't go home until everybody is in a car because if the person doesn't come then we'll have to take them home' and that was him."

Markita Cooper spoke, "I would just like to say thank you to the Council, to all the friends and family who are here, committee members who are here. I was supposed to go back this afternoon to California but when I heard that the Council was going to recognize my dad in this way I gave United Airlines another hundred dollars and I'd give them another hundred. But in all seriousness, I really appreciate this, and I just want to say that when I think about one of the quotes that my father had in his newspaper when he went to the Olympics and that we had in the obituary about [him], 'I could go someplace and sit in the chair but I'd feel empty - there is so much to be done for oneself and ones' community', and I think that this evening says it all to show that Richard Walker Cooper, Sr., did a lot for his community. It is a privilege to see my dad honored in this way. Thank you so!"

Vice Mayor Montlack added, "Thank you for those gracious remarks. Shall the Council and Mrs. Cooper and family please join us in front and any other members of the family and we'll take a few pictures."

Pictures were taken of Council with Mrs. Cooper and family. The meeting resumed and citizen participation commenced.

“Two people walked out of here saying how uplifting that was and I work with words all the time. My name is Eileen Beal and I live at 3025 Meadowbrook Boulevard and I have been a resident in Cleveland Heights except for two years in the Peace Corp for about thirty years. I’m aiming to die here, I think, in a long time from now. The last time I was here I sort of got up and presented you with some information in regard to the need for affordable senior housing in the community. Mayor Kelley said, ‘Please bring more information’, so I did for each of you, not the whole report, only the summary and the data and statistics and stuff like that. But I also did some research in the City of Cleveland Heights. I am an historian by training so I understand the age of the city and the growth of the city. I didn’t exactly understand the demographic makeup of the city until I began digging and this is just my primary dig. I’m going to dig for some more information. But according to Ms. Rich, head of the senior center, there are 8,000 people (little over) in Cleveland Heights who are 60 [years of age] or above. That’s about 15% of the population of this City of Cleveland Heights. Of that, 8,000 people, 5,900 (a little over) are over 65 [years of age]. These are the people who will be needing to ‘age in place’ in our community. They will be needing special housing in order to be able to age in place. This is the information that I brought to you from the senior’s committee, Seniors Commission on Senior Housing that met for almost two years and published their report. I think it was June 2002. I simply would like to share this information with you. Once again, [I] make a request for more affordable housing for seniors. Demographically, you and I are going to age in place in this neighborhood - all of us hopefully. We’re going to need the kind of housing that allows us to age in place which means basically one-story, wider doors, grab bars, the kinds of things that you don’t think of, universal design the kind of things you may not think of in terms of housing. We have the opportunity, as we begin to build-out on our land that’s available, to build the kind of housing that would keep and retain our seniors. I don’t simply mean wealthy seniors, I mean all of our seniors - our middle-income and our lower-income seniors. I’d like to share this with you. If you are interested in more information, I can certainly get it.” Ms. Beal passed around the information to each council member.

Vice Mayor Montlack continued, “Thank you for those comments.”

Marianna Stein, 2727 Lancashire Road, stated, “I would like to mention that today at 9:00 p.m. is the deadline for any voter registration and change of address. They are accepting it until 9:00 p.m. at the Board of Elections. So you have 50 minutes to run there. I took a dozen more changes of addresses today and registrations and I just wanted to call every one’s attention to the fact that they have 50 minutes to get there. Every vote really counts. Thank you.”

Vice Mayor Montlack jokingly replied, “We’ll assume that anyone who leaves during the meeting is rushing down to the Board of Elections.”

REPORT OF THE CITY MANAGER

Mr. Downey stated, “Thank you very much, your Honor. I have several items to report this evening. The first of which would be to request authority to advertise for bids for the 2003 Street Resurfacing Program”

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

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

Second by Council Member Dietrich.

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

Nays: None

Motion passed

Mr. Downey continued, "Thank you very much, your Honor. In your packets Council received a copy of three bid tabulations. The first is Bid Document No. 2003-04, the Severance Circle Drive Rehabilitation, the lowest and best bidder is Independence Excavating, in the amount of \$3,166,473.70. As we discussed early in our meeting, there is a pre-construction meeting this Thursday and then the community can begin to look at the reconstruction of our ring road which will begin approximately two weeks after that. The project will take, your Honor, nearly all summer to completely redo the nearly one mile in circumference, Severance Circle Drive.

Bid Document No. 2003-09, an HVAC agreement for all city-owned buildings, the lowest and best bidder was Gardiner Service Company in the amount of \$51,240.00. Bid Document No. 2003-10, catch basin cleaning, the lowest and best bidder is Robinson Pipe Services in the amount of \$36,000.00. Your Honor. I would request the bid tabulations and the award of contract be made a matter of record."

Vice Mayor Montlack 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 (2) notices have been received from the Ohio Department of Liquor Control advising that applications have been made by the following: Richard Tonelli, new D2 permit, premises 14591 Superior Avenue, 44118; and

KSM Tavern Inc., d.b.a. Grog Shop, 2785 Euclid Heights Boulevard, Upper Level, 44118, transfer D1, D2, D3, D3A, and D6 permits from KSM Tavern Inc., d.b.a. Grog Shop, premises 1765-69 Coventry Road, 1st floor and basement, 44118. I need to make these a matter of record."

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

Mr. Malone continued, "Thank you, your Honor. I also need to notify council that three (3) resolutions of the Board of Zoning Appeals have been received pertaining to one (1) variance in the Housing Code and two (2) variances in the Zoning Code and are requested by the following: BZA Calendar No. 3001 Carol and William Dalton, 2215 Goodnor Road, basic standards for residential occupancy of the Housing Code; BZA Calendar No. 3003(a) Hebrew Academy of Cleveland, 1860 South Taylor Road, area, width, and yard regulations for conditional uses of the Zoning Code; and BZA Calendar No. 3003(b) Hebrew Academy of Cleveland, 1860 South Taylor Road, supplemental regulations for off-street parking in commercial districts of the Zoning Code. Your Honor, I need to make these a matter of record."

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

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "I have no legislation tonight but I do have a couple of events to

tell you about. Well, one is an event and one is a program that are sort of related to spring although as we speak right now I don't think it's ever going to come.

The Doan Brook Watershed Partnership, which some of you may or may not know what it is. It is basically an organization that combines Cleveland, Cleveland Heights, and Shaker Heights and the nature center and the sewer district and University Circle, Inc., together into an organization for the stewardship of Doan Brook. The partnership is holding its first major watershed-wide event, which is a watershed cleanup on May 31st. It's a Saturday from 8:30 to 11:00 in the morning. I know it seems like a very early time right now for me to be telling you about this but this is the kind of event that makes a very good project for scout troops, for any other group that wants to perform a community service or have an outdoor event together. I just want people who might want to do this to get it on your calendar now - May 31st - Doan Brook Watershed Cleanup. There will be four gathering sites. One will be at Horseshoe Lake, one will be at Lovers Lane which is the little roadway that goes between North Park and South Park, down at the bottom of Lower Lake, and then there will be two along Martin Luther King Boulevard. In fact, we're working on getting Martin Luther King Boulevard closed that day, so it might really turn into a fun event. I will follow with more details later but I did want you to know about this on May 31st.

The other thing that is happening that is related to Doan Brook also, is that the Nature Center is doing a program called, 'Laudable Lawns'. You can go to weekly workshops that teach you things like backyard habitat and alternative lawn care, and teaches you how to test your own soil so that you know what your soil needs. All this is in hopes of keeping the whole Doan Brook Watershed more clean because we won't be putting such pollutants in the run-off. You would probably want to call for information at the Nature Center about that. Victoria Mills is the person who is running it and her number is 321-5935, extension 34. This is something that began just a couple of weeks ago but it goes all summer and it is actually a certification program, I think, in being a laudable lawn person. Just wanted to let you know about these two springtime things and maybe that will actually help us get there. Thank you."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. I have two pieces of legislation this evening. They are both rather interesting. The first is Resolution No. 45-2003(CRR), proclaiming this week as National Library Week and we are lucky to have Steve Wood who is our library director with us this evening and I am sure he came just to hear me read this. This is a resolution proclaiming April 6, 2003 through April 12, 2003 as National Library Week and commending the Cleveland Heights-University Heights Public Library for the invaluable services it provides to the community; and declaring an emergency. The circulation of the Cleveland Heights-University Heights Public Library (the "Library") has increased twelve percent (12%) in 2002 over the previous year. Use of the Library's reference and information services, attendance at Library Programs, and personal and remote visits to all of the Library's buildings continue to increase dramatically. The Library remains dedicated to excellent customer service, even in the face of significant budget cuts from the State. The support of the residents of Cleveland Heights and University Heights for the Library is unwavering. Communities throughout the nation will join with the American Library Association to proclaim April 6, 2003 through April 12, 2003 as National Library Week. Therefore, be it resolved by this Council, that this Council hereby joins with the American Library Association and communities throughout the nation in proclaiming April 6, 2003 through April 12, 2003 as National Library Week. This Council further commends the Cleveland Heights-University Heights Library for the invaluable services it provides the community, and urges all residents to take advantage of such services. Notice of passage shall be given and this resolution shall be declared an emergency for passage tonight. I offer Resolution No. 45-2003(CRR) for passage this evening."

Vice Mayor Montlack accepted Resolution No. 45-2003(CRR) on first reading for passage.

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. We truly do have one of the best libraries in the, I think probably in the country for its size. It's a wonderful place to go and libraries are certainly different from when I was a little girl. The kind of information they have is staggering and the technology is really very interesting.

Now, I have Resolution No. 46-2003 (CRR), joining with the United States Department of Housing and Urban Development ("HUD") and other communities throughout the nation in the observation of "Fair Housing Month;" reaffirming the City of Cleveland Heights' commitment to open housing; and declaring an emergency. In celebration of the 35th anniversary of the federal Fair Housing Law, HUD has promoted the observance of "Fair Housing Month" throughout the communities of this nation. This City, since the year 1965, has continually and consistently approved and encouraged the concept of fair housing throughout the City of Cleveland Heights and the entire Cleveland metropolitan area. Twenty-seven years ago, in 1976, this Council committed itself to a Resolution establishing the Nine-Point Plan to promote a well-maintained, full-service residential community and prevent resegregation, and to develop programs with residents, community organizations, the Board of Education, the business community, and other institutions to implement this Plan. Since that time, the City of Cleveland Heights has created and operated programs to continue integration, and to educate and persuade residents and non-residents of the benefits of integrated neighborhoods in this City and others across the country. Therefore, be it resolved by this Council that the City of Cleveland Heights, Ohio joins with the United States Department of Housing and Urban Development and other communities nationwide in the observation of "Fair Housing Month", and hereby reaffirms its commitment established over 38 years ago to fair housing in Cleveland Heights, Ohio, and throughout the Greater Cleveland area and the nation. Notice of passage of this resolution shall be given and this resolution is declared to be an emergency by passage tonight. I offer Resolution No. 46-2003(CRR) for passage."

Vice Mayor Montlack accepted Resolution No. 46-2003(CRR) on first reading for passage.

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

Nays: None

Resolution passed

Council Member Caplan stated, "Thank you. I have no more legislation but I do have a couple of announcements. On Tuesday, April 22, 2003 at 6:30 to 8:30 our Congresswoman, Stephanie Tubbs Jones invites our whole community to a community meeting. It will be held here at City Hall in the atrium. It will be filmed so you'll be able to see it on television if you are unable to come. She is going to have a community meeting to answer questions and to hear concerns of all of her constituents. So we encourage people to come.

This coming Saturday on April 12th at 11:00 a.m. sharp at Forest Hill Park; rain, shine or snow we will have a Spring Egg Hunt. I want to tell you it is so much fun. Bring your children. If you don't have children just come, but you have to be on time because if you're not on time you'll miss it, it lasts about two minutes. I don't even know how many eggs that happen to be filled with candy. The children are divided by age group and the fire engine sounds its horn and those children go look for the eggs and they can gather up, I don't know, 1000 eggs filled with candy in probably less than a minute. But, it is

wonderful. It will happen no matter what the weather is. We encourage people to please bring a can of non-perishable food or a box of food to help others with our food drive and we encourage people to come. It really is great fun.

The other thing I want to talk about for a moment is to encourage you to take advantage of the opportunity that you will have on May 6th to vote for Issue 15. Issue 15 is the Health and Human Services Levy and it provides a safety net for the entire community. It provides services for seniors, for children, it supports Metro Health Hospital with the burn unit, the helicopter which we all are familiar with. It is that yellow helicopter that comes when anyone could have an emergency. We encourage you to support this issue. It is critical for our community, particularly at this time where there are all kinds of cuts both from the federal government and the state government. So, put it on your calendar and do vote and vote yes for Issue 15. That's all that I have for tonight. You'll hear about that issue again at our next meeting. Thank you."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are two pieces of legislation from the Finance Committee tonight. The first one is appropriate during Fair Housing Month because it shows the city's continuing commitment to encourage integrated communities throughout Northeast Ohio through participation in the Cuyahoga Plan, something the city has done now for some fifteen years. This is Resolution No. 47-2003(F), authorizing the City Manager to enter into an agreement with the Cuyahoga Plan, a non-profit corporation, for services to encourage pro-integrative housing programs throughout Cuyahoga County and particularly in the Hillcrest communities; providing compensation therefor; and declaring an emergency. The City has previously entered into agreements with the Cuyahoga Plan for the funding of fair housing programs. The City of Cleveland Heights remains committed to the goal of encouraging equal and fair housing opportunities for all citizens in Cuyahoga County and throughout the region. It is in the City's best interest to continue to provide partial funding for the Cuyahoga Plan's regional pro-integrative housing efforts, with other funding to come from neighboring communities and private sources. Section 1 of the resolution authorized the City Manager to enter into an agreement with the Cuyahoga Plan for a grant of Forty Thousand Dollars (\$40,000.00) for assistance with the Plan's pro-integrative housing programs, including market analysis, research and data collection, a regional advertising and public information campaign, education and outreach activities for housing professionals, and Housing Information Services with a special emphasis on the Hillcrest communities. The agreement shall run for the period from April 1, 2003 through March 31, 2004, and may be terminated by either party upon sixty (60) days advance notice. Section 2 is notice of passage and Section 3 declares this to be an emergency measure. I offer Resolution No. 47-2003(F) for passage tonight."

Vice Mayor Montlack accepted Resolution No. 47-2003(F) on first reading for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Thank you, your Honor. Next I have Ordinance No. 48-2003(F), which also gives me a chance to remind everyone that all residents of Cleveland Heights during 2002 are required to file and pay their income tax by April 15th of each year unless they request an extension and pay an estimated payment. What this Ordinance does is recognize the sacrifice of those residents who may be on active military duty at this time and provides an extension for filing of the return similar to those available with the federal income tax. This is Ordinance No. 48-2003(F), amend-

ing Subsection (a) of Section 157.1103, "Extension of Time for Filing", of Chapter 157, "Income Tax", of the Codified Ordinances of the City of Cleveland Heights to provide extensions of time for filing and payment of City Income Taxes to certain members of the United States Armed Forces engaged in active combat duty overseas; and declaring an emergency. The Ordinance provides that the United States is currently engaged in military action in the Middle East. Over a quarter million American men and women are enduring separation from their families, extreme discomfort in their living conditions, and constant risk of injury or death to fulfill their responsibility of service to their nation. Americans of all political persuasions are united in their desire to offer support and assistance to these soldiers and their families. This Council wishes to provide relief to Cleveland Heights residents who are unable to file their City Income Tax returns due to their active duty military status. The current provision in Section 1 of the Code that's to be amended allows for extensions pursuant to the federal income tax law that only if an estimated payment is made and only pursuant to the provisions of the Code that relate to extensions. It is going to be amended to allow for an extension for military services noted, and I'll read the amended ordinance as it will now read: The Administrator may extend the time for filing of the annual return upon the request of the taxpayer for a period not to exceed six (6) months, or one (1) month beyond the extension requested of or granted by the Internal Revenue Service, or provided by operation of federal law for certain members of the Armed Forces on active military duty overseas, for the filing of the Federal Tax Return, whichever date is later. The Administrator may require a tentative return, accompanied by a payment of the amount of tax shown to be due thereon, by the date the return is normally due, except that the Administrator shall not require such tentative return to be filed or payment to be made in cases in which the extension is granted by virtue of the active duty military status of the Taxpayer. No penalty or interest shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended. Section 2 is notice of passage and Section 3 declares this ordinance to be passed as an emergency measure. I offer Ordinance No. 48-2003(F) for passage tonight."

Vice Mayor Montlack accepted Ordinance No. 48-2003(F) on first reading for passage.

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

Nays: None

Ordinance passed

Council Member Wilcox concluded, "Thank you. I did have one comment to make and that is since the last time we had a council meeting, Reaching Heights sponsored a concert at Severance Hall involving all of our music programs in the Cleveland Heights-University Heights schools and if you didn't have a chance to attend that, I have to tell you it was an outstanding event. It was an opportunity to showcase the excellent music programs at our schools that included all the way from our elementary schools to our high school. Music programs both vocal and instrumental and again thanks to Reaching Heights, to all the children in the school system that participated, the teachers and the community that filled Severance Hall. It was a great evening. That concludes my report."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have several pieces of legislation. First I must agree with Councilman Wilcox, that event of Reaching Heights, was an excellent event and I'm not just saying that because my son participated as one of the students in the orchestra.

I have Resolution No. 49-2003(MS), approving a Change Order with A & J Cement Contractors, Inc. for a contract for the Lee Road Rehabilitation and Waterline Project; providing compensation therefor; and declaring an emergency. The description of the change is resulting in an increase of \$172,059.14.

The original contract sum was \$1,868,254.30, with this increase the new contract sum will be \$2,040,313.44. Your Honor, I offer Resolution No. 49-2003(MS) for passage tonight.”

Vice Mayor Montlack accepted Resolution No. 49-2003(MS) on first reading for passage.

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

Nays: None

Resolution passed

Council Member Hicks continued, “I have Resolution No. 50-2003(MS), authorizing an agreement with Michael Benza & Associates, Inc., Consulting Engineers, for engineering services for the updating of the 1997 Sanitary Sewer Capital Improvement Program; providing compensation therefor; and declaring an emergency. The City Manager is authorized to enter into this agreement. The services to be performed are set forth in the engineer’s proposal dated February 27, 2003, a copy of which is on file with the Clerk of Council. Compensation for the aforesaid engineering services shall be at the engineer’s usual hourly rates, with total fees and expenses not to exceed the sum of Thirty Thousand Dollars (\$30,000.00). The agreement shall be in a form approved by the Director of Law. Your Honor, I offer Resolution No. 50-2003(MS) for passage tonight.”

Vice Mayor Montlack accepted Resolution No. 50-2003(MS) on first reading for passage.

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

Nays: None

Resolution passed

Council Member Hicks continued, “I have Resolution No. 51-2003(MS), authorizing the City Manager to enter into an agreement with Hebrew Academy of Cleveland for the use of a portion of the public right-of-way at 1860 South Taylor Road; and declaring an emergency. This is not a bridge. The City Manager is hereby authorized to enter into an agreement with Hebrew Academy of Cleveland, an Ohio not for profit corporation, (“Hebrew Academy”) for the use of a portion of the public right-of-way in front of Hebrew Academy’s building at 1860 South Taylor Road, Cleveland Heights for the construction and maintenance of planters and light fixtures. The portion of the right-of-way upon which the improvements shall be located is set forth in Exhibit “A” attached hereto and incorporated herein, with approximate dimensions of ninety-five (95) feet by eight (8) feet. The agreement shall require Hebrew Academy to maintain the improvements in good condition and repair, with appropriate foliage as approved by the Director of Planning and Development. The agreement shall further require Hebrew Academy to maintain liability insurance in an amount approved by the Director of Law and City Manager, and to indemnify the City for any injuries or damages caused by the improvements. The agreement and all related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 51-2003(MS) for passage tonight.”

Vice Mayor Montlack accepted Resolution No. 51-2003(MS) on first reading for passage.

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

Nays: None

Resolution passed

Council Member Hicks continued, “Thank you. I have Resolution No. 52-2003(MS), authorizing the City Manager to enter into an agreement with Scott Locsei for the emergency replacement of heating and air conditioning equipment at Precinct Four; providing compensation therefor; and declaring an

emergency. The City Manager is hereby authorized to enter into an agreement with Scott Locsei for emergency replacement of heating and air conditioning equipment at Precinct Four at a cost of Twenty-three Thousand Dollars (\$23,000.00) for equipment and labor. Any documents related thereto shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 52-2003(MS) for passage tonight.”

Vice Mayor Montlack accepted Resolution No. 52-2003(MS) on first reading for passage.

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

Nays: None

Resolution passed

Council Member Hicks stated, “Thank you, your Honor. I wish I could say that this is something that I wrote but it is something that I received. It was published in a Tampa newspaper and it reads as follows: ‘Since the attacks on September 11th, we have experienced a surge of patriotism by the majority of Americans. However, the dust from the attacks had barely settled when the politically correct crowd began complaining about the possibility that our patriotism was offending others. I am not against immigration nor do I hold a grudge against anyone who is seeking a better life by coming to America. Our population is almost entirely made up of descendants of immigrants and also slaves brought here. However, there are a few things that to those who have recently come to our country and apparently some born here need to understand. This idea of America being a multi-cultural community has served only to dilute our sovereignty and our national identity. As Americans we have our own culture, our own society, our own language and our own lifestyle. This culture has been developed over centuries of struggles, trials and victories by millions of men and women who have sought freedom. We speak English not Spanish, Portugese, Arabic, Chinese, Japanese, Russian or any other language. Therefore, if you wish to become a part of our society, learn our language. In God We Trust is our national motto. This is not some Christian right wing political slogan. We adopted this motto because Christian men and women on Christian principles founded this nation and this is clearly documented. It is certainly appropriate to display it on the walls of our schools. If God offends you, then I suggest you consider another part of the world as your new home because God is part of our culture. If stars and stripes offend you or you don’t like Uncle Sam, then you should seriously consider moving to another part of this planet. We are happy with our culture and we have no desire to change and we really don’t care how you did things where you came from, this is our country, this is our land and our lifestyle. Our first amendment gives every citizen the right to express his opinion and we will allow you every opportunity to do so, but once you are done complaining, whining and griping about our flag, our pledge, our national motto and our way of life, I highly encourage you to take advantage of one other great American freedom - the right to leave.’ Although I didn’t write it, I agree with it and I’m glad to be able to read it today.

I got a chance earlier to mention my mother, but my father is in the audience and I guess having your own floor you’re able to say whatever you want to say and I can tell my father that I love him and that, Dad, if you didn’t decide to move to Cleveland Heights I wouldn’t be sitting here and giving so many people so many aggravations. Thank you, your Honor.”

Vice Mayor Montlack responded, “Amen. Thank you.”

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Evans stated, “Thank you, Vice Mayor. I’d like to start with the BZA Calendars. First is BZA Calendar No.3001 Carol and William Dalton, 2215 Goodnor Road, in an ‘A’ single-family

district, have made formal application requesting a variance from the basic standards for residential occupancy of the Housing Code, to permit 8 persons to remain living in a dwelling unit. The applicable provision of the Housing Code is contained in Section 1351.03, which permits a maximum occupancy of 6 at this address. The public hearing to consider this application was held Wednesday, March 19, 2003, at 7:30 p.m., pursuant to the requirements outlined in Sections 1109.06 and 1115.07 of the Zoning Code. In the opinion of the Board of Zoning Appeals, the applicants clearly demonstrated there were exceptional and unusual circumstances resulting in practical difficulty in complying with the requirements of the Zoning Code, and, further, that the variance was in harmony with the general purpose and intent of the Zoning Code, and that the public health, safety, morals and general welfare were safeguarded and substantial justice was done. Therefore, be it resolved by the Board of Zoning Appeals of the City of Cleveland Heights that the applicants will suffer practical difficulty if the variance is not granted because an alteration consisting of installation of a permanent heat source on the third floor, is all that is needed to make the occupancy Code-conforming, and the applicants' predicament cannot be immediately resolved without a variance. The issuance of a special permit is hereby authorized to permit 8 persons to remain living in the dwelling unit at 2215 Goodnor Road, subject to paragraph 3 below. (3) The variance shall be effective only until December 31, 2003, within which time a Code-conforming heat source must be installed on the third floor. The Secretary is directed to forward to the Clerk of Council a copy of this resolution as required under Subsection 1115.07(i) of the Zoning Code for final disposition by City Council. I'd like to submit BZA Calendar No. 3001 for confirmation this evening."

Second by Council Member Dietrich.

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

Nays: None

Resolution confirmed

Council Member Evans continued, "BZA Calendar No. 3003(a), Hebrew Academy of Cleveland, 1860 South Taylor Road, in a C-2 local retail district, has made formal application requesting a variance from the area, width, and yard regulations for conditional uses of the Zoning Code, to permit a front yard setback of 12'. The applicable provision of the Zoning Code is contained in Section 1153.03, which requires a front yard setback of 50'. The public hearing to consider this application was held Wednesday, March 19, 2003, at 7:30 p.m., pursuant to the requirements outlined in Sections 1109.06 and 1115.07 of the Zoning Code. In the opinion of the Board of Zoning Appeals, the applicant clearly demonstrated there were exceptional and unusual circumstances resulting in practical difficulty in complying with the requirements of the Zoning Code, and, further, that the variance was in harmony with the general purpose and intent of the Zoning Code, and that the public health, safety, morals and general welfare were safeguarded and substantial justice was done. Therefore, be it resolved by the Board of Zoning Appeals of the City of Cleveland Heights that the applicant will suffer practical difficulty if the variance is not granted because the proposed setback is more in keeping with the current pedestrian nature of the surrounding district and its essential character will not be changed, the 50'-setback regulation was primarily written for schools in residentially-zoned districts, the proposed setback conforms to the required front-yard setback for the district, and the applicant's desire to resolve the current front entrance predicament related to safety and security cannot be resolved without a variance. The issuance of a special permit is hereby authorized to permit a new front entry addition with a front-yard setback of 12', as shown in plans submitted to the Board. The applicant is required to obtain a building permit and approval of the Architectural Board of Review prior to construction and the variance is subject to the following conditions:

1. No work proceed until the necessary approvals of the Architectural Board of Review, as well as all required permits are obtained.

2. A plan for screening the corner parking lot at Berkeley and South Taylor be submitted and approved by the Director of Planning.
3. Driveways be set back a minimum of 8 ft. from all property lines.
4. The driveways not be used for parking and that they be marked with signs indicating this prohibition.
5. The westernmost of the proposed driveways be gated and inaccessible except during drop off and pickup times. Which shall be between 8:00 and 10:00 a.m., 12:00 and 12:30 p.m., and 3:00 and 5:00 p.m., Monday through Friday, and between 8:00 and 10:00 a.m. and 12:00 and 12:30 p.m. on Sunday.
6. The dumpster shall be screened in accordance with the standards set out in Zoning Code Section 1165.05.
7. All improvements be completed within 18 months of Planning Commission approval or City Council approval of the required variances, whichever is later.
8. Any encroachments into the public right-of-way by installation of the improvements shall be approved by City Council.
9. The applicant shall cooperate with City staff so that the aesthetics and landscaping be adequately addressed.

I'd like to move that BZA Calendar No. 3003(a) be confirmed"

Second by Council Member Wilcox.

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

Nays: None Resolution confirmed

Council Member Evans continued, "BZA Calendar No. 3003(b), Hebrew Academy of Cleveland, 1860 South Taylor Road, in a C-2 local retail district, hereinafter referred to as the "applicant" has made formal application requesting a variance from the supplemental regulations for off-street parking in commercial districts of the Zoning Code, to permit parking in a corner side yard. The applicable provision of the Zoning Code is contained in Section 1131.13, which does not permit parking in a corner-side yard of a commercial district. The public hearing to consider this application was held Wednesday, March 19, 2003, at 7:30 p.m., pursuant to the requirements outlined in Sections 1109.06 and 1115.07 of the Zoning Code. In the opinion of the Board of Zoning Appeals, the applicant clearly demonstrated there were exceptional and unusual circumstances resulting in practical difficulty in complying with the requirements of the Zoning Code, and, further, that the variance was in harmony with the general purpose and intent of the Zoning Code, and that the public health, safety, morals and general welfare were safeguarded and substantial justice was done. Therefore, be it resolved by the Board of Zoning Appeals of the City of Cleveland Heights that the applicant will suffer practical difficulty if the variance is not granted because due to the small size of the parcel, parking cannot be safely accommodated elsewhere on the site, and the existing character of the neighborhood will be maintained, if not improved by the accompanying landscaping. The issuance of a special permit is hereby authorized to permit a parking lot in the corner-side-yard of the Hebrew Academy campus, as shown in plans sub-

mitted to the Board. The applicant is required to obtain a building permit and approval of the Architectural Board of Review prior to construction and the variance is subject to the following conditions:

10. No work proceed until the necessary approvals of the Architectural Board of Review, as well as all required permits are obtained.
11. A plan for screening the corner parking lot at Berkeley and South Taylor be submitted and approved by the Director of Planning.
12. Driveways be set back a minimum of 8 ft. from all property lines.
13. The driveways not be used for parking and that they be marked with signs indicating this prohibition.
14. The westernmost of the proposed driveways be gated and inaccessible except during drop off and pickup times, which were stated in the previous calendar.
15. The dumpster shall be screened in accordance with the standards set out in Zoning Code Section 1165.05.
16. All improvements be completed within 18 months of Planning Commission approval or City Council approval of the required variances, whichever is later.
17. Landscaping, approved by the Planning Director, shall be incorporated along the residential buffer bordering 3446 Berkeley Avenue.
18. The applicant shall cooperate with City staff so that the aesthetics and landscaping be adequately addressed.

I'd like to move that BZA Calendar No. 3003(b) be confirmed"

Second by Council Member Hicks.

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

Nays: None Resolution confirmed

Council Member Evans continued, "That concludes the BZA calendars for this evening. I'd like to say that the Hebrew Academy is really going to have a really nice face lift and I think it'll be a nice welcome look to that street.

I have Resolution No. 53-2003(PD), authorizing the City Manager to enter into an agreement pursuant to the City's Apartment Renovation Rebate Program with Sean Tucker and Carolyn Tucker for assistance with exterior renovations on the four suite apartment building located at 2490 Noble Road, Cleveland Heights, Ohio; providing compensation therefor; and declaring an emergency. The Apartment Renovation Rebate Program ("ARRP"); was established to aid owners of multi-family dwellings in the City to make exterior and interior improvements to their properties. The Program typically provided for ARRP participation in a renovation project to the extent of 50% of project costs, with such participation consisting of a no-interest loan in the sum of 25% of project costs and a grant in the amount of 25% of such costs. The guidelines also provide for Special Target Areas, and this property falls in that

area, to be designated by Council in which the City's 50% contribution to the project may be in the form of a grant rather than a loan. The ARRP Board of Trustees has approved proposed exterior renovations, supported by appropriate invoices, on the four suite apartment building owned by Sean Tucker and Carolyn Tucker, located at 2490 Noble Road, of approximately Twenty Thousand Dollars (\$20,000.00), which costs are in line with the guidelines of the Program. Pursuant to ARRP guidelines, a rebate grant not to exceed Ten Thousand Dollars (\$10,000.00) has been approved by the ARRP Board of Trustees and is to be paid by the City to Sean Tucker and Carolyn Tucker solely from Community Development Block Grant Funds designated for this purpose. Payment of the grant would be in the best interests of the City of Cleveland Heights and its inhabitants and would assist the City in its efforts to curb deterioration of its older housing stock and urban blight and assist in stabilizing and improving low- and moderate-income neighborhoods within the City of Cleveland Heights. Section 1 states that the City Manager is authorized to enter into an agreement with Sean Tucker and Carolyn Tucker for a rebate grant for exterior improvements to the four suite apartment building located at 2490 Noble Road, in an amount not to exceed Ten Thousand Dollars (\$10,000.00). Other terms of the rebate agreement shall be as set forth in Resolution No. 40-1996 and prior resolutions. I would like to submit Resolution No. 53- 2003(PD). We have pictures that would be appropriate to show at this particular time of the building, and again I'd like to submit Resolution No. 53-2003(PD) for passage this evening."

Vice Mayor Montlack accepted Resolution No. 53-2003(PD) on first reading for passage.

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

Nays: None Resolution passed

Council Member Evans continued, "I also have Ordinance No. 54-2003(PD), first reading this evening. It will then go to the Planning Commission and then come back to Council for perhaps a final read.

Ordinance No. 54-2003(PD), amending Subsection 1103.03(b)(92)(B)(9) of Part Eleven, "Zoning Code", of the Codified Ordinances of the City of Cleveland Heights to permit phone numbers on residential identification signs for multiple family buildings of four or more units. Subsection (b)(92)(B)(9) of Section 1103.03 of the Codified so that henceforth said Subsection shall read as follows:

19." Residential identification" means a sign identifying the name and address of a completed residential subdivision, or the name, address and phone number of a multiple-family development.

This is just on first reading. We've had a lot of input from a good number of residents that inspired a lot of conversation and friendly debate about this issue. Fortunately the public will have an opportunity to address this particular issue on May 12th at 7:00 p.m., that's a Monday evening. If you have any input or have any questions it would behoove you to be present that evening to talk about multi-family sign regulations. That completes the Planning and Development report for this evening."

Vice Mayor Montlack asked, "Thank you. Do we have a date - did you just say that?"

Council Member Evans responded, "I'll say that again. May 12th - 7:00 p.m."

Vice Mayor Montlack continued, "If I'm not mistaken, the important substantive addition that's being proposed here, submitted for further consideration, is the addition of a phone number on the sign."

Council Member Evans added, "I believe you're absolutely correct, the phone number that has been discussed - should there be one or should there not be one on this monumental sign."

Vice Mayor Montlack asked, "Is your report on that committee completed?"

Council Member Evans affirmed such.

Vice Mayor Montlack asked, "And would you now mind handling another committee, Public Safety and Health?"

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans answered, "Certainly. I enjoy speaking this evening, very much. There is no legislation this evening, but I would like to thank Chief Kevin Mohr of our Fire Department. He submitted our 2002 annual report and as you can see it's nice bedtime reading. It is a good report. In it he says how the department responded to 5,384 alarms of which 75% were EMS related and were covered by the paramedic program. The ever increasing work load is a sign of our changing times where the citizens expect and receive the best service possible for their tax dollars. I think this is probably the one department that I don't recall ever hearing anything in the way of criticism. They do a wonderful service for us. We all appreciate it. Typically, they are very pleasant employees and it's just nice. All the information in this book has to do with information and statistics about the department which covers fire, EMS, rescue, central dispatch, HASRT, and prevention activities. I certainly would like to thank Chief Mohr and I would specifically like to thank all the employees of that department for the fine service that they provide for our residents of Cleveland Heights.

In addition, our Housing Department also submitted an annual report and we always appreciate more bedtime reading, as you can see our days and evenings can be quite full with the additional information we receive. I'd like to thank Rick Wagner who is the person who heads up that department for the fine work that he and all the people who work under him do. That department is one that all of us come in contact with one time or another and we don't always make you happy but we'd like to think it's a necessary part of living - as well as we live - and in a city that we can all be extremely proud of - with our housing stock being the age that it is. I always like to tell people, as your house and tell you what you need to do to improve the conditions of your house, that we should think in terms of it as a reminder that you do have to keep up with your home in order for it to continue to stand as strong as it is.

A couple of announcements that we continue to talk about from time to time, I think probably more frequently than not and that it is this time of year, being that we've had some really nice warm days, people are in the process of cleaning up their yards. No matter when you're out, you'll see that the residents or the people who take care of their lawns, tend to want to put the yard debris in the street. We keep saying, please don't do this, for safety reasons if you keep it on your tree lawn that would be the best thing to do, but really it creates quite a hazard when that debris is raked into the street.

The other thing is, we're getting to the time of year when people want to cook outdoors on their grill and many years ago it came to our attention that people want to make it as convenient as possible and want to leave the grills on their porches, which also creates a safety hazard. So, we do have an ordinance about that and so I caution you and I strongly encourage you not to fire-up your grills on your porches and take it a few feet further and put it out in the yard where it's a little safer and you don't have a possible fire.

I recently heard from one of the reporters from the Black & Gold and she seemed to have been a

long-time resident of Cleveland Heights, but she was very dismayed that we have a curfew law and in my mind I find it very difficult to believe that everyone who has resided in the City of Cleveland Heights has not heard of this before. I guess this is something that we reiterate from time to time also and that is that parents and guardians have the responsibility to enforce the city's curfew laws. Children 12 and under are to be off the streets and sidewalks at dusk. Twelve to 15 years old at 10:00 p.m. and 16 to 17 years old at midnight. So, it would be very wise if those people who have children those ages to sit them down and talk to them and inform them of the reason why they need to come in the house or at least be seated on the porch during those hours.

That concludes my report this evening. Thank you."

REPORT OF THE VICE MAYOR

Vice Mayor Montlack stated, "I would like to comment briefly on what is happening or not happening in our General Assembly because we read from day to day of different views on the revenue and the budget crisis in the state and the tax changes that are or are not going to be made. I want to encourage all of us not to be passive participants because we may not realize that what is happening now at the state level truly is a crisis in the mind, that instead of being actively solved or working towards being solved is simply going to be spread now every more to the local level. Amongst the changes that are being thrown around are drastic cuts, once again being recommended in a couple of funds that are assistance funds for local governments, either the Local Government Fund or the Local Government Assistance Fund. Now, this is not someone else's tax dollars that is given as a gift to local communities, it is a promise, statutory share of our own tax dollars on the state level that come back to existing communities. Now you heard tonight for example that just to take care of our aging infrastructure it didn't take much to have an increase of \$172,000 for some sewer and water and paving work on one of our roadways. You heard comments on some of the annual reports we see. When fire fighters, police officers, public works employees or others are doing their jobs as you've seen them doing in every neighborhood, this is the lion's share of our budget. And so, what is being threatened here is nothing less than the destruction of communities because we're already hard-pressed given these economic times in terms of our other kinds of tax collection. So when the General Assembly threatens to balance the budget on the backs of municipalities it is truly a dagger pointed at our heart. I hope that we'll do something about this. It is a non-partisan issue. I joined recently with republican and democratic leaders of cities to talk on this subject and we need to contact our own state representative as well as any others that we know in the General Assembly because we cannot make a bad situation worse by permitting these local government funds to be cut. As I said, at one point, if this happens, we know where the complaints will be directed. They will come right to City Council, simply because we're here and we're accessible. At that point, which I hope doesn't come, we'll have to say to the folks who come here, the answer is in the General Assembly and in the governor's office.

There is a second matter that has implications in terms of the General Assembly and this is a proposal that has now been made. It is still in the formative stages that possibly the Court of East Cleveland (East Cleveland Municipal Court) will be declared by the legislator to cease to operate and that its functions should be taken over, given to (if that's the correct term) a neighboring community. And we need to say and will be saying to our legislators now, that this is no solution. Again, as with local government funds if there are to be sacrifices to be needed in order to address these problems they should be shared sacrifices. We need shared sacrifices at the state level be it an across the board temporary increase in the sales tax or some other method not to address a problem in a very short-sighted manner by increasing the unequal - the inequity burden of any one community.

I will try to end on a more positive note. We had a terrific night the other night in an art show of children's art, children in our public schools from kindergarten through high school. The art which was

presented at the atrium of Cleveland Heights City Hall came to us through the collaboration of the PTA, the schools, the school board, and the Heights Arts Collaborative. In fact, all of the paintings - many of which and other kinds of art work won awards and all of which in each way is beautiful, will still remain here in the atrium and it is truly inspiring. We had quite a turnout and the enthusiasm was wonderful.

Having said that, it is now 9:17 p.m. and I will adjourn this meeting. We on Council will stick around if there are questions or comments from the public.”

Respectfully submitted,

Kenneth Montlack, Vice Mayor
Vice President of Council

Thomas K. Malone
Clerk of Council

/mwc