



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY, JUNE 5, 2006

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 5:10 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:03 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:13 p.m.

Mayor Kelley stated, "Welcome to our pre-Council meeting tonight. We are here to honor some of our fine young student athletes."

Edward Kelley, presiding

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

Council Members absent: None

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

Mayor Kelley continued, "We're going to begin with our Hockey League, Squirt B2 Tigers. I am going to read the proclamation, and I understand there are a number of coaches, and some of them are here and some of them aren't here and a number of players. So, I'll read the proclamation and I'll ask the young hockey players to come up and get their certificates and maybe one of the coaches or more would like to say a word or two about the season, and obviously, Council would like to chime in, because this is a special evening for us when our young student athletes come before us to get these awards for their accomplishments, not only on the ice but also in the classrooms. I will begin.

Whereas, the Cleveland Heights Hockey League's Squirt B2 Tigers, led by Jason Cort, Jim Kennedy, Ron Teodecki, and Earl Wynbrandt, swept through the season, dashing the competition and ending with a record of 11 wins, only one loss and two ties, and

Whereas, the Tigers finished the season in first place with a win over rival Shaker Heights, clinching the Cleveland Suburban Hockey League Squirt B2 Division Title; and

Whereas, the Tigers opened the CSHL City Playoffs as the number one seed, defeated Parma in the first round and advanced to the City Championship; and

Whereas, the team was victorious in defeating the second-seeded Tri-County in the championship and became the 2005-2006 CSHL City Playoff Champions;

Therefore, on behalf of the Council of the City of Cleveland Heights, I hereby issue this Proclamation of Congratulations to

The Cleveland Heights Hockey League's Squirt B2 Tigers Hockey Team.

The City of Cleveland Heights is proud to have such talent as part of its community. We commend the hard work and long hours you undoubtedly put into becoming a championship team. We look forward to many more great things from you as you climb the divisions of the Cleveland Heights Hockey League. Go Tigers!

Signed,
Edward J. Kelley, Mayor
Kenneth Montlack, Vice Mayor
Bonnie Caplan, Nancy Dietrich, Phyllis Evans, Mark
Tumeo, Dennis Wilcox, Council
Robert C. Downey, City Manager

I'm going to ask one of the coaches to come up and accept the proclamation for the team. You can give them a round of applause."

"The best thing I can say, is the kids worked hard, they had fun, they learned a lot."

Mayor Kelley asked the Coach to identify himself.

"I'm sorry. I'm Earl Wynbrandt, Assistant Coach. The kids had a great year. They had fun and that's what it's all about. Hopefully, they learned some life-lessons and they definitely improved through the season and we're real proud of them. They had a great season."

Mayor Kelley continued, "What I'm going to do is I'm going to call your name and if you are here, ask you to come and receive your proclamation and when I get done, I'm going to ask Council to comment about it, just spend a minute or two and say some great things about you and then we'll take

a picture of all of us together. We'll begin with Laurel Brown, Peter Century Hess, Ambrose DeRoberts, Richard Dial III, Richard First, Peter Jablonski, Toby Leahy, Tyler Litz, Joseph Pavelchak, Daniel Roberts Jr., Samuel Seidman-Eisler, Christian Teodecki, Kevin Turk, Ali Wynbrandt, Head Coach Jason Cort, Assistant Coach Jim Kennedy, Assistant Coach Ron Teodecki, and, Earl, there is one for you also."

Vice Mayor Montlack stated, "Congratulations. You did work hard. Congratulations to your coaches, and of course, to your parents, and your brothers and sisters. They all had a part in it. I'll say this once to everybody as I usually do, you're called student athletes and indeed that's what you are and for most of you that student part and the studying is going to be your road to success, so keep it up and remember all the great lessons that you learned and what you've earned through your wonderful work as you keep on going to school and to your careers."

Council Member Evans, "Congratulations. It's great that you're here, that we can say, 'job well done'. I know you not only had a great year, but it was filled with a lot of fun and you'll have a lot of memories for years to come. Congratulations."

Council Member Caplan, "Congratulations from me also. It's wonderful to work as part of a team and I think there are a lot of lessons in that, in learning how to do your own personal best, but also how to work with other people and it's a great lesson to learn for the rest of your life. So, congratulations to you. I'm glad you had fun. Winning is a lot of fun too and I hope you have a lot more wins in your future, but mostly keep your eye on the puck and sort of keeping your eye on the goal. Good for you. We're really proud of you."

Council Member Dietrich added, "I was a hockey mom also for a number of years and I know how hard you have to work. I know you have crazy hours, in fact, when my son played hockey, it was still in the days when we had the 4:30 in the morning practices and 5:45 in the morning practices. We'd wake him up at quarter of four in the winter. It was horrible and we did that for two years, but we got through it and then got to where he was a little bit older so his practices came at more reasonable times. When you have success and when you feel like you're part of something that's working well together, it makes all that hard work worth it. Congratulations."

Council Member Wilcox added, "I want to add my congratulations and just thank you for your hard work and I know you are going to carry that hard work over into your studies and your class work. I especially want to also thank your coaches and your parents and your teachers for giving you guidance."

Council Member Tumeo added, "I will also add my congratulations. I was actually a skater when I was younger, so I can appreciate what you've done. It is a fantastic thing, and remember when you win like this that a lot of people helped you get there and especially thanks to people who drove you back and forth to the skating rink for your practices."

Mayor Kelley added, "I just want to add the same thing that Council Members Tumeo and Wilcox said. When you go home tonight, thank your parents and your other siblings for putting up with your hours, your crazy schedules and making sure your uniforms were cleaned, your homework was done and there was a nice hot chocolate when you got home or when you got off the ice. We're very proud of you. Continue what you're doing and you can come back every year as long as you beat Shaker Heights as far as I'm concerned."

You want to come up front, we'll be more than happy to take a picture with you and the coach also. We're going to change things a little. If there are any parents here, we would like you to be part of the pictures too tonight, because it really is a team effort. So if there are parents here, come on up with us. We'd like to have you all here."

Pictures were taken.

Mayor Kelley continued, "Now, from the chilliness of the ice rink to the heat of the basketball court, we're going to begin with the Monticello 7th grade basketball team.

Whereas, the Monticello 7th grade boys basketball team learned the power of teamwork this past basketball season; and

Whereas, each player brought talent, passion and strength that were forces to be reckoned with when combined as one; and

Whereas, the Cardinals stormed onto the basketball court each game leaving opponents defeated; and

Whereas, the Cardinals' persistence in knocking each opposing team out of their way resulted in the team's undefeated season record of 14 wins and zero losses;

Therefore, on behalf of the Council of the City of Cleveland Heights, I hereby issue this Proclamation of Congratulations to

Monticello Middle School's 7th Grade Boys Basketball Team.

Your dedication and teamwork are both to be commended. And that's not to mention all of the time spent in becoming an undefeated team. The City of Cleveland Heights looks to next season to be just as thrilling and filled with victory. Congratulations for this accomplishment that most sport teams never see. Remember what it took to get there and charge ahead.

Signed,
Edward J. Kelley, Mayor
Kenneth Montlack, Vice Mayor
Bonnie Caplan, Nancy Dietrich, Phyllis Evans, Mark
Tumeo, Dennis Wilcox, Council
Robert C. Downey, City Manager

Is Mr. Cook here? Do you want to read them into the record and have your team come up?"

Coach Cook stated, "I guess as I was thinking of what to say about them, a couple things came to mind. Their work on the basketball court spoke for itself. They were outstanding. What people didn't get to see was a good two months prior to ever playing our first game all these young men attended study table daily with me after school and their work there resulted in, of the fourteen players I have, twelve of them increased their grade point average during the season. Two of them stayed the same and I think that speaks as much about the young men as their work on the court. I received multiple

accolades from opposing coaches, principals from other schools, just about the class and dignity that the young men brought on the court of representatives of their school and their city. I think they should be commended for that as well as their 14 and 0 record. As we are competing with a lot of things tonight, I do have a few players who are here that I would have them come up, Brian Burdine."

Mayor Kelley interjected, "I am going to ask Brian. I want to congratulate you because we see each other at the basketball court - you and my son for a few years. Why don't you go over there and tell me a little bit about your season and put you on the spot a little bit. I know your dad won't mind, he's never been bashful himself. Brian, how did they do, they probably put you as the point?"

Brian replied, "Yes."

Mayor Kelley asked, "Do you get a chance to score a little too?"

Brian answered, "Yes."

Mayor Kelley continued, "Double figures or nine/ten points a game. What did you have?"

Brian answered, "About nine."

Mayor Kelley asked, "It was a good season?"

Brian answered, "Yes."

Mayor Kelley asked, "Anything else we should know? Don't be so bashful. You're on tv now. Who is your favorite player?"

Brian replied, "Iverson."

Mayor Kelley asked, "Not LeBron?"

Coach Cook continued, "Next player we have is also our team captain, Cody Martin."

Mayor Kelley added, "Congratulations, Cody. Power forward? Tell us about your season. Did he give you the ball enough or was he a little bit of a hog?"

Cody stated, "To me he was an excellent passer. He had good court vision to me. Overall we had an excellent season. We had a good team and I hope we can keep it up next year."

Coach Cook stated, "Our third player this year is Eric Gray."

Mayor Kelley said, "Say a few words. You don't have the big guys push you around?"

Eric came up and added, "During the season, most of the time we had good times and sometimes we'd go to McDonalds after a win, and we pretty much just had fun and did the best we could."

Mayor Kelley asked, "Are you playing on an AAU team now?"

Eric said, "No, not now."

Mayor Kelley said, "You're taking it easy? All right."

Coach Cook stated, "I would read the names of those who are not here with us tonight. Jontavian Jackson, Zavier Kane, Fela Lockhart, Trevonte Murphy, Melvin Pitts, Devin Williams, Nadontez Holsey, Ricardo Baker, and we had two sixth grade managers, Stephen Griffin and Kojo Lockhart and that is your 7th grade basketball team."

Mayor Kelley said, "What we'll do, we'll do the same thing with the eighth grade and then Council will speak after the eighth graders and then I'm going to let our principal speak after that. Why don't we go through the eighth grade and I'll have Council speak, then we'll bring the seventh and eighth grade and the coaches up here all for a picture, so bear with me here. We'll move onto the eighth grade, coached by Mr. Pugh.

Whereas, the Monticello 8th grade boys basketball team took to the court for a basket ball season that was sure to be full and challenge and adrenaline-pumping excitement; and

Whereas, the Cardinals proved to be too much for the competition to handle by grabbing win after win after win; and

Whereas, the Cardinals continued success catapulted them to an undefeated regular season of 14 wins and zero loses; and

Whereas, the trend continued into the post season as the team became the undefeated Jr. LEL Champions with a record of three wins, zero losses;

Therefore, on behalf of the City Council of the City of Cleveland Heights, I hereby issue this Proclamation of Congratulations to

Monticello Middle School's 8th Grade Boys Basketball Team.

The City of Cleveland Heights salutes this most notable accomplishment, knowing that it is no easy feat. All of your hard work and determination paid off with remarkable results. Take that same passion with you in what ever you do in high school. You'll no doubt go far. Congratulations.

Signed,

Edward J. Kelley, Mayor
Kenneth Montlack, Vice Mayor
Bonnie Caplan, Nancy Dietrich, Phyllis Evans, Mark
Tumeo, Dennis Wilcox, Council
Robert C. Downey, City Manager

Congratulations. Is Coach Pugh here? I'll give you that, this is your proclamation. I'll give you these for those who are here and say a few words and take your time."

Coach Pugh stated, "Hello. I thank you for the honor to come. I'm sorry that no eighth grade players showed up, but we're competing with the Cedar Point thing that is happening tomorrow, the competition is steep. Every coach dreams of a season where they get the right mix of height and speed and talent and fortitude and enthusiasm. Usually I take twelve players, but this year I only chose ten and those ten players took us through the whole year. They were a great group to work with. They attended every practice. We had some very exciting games and I know Mr. Kelley will like this, we beat Shaker Heights twice, the first game was in the middle of the season and we won there and then the second game was for the LEL championship and we won that by about 7 or 8 [points]. I just enjoy representing Cleveland Heights in this way and I also look forward to the seventh grade team I am going to inherit next year and maybe, just maybe we can be up here doing it again next year."

Mayor Kelley interjected, "We're going to plan on it."

Coach Pugh continued, "I'm going to read the names of the eighth grade team, Terrance Aldridge, Aaron Ashley, Harry Briggs, Anthony Dailey, James Edwards, Derrek Jackson, Christopher Matthews, Milton Moore, Derrick Pulley, Amir Richardson, and of course, myself. Thank you."

Mayor Kelley said, "I'm going to ask our principal from Monticello, RenÈe Cavor, if she would like to say a few words?"

Principal Cavor added, "Thank you, Mayor Kelley, to the Council. As principal my heart is overflowing. This is the first time that we've ever had this type of opportunity and it's more than just about young men shooting basketballs. I hope that everyone heard that we were very proud of the academics because that is what it is all about. They are student athletes. We were able to maintain our study tables, GPA's went up, all students remained eligible. The one thing that I am very proud of is the system that we have in place at Monticello with regard to our athletics as we feed the high school. It is our goal that all of our young men and women, because our girls only lost two games, so they want to know, well we want to be honored, too. But, we want to continue the tradition here in Cleveland Heights. We have been a city that has celebrated state championships and just actually, just today, celebrating another one with lacrosse, so this is something that we're hoping we're starting, a mini-farm system in our middle schools. We are the only school in the area that runs 7th and 8th grade teams, but that's what it takes when you have as many young men coming out and young women coming out for this sport. You have to be able to service them, but again they are student athletes. I am so proud of all of them. I just do hate that this is the last week of school. Our 8th graders' minds are on the junior dance and the graduation and Cedar Point tomorrow and a lot of our 7th graders are playing AAU and baseball. We do thank you for the honor. As the principal, I am so proud and I couldn't do this or stand here if it weren't for the coaches that are there everyday. So Mr. Pugh, Mr. Cook, they are both teachers in the building and that is another thing that we pride ourselves on, that they are there, they are role models, they are friends, they're coaches, they're fathers, they fuss with the kids, they do it all and give tireless, endless hours to these young people, so I thank them and again, I thank you, Mayor Kelley and the Council for honoring us for this. Thank you."

Vice Mayor Montlack stated, "I can't - words really fail me in terms of how impressed I am by the comments I've heard from the coaches, and the principal with your academic priorities so well in mind. You have created winners, of course, along with the help from parents and others and teachers, but certainly, you are creating winners in life. Congratulations to you."

Council Member Evans stated, "It is my pleasure to congratulate you. You represented not only

your school, but you represented the city and as I understand you did a wonderful job. I sit here looking at young Burdine and remember when his father first taught at Wiley Middle School, his first year out, and you weren't even thought of. Here you are, a fine young man. Keep up the good work. Academics are most important, but it's also wonderful for you to hone your skills at whatever sports you enjoy, so keep up the good work, and hope to see you back here again."

Council Member Caplan added, "Congratulations. My children went to Monticello and Monticello has always had a special place in our hearts and it's always been a place where we could rely on the students to represent the school when they were out in the community in a wonderful way and I'm thrilled to hear that not only did you win and not only did you play well and keep your studies up but you also were good civic leaders. I think that, that is also a very important thing to take with you. You've learned a lot. You've learned about teamwork. You've learned about honing your own skills and you've learned about what it means to represent the school that you're from in a very special way. So, congratulations and thank you to the coaches and to the principal. It's always been a wonderful school and I understand it's still quite wonderful. So, that's great. Glad you're here."

Council Member Dietrich added, "Well, in listening to your coaches, the part that I was most proud of was to hear about other coaches - coaches from other teams talking about how dignified you are on the court. I think learning how to play with team spirit is one of the things that you'll carry with you forever. You'll win sometimes and you won't always win, but if you can do that with hard work and keeping up your spirit and being good sports, I think that's what will go far for you - onto Heights High, I hope, and to the boy that chose Iverson as his favorite - just keep saying what's on your mind - just because some people groaned at that, doesn't mean you shouldn't think for yourself. You have your own favorite and that's good. I also want to say that I do know your principal, Miss Cavor, and I know that she has high expectations of you and I am proud of you for meeting them."

Council Member Wilcox added, "It's quite an achievement, obviously, when two undefeated teams are here and a lot of times we like to emphasize the sports part of it, but I'm really impressed with your principal and your coaches and how much they have stressed the academic part of school life and how important that is. I know you've shown leadership both in the classroom and on the court and I have a feeling we're going to be seeing you back here many more times in the future. Congratulations, we're very proud of you and good luck on your future years."

Council Member Tumeo added, "My congratulations as well. You've made the entire city proud and it is a great credit to our school district and to your school in particular and as you move through - keep the grades up and as the VP and Dean at Cleveland State, I'll look for you playing for us in a few years."

Mayor Kelley asked, "Is that an offer or -? I see James, from our rec board, his son is a 9th grader at Heights, he might be ready to sign a letter of intent. Yeah, James? Trying to figure out how to work you into the conversation. I, too, want to just congratulate Monticello. By my calculations you won 31 games and lost zero. You probably wowed Shaker Heights 4 or 5 times between the two teams so that's good, but I really want to congratulate you. A lot of you, I've seen in our rec programs, some down at the community center, some of you played with and against my son in the various summer leagues. We've always had a good time and we've always put having fun first and academics first and that's really what it is all about. The wins will pile up day after day or week after week and hitting the study table is so important. Ms. Cavor, you know I am always there for you, just a phone call away. You've done great things at Monticello Junior High and you continue to do things, and it's not just the sports,

it's the whole attitude, the atmosphere, the discipline, the way the kids greet people when they come in, the whole idea of wanting to learn in that school - wanting to be a community. It is a model for the rest of the schools, not only in Cleveland Heights, but for around Cuyahoga County and around the State of Ohio. You do such a superb job. I'd be more than happy to sign your performance evaluation for you anytime in the near future. I'm really serious about that, because we met a few years ago when I first became mayor and I've been back a few times. I was back earlier this year when the people from Columbus came in. You do a great job and I don't think it is overlooked by this Council and I'm really proud of what you do and what you've been doing and continue to do right there in the middle of Monticello and Yellowstone and it shows time and time again. You surround yourself with good people and I am so happy you guys came tonight. I'm proud of these young athletes and as we said, some of you are going to move onto high school, some of you are going to move onto 8th grade next year, you have the whole future ahead of you, but the books come first and treating your friends and your neighbors and your teachers with respect is the utmost important thing. Your wins on the basketball court or the baseball - football - whatever you do will come there, just as James and his son - last year when we watched a few basketball games together, and you've got some great role models to reach out to, you've got some great coaches. Mr. Pugh, I see you at our community center all the time doing things with our young kids and stuff like that. So, you have some great coaches, some great role models and even if you like the Allen Iverson, I'll give you the benefit of the doubt for now, but maybe Damon Jones will get around here something. That's great. Again, congratulations, RenÈe, keep up the good work and I'm really proud of what you do day in and day out. If you all want to come up for a picture and the parents are here and the coaches, RenÈe, we'd like you to be part of the picture also as the principal."

Pictures were taken.

Mayor Kelley stated, "We're going to start the meeting from the beginning. Welcome to our regular meeting, June 5, 2006. Mr. Malone, would you please once again call the role."

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, May 15, 2006 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

Mayor Kelley added, "Before we move to item no. 4 [personal communication from citizens] I just want to add we have an addendum which is available with Mr. Malone under Planning and Development Committee which is Resolution No. 67-2006(PD), accepting the Dedication Plat of Severance Circle dedicating property abutting the ring road of Severance Town Center. I know Councilman Wilcox will talk a little bit about it when he reads it into the record, about what we did in making the road, the walking path and the bicycle lane there. We have one more that is an addition to our agenda and one that is not on the addendum, that came in later today and that is Ordinance No. 68-2006(PD), which is an Ordinance amending Ordinance No. 143-2004 authorizing the sale of City-owned property at 3372 Kildare Road. This is an issue, if someone would like to speak to us tonight, they should do so under

the next item of business, personal communication from our citizens. So, we have two additions to our agenda. One is formally on the agenda and the last one, Ordinance No. 68-2006(PD), having to do with the Kildare Road property which the city is moving off of holding onto and putting into the market place and getting a nice family involved living there. So, we now move to No. 4 which is personal communication from our citizens."

"My name is Stuart Klein. I live at 2488 Marlboro Road. I see a lot of old friends up there, fellows. Ken, I heard you say something that I never heard you say before and that was, 'words fail me'. Ed, condolences on your brother."

Mayor Kelley thanked Mr. Klein.

Mr. Klein continued, "Nancy, Mark, an old colleague of mine from Cleveland State. I'm here for one reason and that is to raise a question about the school closings and the lack of participation by Council.

I've been in the city for 34 years. Four of my children went through the system. Two of them still live in Cleveland Heights, one lives in University Heights, the other one taught at Roxboro for, I think it was two or three years, currently lives down in East Liverpool. So, I am a bonafide citizen of this city. I was on the school board for four years, president for two. I am disturbed by what is happening. A school was going to be closed. Well, I wonder how many of you feel that closing a school per se, doesn't matter where it is, but closing a school is good for this city? Anybody feel that it is a good thing to do? I take it by no show of hands that nobody feels that it's a good thing to do. My next question, and I hope you will inform me on this, why hasn't City Council enjoined the discussion?"

Mayor Kelley said, "Why don't we do this. Do you have a number of questions and I'm not trying to put you on a spot, but you're kind of shifting over to us. Do you have a number of questions or are these your two major questions?"

Council Member Evans interjected, "Because, we usually don't go back and forth."

Mr. Klein responded, "Those are the questions I have."

Vice Mayor Montlack interjected, "Can I -."

Mayor Kelley responded, "Sure, I'll let the Vice Mayor start off and I'm sure we'll all - - ."

Vice Mayor Montlack responded, "Just as a matter - I'm not going to answer the questions substantively at this minute. The personal communication from the citizens or from others is generally treated as a chance for a person to come up, state their questions or concerns and sometimes it is responded to at the end of the personal communications or perhaps as part of each individual councilperson's report, but we usually do not treat it as a running back and forth dialogue, because we have found that the orderly conduct of business is best served by doing it the way I set it out. But I think when you're done, and when the other personal communications are done, you will hear a response."

Mr. Stein replies, "Okay. That's fair enough. I'll wait then for that."

Mayor Kelley asked if anyone else wished to address or speak to Council, seeing no one, he

added, "Anybody wanting to address Mr. Klein's issues to the questions he raised? Go ahead, Councilwoman Dietrich."

Council Member Dietrich replied, "Having known Mr. Klein for years when he was on school board and I was president of Fairfax PTA, appeared before you for playground money, which he got [for us]. You know, when you say, is it a good thing to do? Is closing a school a good thing to do? I didn't raise my hand because I don't necessarily think it is a good thing to do. I think they have to do it. I think that sort of politically, they have to do it. There are so many people that every time a levy comes [around], really ask[ing] them [school board] in such detailed ways about the budget and about whether they're spending the money in the most efficient way possible, that, I think, they have to do it. [It] doesn't make it a good thing - it is a hard thing and I think they are facing a hard decision. As far as your second question about why have we not been involved, we actually have been involved. We did have a separate meeting with them specifically, so that we could address the issues that the public were getting to address. You know that their meetings are on Monday nights, our meetings are on Monday nights and some people may not know but we meet every single Monday night, so we never get to go to theirs. So that is why we had our own meeting with them, it was posted, it was open to the public, some press came. What we did not do, is say we think you should close this school or that school, and we don't think you should close this school or that school. We had a dialogue, the way the public had a dialogue, which is that we got to talk about the criteria that we thought was useful for them to look at in deciding this question. The third part of my response is that I think one of the hardest things to do when you sort of consider yourself to be a leader in your community or in your school district is to let the right people make the decision. You know, to sort of upstage them in a process that, "I don't think I'm going to like what the outcome is", but I approve of the process that they used. So I think that they went about this in about as good a way possible, given the lousy decision that they're going to have to make. The only way that I would think to criticize them would be if I thought that they weren't doing it right. I feel that we have been involved with them in talking to them, but we haven't come out and made a public statement. The other thing is, we all have our own loyalties. Almost all of us have had children go through the schools and have personal feelings, close personal ties to the schools that wouldn't really be good for the city as a whole for us to really choose our own school that we thought they should close. That's my response to you and I actually appreciate you asking us to get involved. I feel that shows respect and I'm glad for that."

Council Member Wilcox added, "I think it's difficult to sit up here and make a decision for the school board or tell the school board exactly how to make a decision. I mean, it ultimately is their decision, but in response to your question and I posed this question to the school board both at the public meeting we had here at City Hall and at the Lay Finance Committee for which I serve as the liaison for this council, and that is as they go through this process they should consider whether the benefits or the cost savings from closing a school are worth the negative aspects of that. I think the school board has made a decision, some time ago, that they are going to close a school and we can sit up here and talk about the validity of the data, the validity of the process, what alternatives there might be, but I think we, at least I have and I think others on this Council have continually raised with school board members when we've had the opportunity, to keep as an option at the end of the decision-making process, the option of not closing a school because of the cost benefit analysis that should be done once they actually look at the school that may be closed or that they may recommend to be closed. I again would repeat that, as something I think they should consider to do."

Council Member Caplan added, "And along with that, besides the public meeting, we are each of us, of course, residents in the community and certainly have a very large stake in the community and

we each live in different parts of the city, and in spite of loyalties, and I guess maybe you were here when the children from Monticello were here and [heard] my children went to Monticello and Noble, and yes I can breath a sigh of relief that Noble is off the table and isn't going to be one of the schools that's closed. I do think that there is a responsibility and I do hope and I have in private conversations with individual school board members talked about the other view, the additional view of looking at the community as a whole and that the responsibility is - yes financial, their responsibility is - yes of course, how do we educate the children in the most efficient, effective manner, but there is also a responsibility to the community as a whole, and what do we do for the community as a whole to keep us together as a community and in making a decision, if they must make the decision to close the school, which I also am concerned about if it is a must - to make a decision also paying attention to what that will it do to the fabric of the community - not just that particular community, but the fabric of the whole. I'm really quite concerned about that. We've had public dialogues, but as residents, just like everybody else, we've also talked to our representatives on the school board and I would venture to guess that each of us has done that in one way or another. Thank you for asking. You're not the first one who has asked and I'm tired of responding on e-mail to some of those questions, but thank you for asking."

Council Member Evans replied, "It was a wonderful letter that you had written and of course, we had heard that question before and we all knew that we had a meeting with the school board. I think one of the things that came out of that meeting was our - I don't know if I want to say encouraging - the school board to be more open, but we really did stress that it really was important to be as open as possible in their communication with our residents. I do believe that I agree with you, that it will be detrimental to the city when one of the schools is closed and we'll just be there to do what we need to do to support our residents and to continue to work towards continued growth and development of our city. All we can do is roll with the punches and they supposedly are the experts at this school business and keep our fingers crossed that everything turns out well. We will be there to do what we need as a council."

Vice Mayor Montlack responded, "First of all I agree with the comments that I heard from each council member and as Mayor Kelley pointed out, after the report of the meeting between the council people and the school board people, that the Sun Press article describing that meeting was incomplete and inaccurate in some regards. It was a meeting in which as diplomats often describe their meetings, there was a full and frank exchange. Diplomats always use diplomatic language.

I personally believe that we have not had enough public discussion of the analysis of the options as Councilman Wilcox indicated - the options to closing a school. By which I mean, the fiscal impact of closing off a part of a school or making some other compatible leasing arrangements and I have spoken individually with school board members on this and they have indicated that they really went through that part of the process. There has been a public process in which the criteria has been discussed and the public has been more or less polled on what criteria should be applied and everybody perhaps has a somewhat different take on that. I personally believe that it ought to be a continuing priority and should always have been such a priority going back 20 or some years that decisions should be made with a view to encouraging all parents to utilize the public schools. I think that as a community we suffer from a situation in which a substantial number of parents make the opposite decision. I think, frankly, when you were the president, Mr. Klein, of the school board, you recognized that aspect and if my memory serves me right were among the first to try and lead the way in that regard. I think that it should be said, frankly, that there was quite a bit of discussion regarding the school board's reasoning with regard to deciding as a preliminary matter almost, not to close Gearity, one of the rationales being that it was and is the only elementary in University Heights and I certainly have worked hard over the

years to have regional cooperation and inter-city cooperation, but I raise some questions as did others at the meeting with the school board in that regard. Having said all that, I still do come back that this decision is fully the responsibility of the elected representative school board members and we can and I think have raised our opinions and have that dialogue continuing with the school board. But, in the end the responsibilities are theirs."

Council Member Tumeo added, "You asked two questions, I would like to address the second one first. You asked about our involvement in the process and we've had several e-mails recently with a similar statement, why have we not been involved. Hopefully, you've heard here, that we have been, but just as a brief run thru, myself, I have not had children in the school district so I felt that I didn't have an axe to grind one way or another. We've always personally communicated as citizens with members of the school board. I completed one of the surveys. I am sure many of the other people on council did that. At every meeting that the school board has had, as you've heard, we've had our meetings, but we have had staff there and they have gone to the meetings. We've even participated. Several of the council members participated in the big public forums. We've had reports, at every Monday council meeting this subject has been on the table. We've discussed it. I've gotten every report personally, as has every council member that the school board has produced. We've read them. I've done more reading than I care plus personal letters and of course, correspondence. We did have a very public meeting and as you know me from CSU and I didn't shy from that here, I stated very clearly that I thought about things at the meeting and I was probably the capital F in the frank discussion of the frank and full discussion. All that being said, and you can go to that article to see what I felt about the process and I think that there should be a very clear look at whether or not it is worth closing the school. There is something that I think that we've all hinted at and the people that have come forward and said why aren't you doing something? There is a general feeling, I believe, with the people that we represent in Cleveland Heights, that if we step forward we'll be able to sway something differently and everyone of the people that has spoken to us wants us to do it in a specific way. I think that there is a very important statement of respect of the jurisdiction of the school board and if we come forward as the council and say we want x, y or z, the only thing we're doing is placing political pressure on individuals who are elected by a different contingency for completely different aims than what we are elected to do. While I have a clear opinion on it and I have been very frank and full in expressing that opinion, I think it is a great compliment to this council that we have done so in a way that did not in any way skew the process inappropriately."

Mayor Kelley added, "It's tough to go last among this group of talented people. As far as closing a school, Dennis Wilcox and I said it at that famous meeting we had - when it's over and done with, if you are only going to save a million dollars or so on a 90 million budget, when you've saved maybe or you've cut 10 million dollars out of the last few years, what are you really doing? And in the end, if you've saved this million dollars and November of next year you go for a levy and you lose the levy because of this, you've got to cut another six million dollars out of your budget, what have you really accomplished?"

About the last three or four weekends I've been involved with my sons at baseball and soccer and I don't watch much baseball or soccer, because I get picked on about this issue, whether it's the Roxboro parents, the Fairfax parents and the things I'm hearing, really tell me one thing. It tells me many things, but it tells me one thing in particular. Our public schools at this point in time have never been in a better position than they are now as far as the level of the schools, performance, and what people are doing.

What I don't like that is happening is this idea that we're pitting one school against another school as we dropped this school off or that school off and now we're down to five. We may be down to three or two or whatever the number is. So closing the school, I've come to the realization that if you don't have all the schools on the board, which they didn't have and we called them on it at our famous meeting, that we followed up - Councilman Wilcox and I went to Mary Jane Skala of the Sun Press with Mr. Nozar in the room, and called him on the article, and he is in a sense no longer on the beat. Gearity was not on the table and I think that's a big mistake, because I think Gearity should be considered. If I had to close a school, I'd close Gearity. You can put that in any paper you want. I don't have a problem with that because I think that's one area - some of the school board people tell me they don't want to get the Mayor of University Heights mad at them. She's mad at them every other year anyway. That doesn't bother me. She's probably mad at me, too. So, that's fine. I've come to the realization and I'll speak it and I'm on the record, that if you close a school and you save a million dollars and you disrupt what we call our neighborhood balance here, you've made a mistake and I think that's what they're doing now. Have we been in a discussion? We're always in a discussion. We talk to school board members we see and we called for this meeting. We get e-mails, we get faxes, we've been twisted, turned, depending what school district we're in, where we're at, where our kids are/aren't, what bus stop we're at, what restaurant we eat at. Are we involved? Sure we're involved. We've switched our meeting around. Some of us will be there tomorrow night, next Monday night. We're not meeting in particular so we can go to the meeting. The May meetings were set up in such a fashion that we couldn't go on May 1st and 15th because we had our meeting. The school board president sent us a meeting, 'Oh, by the way, the only time we can meet is on May 1st and 15th, because that's the only time our consultants could come to the meeting.' By me, that's a bunch of bologna. Your consultant works for you. You know that, Mr. Klein, from your experience. Am I a little upset with the process in what's happening? Yes. It's pitting one section of our community against the other and to me the process has been flawed. There have been some things - people have told me about the consultant that just doesn't make me feel comfortable over the last few weeks. It's hard enough to decide what school to close, but then they have all these scenarios now - who is going to go where - what's happening there? I think it's a little bit too much. I think the community needs to be able to adjust to what they are doing and why. Some of these figures - a million dollars - how do you know what is what? Upset about it? Absolutely, I'm upset about it.

Anyone else? Do you want to finish up with anything? I usually don't do it, but out of respect to you."

Mr. Klein responded, "Thank you, thank you. I'll be very brief. I am encouraged by what I hear in one sense, and that is that the decision to close the school, has not been one which you have embraced and that it perhaps is not off the table to keep all the schools. Because this is basically a political process and you see that unfolding every day. I hope that you'll continue to talk to the school board people. Encourage them to consider alternatives and I thank you very much for your detailed responses to my questions."

"My name is Angel Fasolo. I live at 3113 Edgehill. I hadn't planned on speaking tonight. I've been in contact with all of you, I believe, in the past couple of days. I'm sorry to have bothered you with the e-mails. I guess Mr. Klein kind of got me inspired to come up and just ask a few questions. Mayor Kelley, I appreciate the fact that you said that they were basically pitting schools against each other within our own community. And you are the Cleveland Heights council, and you see the schools within the community are basically competing with each other, and University Heights which - nothing you don't have any obligation to, respect the City of University Heights - we are in a partnership with them with our schools. But, it's okay for our schools to be fighting each other, while University Heights is just

untouched. I think that's kind of disappointing and I'm glad that you pointed out that our schools are fighting each other and it's really sad to see the fighting within. My questions are the reason I think that this is a council issue, it is a school board issue and I respect that we have elected school board members and they should be making the decisions about the schools, however, the reasons why I want you to consider this being your issue - do you feel it is going to impact the City of Cleveland Heights? If so, is it going to be a negative impact? And if so, is it then your job to speak out for it - about it? I asked you guys all last week about your involvement and didn't see the involvement. I'm starting to hear a little more, but we're the voters, we're the ones you're representing and in my community we don't really seem to know that you are speaking out about this issue. I can respect private discussion and private conversation, but we don't really know what's going on. So you have the fighting in the community. You have the confusion. We need somebody to tell us to put these things at ease. This is the turnout you get at a City Council meeting, so that is our fault, that is my fault for not coming until tonight. If you're relying on the Sun Press to do all the communication with the residents, I don't think that's going to be effective. We didn't really think you were there. I'm happy to hear some of these things, but I think you really need to realize that in the neighborhoods when people are walking up and down the street with their dogs, with their kids, out gardening, we don't think you're there. The last thing I want to ask is with regard to what Councilwoman Dietrich said about the loyalties. Now, understand I would have loyalties as well and I'd be in a really awkward position if I were in your shoes and I don't envy the position you're in, but there are a lot of decisions on council that I'm sure you have loyalties that get in the way of casting a vote. Can you really truly [end of tape]. You guys shouldn't speak out and let us know where you stand on some of these issues?"

Mayor Kelley responded, "Anybody?" One of the council members said something to the Mayor and he replied, "It's up to you? I think we pretty well did cover your issues. I got your e-mail. I didn't see it today. I had other issues. You know we've been involved. We've had meetings with these folks. We talk to these folks periodically. At my son's soccer game the other night, a resident, I believe he's with Roxboro, spoke to me the whole game. I missed my son scoring a goal because this issue was being done. My two sons play baseball and this is all we talk about. I get e-mails. I talk to Kim Wheeler about the hatch area almost 2/3 times a week. I'm sure everyone else is. I don't understand. I mean I could understand your frustration, but it seems like we're not there. I've got to be honest with you, this is one of the hardest working councils I've served on. This is one of the hardest working councils in Cuyahoga County. We don't take the summer off. I believe the City of Cleveland, for example, tonight is their last meeting for the rest of the summer. We're around. Most of us will be going tomorrow night to the meeting. We switched our schedule next Monday, [when] we're supposed to meet, so we can be there when they make their announcement. So I could see your frustration to some extent, but they're going to make the decision. We had a meeting with these folks. We told them what we felt. We told them we weren't happy that this school or that school was off the table, that all schools should be considered. Some of us spoke to school board members as early as last Friday and I know at least Councilman Tumeo and I did and he just got back from out of the country the day before, so I don't - "

Ms. Fasolo spoke out of range of the microphone and could not be heard clearly. Some of what she said is as follows: "They knew last year. They knew when they put Millikin at Gearity, they knew. They wasted money for this consulting firm to come in and ask questions. [Much was said from the floor and it was unclear on the tape.] You can make any survey in such a way that you get the response you want."

Mayor Kelley replied, "Absolutely, you can."

Ms. Fasolo continued although it was very difficult to understand as she spoke from the floor. "I wish I could have gotten involved from day one. But, I'm so frustrated. Uninformed [unclear]. I'm not going to say everybody. Why do we wait and pick up the pieces after the fact?"

Council Member Tumeo responded, "I said this in the e-mail to you and I want to encourage everyone who has been in this discussion and the article was, as Mayor Kelley has pointed out, not complete and inaccurate in many ways. I think one of the things that you'll find in that article that was true, was that all of us, but I was the point person with the sometimes more than frank wording, expressed that exact concern. That the decisions were made and the process - there's some problems. I think that the strongest emotion, if I can get it across to you, is as frustrated as you are now finding out, we are ten times more frustrated because we knew and called them on it and it still didn't make a difference. So if you want to talk about frustration, I'm right there with you."

Mayor Kelley added, "And lastly I'd say to you, what you just said to us, have you said to the school board in an open forum?"

The first part of Ms. Fasolo's response was unclear. The following was picked up on the tape, "tomorrow night."

Mayor Kelley answered, "You need to say it. The e-mails that you sent to us, you should send to them and expect a response from them. I'm serious. When I've talked to people and they've chewed my ear out about a-b-c and d. [I ask] have you done that to the school board [and they respond], 'Oh, I can't do that to the school board. That might effect the decision of my school or I'm not that type of person.' I say to them, you've cornered me. I've missed my son's soccer game for 55 minutes, but you can't put a 2 or 3 paragraph [together] or pick up the phone and call the person that's making that decision. If you feel as strongly as you do with your e-mails to this city council, what you just got up to say, you seem to be maybe a little bit of a shy person or you got up after Mr. Klein got up, you need to go do that at a board meeting. You need to make your point. You're going to feel better. You're going to call 'em on it right, wrong and indifferent and people are doing it. Nancy and I and rest of this council, we watch the meetings. We do not have a shy community. If you think the process is flawed or they are not taking this in [unclear] or the decision was made a year ago or whatever or there is going to be ramifications. You need to say it. You need to get in their faces or send e-mails, because when the situation is different and we're doing something here and people don't like it, they let us know and they show up in this room. It's been full before with people. Hopefully, we'll see you tomorrow night. We're going to move on unless someone else wants to speak to us."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have no formal report this evening."

DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that four 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. 3102(a) Cleveland Heights Realty, LLC, 1415 Warrensville Center Road, sign regulations; BZA Calendar No. 3102(b) Cleveland Heights Realty, LLC, 1415 Warrensville Center Road, sign regulations; BZA Calendar No. 3103(b) Deborah Glosserman, 2424 Derbyshire Road, accessory use regulations; and BZA Calendar No. 3104(b) The Coral Company, Court-

yards of Severance, sign regulations. Your Honor, I need to make these a matter of record.”

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

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, “Thank you, your Honor. I’d like to present Ordinance No. 45-2006(PSH), amending and enacting a new Chapter 1301, *Residential Building Code of Ohio for One, Two and Three Family Dwellings*; requesting certification from the Ohio Board of Building Standards to enforce said Code; repealing existing Chapter 1301; and declaring an emergency. The purpose of the Residential Building Code of Ohio, 2004 Edition, is to provide minimum standards to ensure that all one (1), two (2), and three (3) family dwellings or parts and appurtenances thereof shall be constructed, erected, equipped and maintained so as to be safe and sanitary for their intended use and occupancy. This is a huge document that is on file with our Clerk of Council, the office of the Commissioner of Building and there is also a copy at our Cleveland Heights library.

So, those of you who really have a real interest in it I encourage you to go get it and read it and you can understand why it’s necessary for us to present this type of an ordinance. I’d like to present Ordinance No. 45-2006(PSH), Second Reading, for passage tonight.”

Mayor Kelley accepted Ordinance No. 45-2006(PSH), Second Reading.

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

Nays: None

Ordinance passed

Council Member Evans continued, “Next is Ordinance No. 46-2006(PSH), Second Reading, amending Section 1315.01, “Composition”, of Chapter 1315, “Board of Building Code Appeals”, of the Codified Ordinances of the City of Cleveland Heights to provide for the members of the Architectural Board of Review to serve as the Board of Building Code Appeals; and declaring an emergency. The existing part titled, “Composition”, the board was made up of the City Manager as the Chairman, the Director of Law and the Chairman of the Public Safety and Health Committee and it will be amended to have just three architects that are registered within the State of Ohio to be members of this board of Building Code Appeals. Unless otherwise provided by this Council, the members of the Architectural Board of Review appointed pursuant to the Codified Ordinance Section 1313.01 shall also serve as the Board of Building Code Appeals. In the absence of one or more members of such Board of Building Code Appeals, the alternate member(s) of the Architectural Board of Review may serve as alternate member(s) of the Board of Building Code Appeals. I’d like to present Ordinance No. 46-2006(PSH), Second Reading for passage.”

Mayor Kelley accepted Ordinance No. 46-2006(PSH), Second Reading.

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

Nays: None

Ordinance passed

Council Member Evans continued, "Next, is Ordinance No. 58-2006(PSH), amending Subsection (b)(7) of Section 509.03, "Disorderly Conduct; Loud Noises; Intoxication," of Chapter 509, "Disorderly Conduct and Peace Disturbance," of the Codified Ordinances of the City of Cleveland Heights to prohibit the use of all power-driven landscaping equipment between the hours of 9:00 p.m. and 7:00 a.m. within 300 feet of a dwelling; and declaring an emergency.

Many of you may well realize that for many years now we have had the lawn mower ordinance on the books, but with all this more modern noisy equipment that people need to keep their yards clean or pretty or what ever it is that they need to do, this new ordinance will be amended to include landscaping equipment and reads: *The operation of any powered lawn more, leaf blower, edger, chainsaw or similar power-driven landscaping equipment within 300 feet of any dwelling before 7:00 a.m. and after 9:00 p.m.* I would like to present Ordinance No. 58-2006(PSH) for passage."

Mayor Kelley accepted Ordinance No. 58-2006(PSH).

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

Nays: None

Ordinance passed

Council Member Evans continued, "It is always a pleasure to present a resolution such as this, Resolution No. 59-2006(PSH), authorizing the City Manager to accept Homeland Security grants from Cuyahoga County on behalf of the City of Cleveland Heights; and declaring an emergency. The City of Cleveland Heights has received emergency equipment for the Police, Fire and Public Works Departments from Cuyahoga County through the State Homeland Security Grant program. From 2003 grants, they total \$12,872.07 and from the 2004 grants, they total \$862.69. This is a memo dated May 26, 2006, which copies are on file with the Clerk of Council. So it is our pleasure to give the City Manager an opportunity to accept these funds. I would like to present Resolution No. 59-2006(PSH) for passage."

Mayor Kelley accepted Resolution No. 59-2006(PSH).

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

Nays: None

Resolution passed

Council Member concluded, "This does conclude my report, but I do hope that there will be a good number of people at that meeting tomorrow. Angel, I hope you have an opportunity to see to it that your neighbors are there so that your part of the community is well-represented and I might see you there tomorrow. Thank you. That concludes my report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "Thank you, Mayor Kelley. I have no legislation tonight, but I want to tell everyone that we are getting ready to go through another round of appointments for boards and commissions to the Administrative Services Committee. So, if you are interested, please contact the city, get your application in, we have some slots open and it is a great way to get involved. So, Angel - you're interested, you might look into that. Thank you."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich added, "Thank you. I also have no legislation, just a few announcements. It sure is summer, because Cumberland Pool is opening this Saturday and people will find new partitions in the women's locker rooms, freshly painted doors and windows, soon to grow trees at the baby pool, repainted lap lanes, and a word about safety that almost all our head guard positions are filled by adults who are Cleveland Heights' residents, so that shows a commitment on their part.

Another sign of summer, is that Thursday, June 15th, is the first Coventry Street Fair and that's also the date that the farmers' market opens at Coventry. From then on through the summer, farmers' market will be at Coventry every Thursday night from 6:00 to 9:00.

Another thing that's opening that I talked about a couple weeks ago, so I'm not going to belabor it, is Cain Park and the thing that I want to say about that is that for those of you who live in the neighborhood of Cain Park, you know we do know that there's lots of traffic there when we have shows. There is more noise around your houses, and you should have received in the mail our thank you, apology for that, which is two free passes to both of the shows, Kiss me Kate and Hair. I guess you don't receive them in the mail, you receive a coupon in the mail that allows you to go and pick up your tickets at the box office. That's where it's at. So we hope you take advantage of that and thank you for your patience with the season.

A couple things that have happened recently that I just wanted to mention, a run was held this past Sunday at Forest Hill Park for the benefit of United Mitochondrial Dystrophy Foundation and 500 people raised over \$200,000 for that charity by running and walking in Forest Hill Park. So that was a big success. I remember when we would have runs that would make \$200 and we thought that was good.

Finally, I want to tell you about something that I heard about a couple of days ago, a woman, Bonnie Lundgren, who lives in the Roxboro area, who happens to be on the board of the Judson Retirement Community, has been doing something with Heights High and Judson Park for several years that nobody knows about, apparently. She's actually tried to have it in the Sun Press and it hasn't been picked up. She has organized - this year it was 80 students from Heights High, who are going to the prom, dressed in their prom gowns and tuxedos or whatever the boys wear (I'm not sure they wear tuxedos) who went to Judson Park right before prom. The residents dress up in their best clothes and they sort of have their own little pre-prom party with the Heights High kids and the Judson Park residents. This is just put together by this woman out of the goodness of her heart and it's one more of those great things that is happening in Cleveland Heights that I just think that everybody should know about it. Thanks, Bonnie, for doing that. That's all that I have."

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There are three pieces of legislation, they all relate to distribution of block grant funds. Just to remind you quickly, the block grant budgets with the distributions or I should say the results from the hard work of the CAC, the Citizens Advisory Committee for Block Grant funding, and then the assist of the City Council and the budget is then discussed and passed in the fall of each year. So, these distributions and the legislation for that, comes around this time of year - in the middle of summer - results from and simply confirms the decisions in most cases that were previously made. For that reason I am going to go with the kind of dispatch that

Mr. Klein would have loved to see me take all the time.

Resolution No. 60-2006(F), authorizing the City Manager to enter into an agreement with the Center for Families and Children, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with its FAME (Fun After-school Methods of Enhancement), and its Pinpoint Program at the RapArt Center; providing compensation therefor; and declaring an emergency. The amounts for the two programs are Ten Thousand Dollars (\$10,000.00) for the Fun After-school Methods of Enhancement ("FAME") program, and Twenty-six Thousand Dollars (\$26,000.00) for the PINPOINT Program, for a total grant of Thirty-six Thousand Dollars (\$36,000.00). In each case for the legislation I'm reading a more complete description of the program is attached to the legislation as Exhibit A. Resolution No. 60-2006(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 60-2006(F).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Resolution No. 61-2006(F), authorizing the City Manager to enter into an agreement with the Heights Community Congress, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with its programs to promote integration and fair housing; providing compensation therefor; and declaring an emergency. Resolution No. 61-2006(F) is presented. I will mention that the amount involved is Twenty Thousand Dollars (\$20,000.00) and it's presented on first reading for passage."

Mayor Kelley accepted Resolution No. 61-2006(F).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Finally, Resolution No. 62-2006(F), authorizing the City Manager to enter into an agreement with the Noble-Nela Merchants Association, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with the administrative costs of the Association and its activities; providing compensation therefor; and declaring an emergency. The amount from the already decided budget as I already stated is Eight Thousand Dollars (\$8,000.00). Resolution No. 62-2006(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 62-2006(F).

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

Nays: None

Resolution passed

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have several pieces of legislation and in the interest of aging I'm going to put on some reading glasses. Ordinance No. 63-2006(MS), is the first one that I have. I have two that are very similar 63 and 64 and are both purchasing equipment using the Ohio Department of Administrative Services Cooperative Purchasing Program. I will read more in one than the other since they are quite similar except for equipment purchase. The first is Ordinance No. 63-2006(MS), authorizing an agreement with International Truck and Engine Corporation for the purchase of a new International 4700 4x2 truck for the Public Works Department through the Ohio Department of Administrative Services Cooperative Purchasing Program, and authorizing the purchase of a dump body, snow plow and other accessories from other sources; providing compensation therefor; and declaring an emergency. The City has determined to purchase a new truck for the Public Works Department; and the Ohio Revised Code Section 125.04 authorizes municipal corporations and other governmental entities to purchase supplies, equipment and services through the Ohio Department of Administrative Services Cooperative Purchasing Program without obtaining competitive bids. This Council participates in this program; and the City Manager has determined that the selected vehicle may be purchased through this State Cooperative Purchasing Program at a lower price than could be obtained through bidding. Therefore, it would be in the City's best interest to purchase this vehicle and it would be most economical to purchase the dump body, snow plow and other necessary accessories from other sources. The City Manager is hereby authorized to enter into an agreement with International Truck and Engine Corporation for the purchase of a truck for the Public Works Department. The agreement shall provide for the purchase of a new International 4700 4x2 truck at a total cost of Fifty Three Thousand Nine Hundred Eighty-Four Dollars (\$53,984.00). The City Manager is further authorized to purchase a dump body, snow plow and other necessary accessories from other vendors at a total cost not to exceed Sixty One Thousand Dollars (\$61,000.00). The City reasonably expects that the cost of such expenditures will be paid with proceeds from the City's issuance of tax-exempt notes or bonds in a principal amount that is not anticipated to exceed One Hundred Fifteen Thousand Dollars (\$115,000.00). Notice of passage shall be given and this Ordinance shall be passed as an emergency so I offer Ordinance No. 63-2006(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 63-2006(MS).

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

Nays: None

Ordinance passed

Council Member Caplan continued, "Thank you. Now I have Ordinance No. 64-2006(MS), for the purchase with the same program, the Ohio Department of Administrative Services Cooperative Purchasing Program, authorizing an agreement with Valley Ford Truck Sales, Inc. for the purchase of a 2006 Ford F350 cab and chassis for the Public Works Department through the Ohio Department of Administrative Services Cooperative Purchasing Program, and authorizing the purchase of a dump body, snow plow and other accessories from other sources; providing compensation therefor; and declaring an emergency. It is less costly to do it through this program than through bidding. Therefore, the City Manager is authorized to enter into an agreement with Valley Ford Truck Sales, Inc., for the purchase of a truck and the agreement shall provide for the purchase of 2006 F350 cab for a total cost of Twenty Nine Thousand Eight Hundred Seventy-Five Dollars (\$29,875.00). We're going to get another dump body, snow plow and other necessary accessories from other vendors

at a total cost not to exceed Sixteen Thousand Dollars (\$16,000.00). We're going to pay for these expenditures with the issuance of tax-exempt notes or bonds in a principal amount that is not anticipated to exceed Forty Six Thousand Dollars (\$46,000.00). Notice of passage shall be given and this Ordinance shall be passed as an emergency so I offer Ordinance No. 64-2006(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 64-2006(MS).

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

Nays: None

Ordinance passed

Council Member Caplan continued, "Thank you. Now I have another one and this is Resolution No. 65-2006(MS), and I love that I'm reading this. I love to talk about recycling and protecting our environment and this is a Resolution authorizing the City Manager to submit an application to the Northeast Ohio Areawide Coordinating Agency ("NOACA") for a grant for replacement of diesel engines in City-owned vehicles to reduce emissions; and declaring an emergency. The United States Environmental Protection Agency ("EPA") considers diesel exhaust a significant health problem across the United States, with short-term exposure exacerbating asthma and allergy symptoms and long-term exposure contributing to a variety of respiratory illnesses, including an increased risk of lung cancer. There is funding available through the NOACA for diesel-emission reduction projects, including fleet-retrofitting.

And in fact, we've done this before and we've gotten a grant and have retrofitted several diesel trucks.

Therefore, this City Council authorizes the City Manager to submit an application to NOACA for grant funds in the sum of Forty Thousand dollars (\$40,000.00) for the replacement of diesel engines in City-owned vehicles, and to comply with all terms of the grant, if awarded, including the provision of twenty percent (20%) matching funds. The grant application and all related documents shall be approved as to form by the Director of Law. Notice of the passage of this Resolution shall be given. I offer Resolution No. 65-2006(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 65-2006(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. Now my last resolution may seem a little odd considering the time of the year and this is Resolution No. 66-2006(MS), authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation for participation in the Department's contract for the purchase of sodium chloride; providing compensation therefor; and declaring an emergency.

If you don't know what that is, this is what we use to get rid of the snow in the winter. Maybe we just won't think about that but I guess we have to.

The Ohio Revised Code provides the opportunity for political subdivisions to participate in contracts of the Ohio Department of Transportation ("ODOT") for the purchase of machinery, material,

supplies or other articles; and the City does participate in that plan. It would be in the best interest of the City and its residents to enter into an agreement with ODOT to participate in the Department's contract for the purchase of salt for the 2006-2007 winter season. Therefore, be it resolved that the City Manager is authorized to enter into an agreement, as agent for the City, to purchase sodium chloride for the 2006-2007 winter season. The agreement shall be for a one year period, and the City shall purchase between 50% and 150% of the estimated salt tonnage of 10,000 tons; the City shall be bound by the terms and conditions of ODOT's contract with the successful bidder / vendor; the City shall be responsible for payment directly to the vendor for quantities purchased under the contract; and the City shall hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in the contract. Notice of the passage shall be given and this Resolution shall be passed as an emergency measure. I offer Resolution No. 66-2006(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 66-2006(MS).

Council Member Tumeo commented, "I just want to point out for the record that we did discuss the alternatives to salt because of the potential environmental impacts of using salt and I want everyone to know that we do use other de-icers where they are appropriate and cost-effective for the safety of the public. So I just wanted that entered into the record."

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

Nays: None

Resolution passed

Council Member Caplan concluded, "Thank you. That's all the resolutions that I have tonight. I do have a few comments. One, I'd like to comment to Angel, I'm sorry that you thought I didn't like getting e-mails and that I find them bothersome. Actually, I do not. I love hearing from the members of our community. Occasionally, however, we get lots of them. It's not occasionally, it's every day we get lots of e-mails and it is very hard to write more than some sentences. It's very hard to write paragraphs to each and every person who has written. People write about all kinds of things including the schools and we've been hearing from lots and lots of people about the schools. Sometimes I feel like there is an organized campaign from one particular school or another and in fact I think there is. But, none the less, it's very effective. It does make us pay attention and as you heard we certainly have been paying attention. People write about all kinds of things. Sometimes they're personal and need a response, sometimes they're about a general community thing and I think as it's turned out and I've seen profusion since we've been on council that it used to be people wrote letters and then they use to telephone and now both of those are not used nearly as often as e-mails. But, I can frequently get 30 to 50 e-mails a day from about something in the city. It's a lot of e-mails to respond to, especially when we don't have offices and secretaries and all the rest of that. I love hearing about it. It keeps me paying attention to what's going on in the community and I think that's true for all of us.

The only other comment I'd like to make since we talked about snow is talk about leaf cleanup and grass cutting. You know it's rained a lot, it's been hot, the sun has been out, and then it's rained some more and the grass has been growing. The city is wonderful about picking up your grass clippings, but you do need to put them into those paper Kraft bags. If you put them into plastic bags, first of all they can't be recycled. We can't recycle those kinds of plastic bags. Please pay attention to how you put out those bags and if the city does pick them up as a favor to you, in fact, you will get a bill for it usually. You'll get a warning probably the first time and then we will charge you for that. If you want to put out your clippings, we're happy to pick them up. Please do it appropriately. If you have a

landscaper, don't let them leave a mess. Don't let them blow your debris into the street for the city to clean up. It's not attractive. So when they leave and your lawn looks really quite nice, it makes a mess for other people. It's really terrible for the sewers. All of that stuff goes down into our sewers and ultimately into the water. If you fertilize it's really not good for the water system. In trying to make us look good, also think about how it effects something outside of your own piece of land. We're looking good. The city looks fabulous. The flowers are hanging from the baskets all around the city and everybody seems to be doing their part as has mother nature. That's all I have tonight. Thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are several pieces of legislation, but the first item on the agenda are the four resolutions from the Board of Zoning Appeals and Councilwoman Dietrich attended the meeting on May 17 and she will read these."

Council Member Dietrich stated, "There are four of them and the first is BZA Calendar No. 3102(a) Cleveland Heights Realty, LLC, 1415 Warrensville Center Road, in an C3 general commercial district. For those of you who want to know what this is, it is the EZ storage building on the corner of Warrensville where it meets Noble. They have requested a variance from the sign regulations to permit a 40.2-square-foot commercial identification sign mounted on the side of the building. The Zoning Code requires that you mount identification signs only on the facade that faces the right-of-way. The Board of Zoning Appeals voted unanimously to grant this variance. It is interesting because I just noticed that one of our League of Women Voter reporters is here, when I said it was EZ Storage, she looked at me, 'Like, I don't know that', and that's the reason why they are having this sign variance because they built this really quite lovely building there on Warrensville. It doesn't look anything like a storage facility. They put a good bit of architectural detail on the facade, leaving a really good place to put their sign on the front. They really did what a city would want them to do and made quite a lovely architectural building that I feel very proud of having as a storage facility in our city, but they now were granted this variance so they have signs that will be visible from either direction that you approach.

They are required to do construction within 12 months of the date of approval. I offer BZA Calendar No. 3102(a) for approval tonight."

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, "Now I have BZA Calendar No. 3102(b) which is the same applicant, Cleveland Heights Realty, LLC, 1415 Warrensville Center Road, the same EZ Storage building and this request was for a variance to permit 4 commercial banners mounted on the front of the building. Our Zoning Code does not permit banners. The Board of Zoning Appeals also voted unanimously to grant this variance for the same reason because of the lack of signage that the front of the building allows. So, these would be 4 commercial banners mounted sort of perpendicular to the building sticking out and that it would be completed within 12 months of the date of approval.

This is very unusual and I hope I am doing this in the correct way, but I am going to move that we deny this variance. Should I state the reasons for that or should we state our own, because we'll be

voting the opposite way, actually? I mean people would be voting yes to disapprove.”

Mr. Gibbon replied, “You have a motion to not approve it and it’s certainly appropriate to state your reasons.”

Council Member Dietrich continued, “I think we all probably have slightly different reasons.”

Second by Council Member Tumeo.

Mayor Kelley reiterated, “BZA Calendar No. 3102(b), there is a motion to deny by Council Member Dietrich, second by Council Member Tumeo.”

Council Member Dietrich stated, “I am going to explain why to deny this motion. We have often been asked that groups or retail operations be allowed to display banners. Publicly, we’ve been really strict about that and we have sometimes allowed non-profit organizations like the PTA or something to display a banner for a short time, maybe a weekend or even sometimes a week for a festival. In this case, the BZA was sort of looking at these as art objects. I fear that the fact that we have denied others a similar kind of thing says that we should look at this as a whole issue before we set a precedent like this, so that’s why I am making a motion that we deny this variance.”

Council Member Tumeo added, “I seconded it for the same reasons and also I want to point out that this was brought before the BZA before we changed the sign ordinance to allow projecting signs, and therefore, if they want to put up signage that will help them to identify that building that would be the much more appropriate way, within the ordinances, as opposed to this variance.”

Mayor Kelley again reiterated, “Yes vote, does deny the variance to BZA Calendar No. 3102(b).”

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

Nays: None

Resolution denied

Council Member Dietrich continued, “Now, I have BZA Calendar No. 3103(b) Deborah Glosserman, 2424 Derbyshire Road, in an MF-3 multifamily district. She lives at the Brownstones of Derbyshire, which is the new condo development that has the red door church as part of it. She does not live in the church part of it and she asked for a variance to permit a 5-foot-tall, 35-foot-long bronze aluminum fence (sort of a wrought iron looking-fence) with 3-foot extensions on either side extending back toward the house at a 45-degree angle. The Zoning Code provides for a maximum fence height of 3 feet in a corner-side-yard. This is her second time to try to get a similar variance. She had an application denied last month for something fairly similar but this is a change in the design that seemed to architecturally fit in better. The Board of Zoning Appeals voted 4 to 1 to grant this because that property is unique in that Ms. Glosserman’s unit is the only one in the Brownstone development that has a side wall and a patio facing a public sidewalk. The other patios are all towards the back. Her patio, is in fact, only 3-feet away from the public sidewalk. It is a busy intersection and there have been several times when people don’t seem to realize that it’s private property and have actually looked in her windows and have sat on her patio furniture. Another reason that the BZA voted for this variance is that the design of this fence is very open - it’s very transparent. She plans to put landscaping on either side and the variance is in fact conditioned on the landscaping being installed as shown by her plans. I offer BZA Calendar No. 3103(b) for confirmation.”

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, "Finally, BZA Calendar No. 3104(b) has been sitting here for a long time. It's hot in here. This is in regard to the Coral Company, Courtyards of Severance, in an S1 mixed-use district. They requested a variance from the sign regulations of the Zoning Code, to permit (5) 4' x 8' freestanding construction signs facing Mayfield Road, one of which would have their logo on it and the website and four of which would be pictures of the interiors of the model unit. The Zoning Code requires up to 24 square feet of construction signage so this would be quite beyond that. The Board of Zoning Appeals voted 3 to 2 to grant this because of the fact that the site on which the Courtyards are built is so large and deep, has no entrance off of Mayfield Road and limited visibility from Mayfield due to the buffer of trees and shrubs so it is hard for people to know, that in fact, there are things in their for sale. This permit was conditioned upon removal of the sign within three years and construction shall be completed within 6 months of approval of the resolution by Council. I offer BZA Calendar No. 3104(b) for confirmation."

Second by Council Member Caplan.

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

Nays: None

Resolution confirmed

Council Member Wilcox continued, "I have two resolutions and the first one - they're both on the addendum to the agenda. The first one Ordinance No. 67-2006(PD), accepting the Dedication Plat of Severance Circle dedicating property abutting the ring road at Severance Town Center; and declaring an emergency. As you recall, several years ago improvements were made to the Severance Circle Drive, making it a public roadway with sidewalks, landscaping, etc. This was paid for by special assessments primarily from the property owners plus a city contribution. This is one of the final things needed and that is to file this Dedication Plat. In 2003, the property owners, certain property owners agreed to dedicate portions of their properties abutting the ring road at Severance Town Center to the City for necessary public improvements to the ring road and those have been completed. The City, by this Ordinance, accepts dedication of such property as indicated on the Plat. Section 1 provides that the Council approves and accepts the Dedication Plat of Severance Circle, a copy of which is on file with the Clerk of Council, dedicating certain property abutting the ring road at the Severance Town Center. I offer Ordinance No. 67-2006(PD) for passage."

Mayor Kelley accepted Ordinance No. 67-2006(PD).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, "Next, I have Ordinance No. 68-2006(PD), amending Ordinance No. 143-2004 authorizing the sale of City-owned property at 3372 Kildare Road; and declaring an emergency. By Ordinance No. 143-2004 this Council authorized a lease-purchase agreement with Ken-

neth and Chesca Hadden (“Haddens”) whereby Haddens would renovate and return to the market-
place a City-owned single family house at 3372 Kildare Road.

I should point out that the city had owned this property for quite some time and obviously it was
a benefit to have some one come forward and be willing to renovate that property and the Haddens
have successfully completed the renovation at their expense and found a purchaser for the home. How-
ever, due to the FHA regulations it is necessary for the City to transfer title directly to the purchaser.
Section 1 of this Ordinance provides that Ordinance No. 143-2004 is amended to authorize the City
Manager to amend the City’s lease-purchase agreement with the Haddens to provide that the City shall
transfer title at 3372 Kildare Road to George and Teresa Booth at a purchase price of One Hundred
Thirty-eight Thousand Dollars (\$138,000.00) and out of that the City will be paid Seventy-five Thou-
sand Dollars (\$75,000.00) from the sale proceeds, minus prorated taxes and assessments. The remaining
proceeds will be distributed to the Haddens for payment for their work and cost in renovating the
property. I offer Ordinance No. 68-2006(PD) for passage tonight.”

Mayor Kelley accepted Ordinance No. 68-2006(PD).

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

Nays: None

Ordinance passed

REPORT OF THE MAYOR

Mayor Kelley stated, “I do not have a report tonight. I think we spent enough time tonight and
did enough good things with the hockey and the basketball teams, and I think Council’s feeling about
what’s ahead for the school board in our community is quite clear to you.

Our next meeting will be Monday, June 19, 2006. We are adjourned at 9:09 p.m. Thank you for
coming.”

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc