



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY, JUNE 19, 2006

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:10 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, Malone, Mannarino, Niermann
O'Neil, Ruane, Wagner, Wong

Topic of discussion included general information pertaining to the City Manager's weekly memo. Representatives of utility and cable companies attended regarding the proposed Ordinance No. 32-2006(MS) re: right-of-way legislation. David Harbarger spoke on behalf of the utility and cable companies.

Council Member Wilcox moved to adjourn into Executive Session at 7:05 p.m. Second by Vice Mayor Montlack.

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, Wagner, Wong

Topic of discussion included potential litigation.

Executive Session concluded at 7:08 p.m. and also concluded Committee of the Whole.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:18 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

Mayor Kelley stated, "We're going to jump ahead to our special part of the meeting tonight. It is my great honor and Council's great honor and the city staff's great honor to honor the Cleveland Heights High School Girls' Lacrosse Team. But, in complete honesty we've been watching you for many years and many exciting, I believe, second place finishes. So, tonight it is our great pleasure to honor you for your first place finish and your state championship. Let me begin by reading the proclamation for the team. The proclamation states:

WHEREAS, THE CLEVELAND HEIGHTS HIGH SCHOOL GIRLS LACROSSE TEAM, LED BY HEAD COACH TERRY SAYLOR AND ASSISTANT COACH CARLA WILLIAMS, BROUGHT INTENSITY, DETERMINATION, AND CONFIDENCE TO A SEASON THAT HAD THEM FACING A SLEW OF FORMIDABLE OPPONENTS; AND

WHEREAS, THE LADY TIGERS EMBRACED THE CHALLENGES THE SEASON BROUGHT, FORGING TOWARD THE ULTIMATE GOAL: THE STATE CHAMPIONSHIP TITLE; AND

WHEREAS, SUCH TENACITY PROPELLED THE TEAM TO THE FINAL FOUR, WHICH IS THE PLACE TO WHICH THE TEAM HAS TRAVELED FIVE YEARS OUT OF THE PAST SEVEN; AND

WHEREAS, THE TEAM WAS TRIUMPHANT IN CLINCHING THE STATE CHAMPIONSHIP BY DEFEATING COLUMBUS ACADEMY;

THEREFORE, ON BEHALF OF THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, I HEREBY ISSUE THIS PROCLAMATION OF CONGRATULATIONS TO THE

CLEVELAND HEIGHTS HIGH SCHOOL GIRLS LACROSSE TEAM

HAIL TO THE CHAMPS, INDEED. THIS HAS BEEN A SEASON TO REMEMBER. YOU ARE ALL FINE EXAMPLES OF THE EXCELLENCE FOR WHICH CLEVELAND HEIGHTS IS KNOWN. TO THE COACHES, THANK YOU FOR LEADING THIS TEAM TO VICTORY. TO THOSE WHO'VE RECENTLY GRADUATED, CONGRATULATIONS ON YET ANOTHER GRAND ACCOMPLISHMENT. THANK YOU FOR THE TALENT AND DEDICATION YOU'VE GIVEN TO THE CLEVELAND HEIGHTS-UNIVERSITY HEIGHTS SCHOOL DISTRICT AS WELL AS TO THE CITY OF CLEVELAND HEIGHTS. GOOD LUCK IN YOUR COLLEGE CAREERS. TO THE NOW-SOPHOMORES, JUNIORS AND SENIORS, THE HEIGHTS HIGH LACROSSE TEAM IS AN UNDENIABLE POWERHOUSE. SHOW THEM WHY NEXT YEAR. HERE'S TO AN EQUALLY MEMORABLE SEASON NEXT YEAR. GO TIGERS!

If the Coach, Terry Saylor is here, please come up. Welcome. You want to say a few words before I give the girls their proclamations? We'd love to hear from you. I know Terry is such a shy guy."

Coach Saylor stated, "We certainly appreciate you having us this evening and giving us this honor. This is a wonderful group of girls and they not only do well on obviously on the athletic field but they are great representatives for the school and for the community. We love our high school and we love representing them at the highest level and this team certainly did. It's a talented group. I'd like to

single out, you mentioned three graduates, I'd like to single out quickly three of those that are with us; Lauren Nearon is a senior - will continue her lacrosse career locally at Notre Dame College, Sara Dodo, our second graduating senior will continue her soccer career at Old Dominion, and Dana Lindsay will continue her lacrosse career at Stanford. We are very proud of them."

Mayor Kelley asked, "Why don't you three stand up and be recognized, that are here with us, we are going to recognize the others too. Stand up."

The girls in attendance stood up.

Coach Saylor continued, "I'd also like to make special mention of the most valuable player in the tournament, we had two offense-defense; Zoe Jones was on offense and then with us this evening, is Tiffany Smith, who was defense MVP for the tournament."

Mayor Kelley asked them to stand up.

Coach Saylor continued, "And we return ten of twelve starters next year, so we hope to be back. Thank you very much."

Mayor Kelley continued, "I also have a proclamation for our Assistant Coach, Carla Williams. Is Carla with us tonight? We have proclamations for everybody. When I call your name, come up, and I'll have a proclamation for you. Ashley Apple, Terry Chy, Sarah Dion, Sara Dodo, Allison Hall, Christine Holland, Cecilia Hudson, Zoe Jones, Kristina Kucerova, Dana Lindsay, Emily Logan, Maura Logan, Melissa Logan, Maya Lugasy, Lauren Nearon, Rachel Petrey, Elizabeth Root, Tiffany Smith, Lily Tranchito, Kaley Weiss and we have a special one for Head Coach Terry Saylor. Congratulations.

You girls just sit down for a minute, Council wants to address you and then we'll take a picture with you for our Focus magazine. So sit down and get comfortable. This will take a couple minutes. We'll give you a special note from Council for all the people you have to babysit for or we'll send them a new tax statement for the rest of the year."

Vice Mayor Montlack commented, "I'll be quick, because I have a feeling you sat through a lot of speeches telling you how terrific you are and I endorse all of those. Your teachers, your parents, your siblings, your school administrators, all certainly were a part of what you did, and really the bottom line that I'd like to say to you, that there is a reason that you're called student athletes and the student part comes first and I know that you know that and I can see and from what I've heard you're using this terrific work that you've done, teamwork, everything about this season and the past seasons too, to further your own studies, because that's what's important in the end - that knowledge that you have. Congratulations! We are so proud of you."

Council Member Evans added, "Congratulations, to all of you. I know that you've had a great year and I know it's been a lot of fun. I know that you enjoy playing on that great field here in Cleveland Heights. It was nice to be able to have such a nice field that you could feel proud of and play your best on. You do a great job of representing not only the school, Heights High School, but the city. Thank you again."

Council Member Caplan added, "Congratulations to you and to your families who have been major supports and major takers of their whole families to these games to cheer you on. It's been a

wonderful lesson for you, I think, in learning how to use your own skills and work together with other people and I think it's an experience that you will have that will serve you well, really, for the rest of your lives. You learned that if you can focus, work together, put yourself not first, that you can win - everybody wins and it's a great experience for you. So, remember it for the rest of your lives. We are really proud of you and we're so happy to see your wonderful faces in front of us. Congratulation, to all of you."

Council Member Dietrich added, "Well, I love this, because I have long-term relationships with a lot of people in this room. So, first I am going to say hi to the parents that are - I mean Terry Saylor has been my long-term neighbor on Essex Road for years until I moved away. Susie, all PTA Council and Lynn Nearon on HCC and Greg Holland on Rec Board, active families are just active families. The same people that do everything in town also have you kids that are these great athletes. More than a few years ago, probably 15 years ago, I had the pleasure, the huge pleasure of going twice to the state finals with the girls field hockey team from Heights, because my daughter was on it and actually my husband was the coach of it those two years. They did not win, but, just going there was such a highlight, such a huge experience. I can only imagine what it's like to actually be the winners. I'm just very in awe of you. That's all that I have to say."

Council Member Wilcox added, "Thank you. Congratulations on your state championship season and for the seniors in particular, congratulations on your college selections and I know that you're going to be very successful, not only playing whatever sport but also academically and for the underclassmen, I suspect we'll see you here next year with another state championship. I also, obviously, want to thank your families, your teachers, your coaches for all the support that they give you. We're very proud of you. Thank you."

Council Member Tumeo added, "I want to add my thanks to you and your families. I've had the opportunity this weekend to be in a couple ceremonies where we talked about heroes and the fact that a lot of times we don't always honor the people who are real heroes. We've had some tough times and we've got some things ahead of us, but you have stood and used your skills as a team to bring a great honor to yourselves and this community. People admire you and you truly are heroes. Congratulations."

Mayor Kelley concluded, "I just want to add what everybody said, you truly are fantastic student athletes. You truly are the shining stars in this community. The three of you that are going away to college, excellent colleges. Please come back or e-mail us, let us know how your careers are going forward, especially, if the basketball teams get in the finals, I might look you up for some tickets. That's my passion, but really, we're very proud of you. We are so glad we worked on that field a few years ago for you, but I have a feeling that we did very little to help you with the field - that was all done by all of you. We do expect you back here next year with all the juniors coming back. This is the second week in a row that we're going to leave this room with a high because you guys did such a good job. Wherever I go, whatever other city I talk to, the mayors they always talk to me about our girls' lacrosse team or our girls' soccer team. So, I am so proud of you guys for many, many years now. Some of your sisters have played on the other teams that almost got there, so you brought back the gold sort of to speak. We're very proud of you, but don't forget you also need to follow up with what you do in the classroom. Let us not forget what your parents and your siblings did for you all those years, making sure you were at practice on time, making sure your shirt that was thrown in a corner or your things were in the right places - that's so very important. We're proud of you and thank you for all you do to make our city such a special city. Next year I'm going to bet on you again against all the other mayors to make a few dollars

- a special record. We're very proud of you. If you would just come up front here, we'll take a picture with you and those of you who have to get back to babysitting or back to the pool or where you need to go."

Pictures were taken with Council.

Mayor Kelley continued, "We're going to resume the meeting. Tonight is a special night as we honor the tradition of the Women's Civic Club and the good work that all of its members over the last almost ninety years have done for our city, the City of Cleveland Heights. The Women's Civic Club was founded in 1917. Its original by-laws stated that (1) Our purpose is to provide a vital interest in surrounding conditions; (2) To be in readiness to assist in all movements in connection with municipal affairs; (3) To manifest a general concern in social and civic betterment. Over the years the club and its members stayed true to its purpose. It is worth remembering, as a club was founded three years before women got the right-to-vote. And this club had petitioned President Warren G. Harding to endorse the amendment. In Cleveland Heights, we recognize that Mayor Frank Cain is an important leader in our history, but it is important to acknowledge that his wife, Alma Cain, was one of the club's founders, so she was a go-getter too. During the world wars, club members sent supplies to countries overseas and supported the military with care packages. The group also donated funds to hospitals, mental health institutions and promoted neighborhood gardens and cleanups long before it was fashionable. This is a club that realized that women needed a voice in the community and women could make a tremendous difference in all aspects of life. Long before women's lib became popular, the members of this club made sure that they were also heard. The club also believed in education and sponsored speakers on many diverse subjects over the years, such as youth problems, preparedness for war, and family budgeting. In 1966, the club sponsored a history book called, "The Proud Heritage of Cleveland Heights, Ohio." The first time that a history of our city was written down. They also provided scholarship funds to one boy and one girl graduating from Heights High. The scholarship will continue into the future through a special arrangement with the Cleveland Foundation. As time has gone by, the club membership has gone from hundreds to just a few. In a way, this was what the founders of the club probably hoped for, that women eventually would be able to join any club that they wanted to and to speak their minds as equals with men. Tonight, we are taking the time to thank the women who have most recently (meaning the last thirty years) been part of the club. They continue the tradition established almost ninety years ago, when they realized after thoughtful discussion, that it was time to disband. Even though they could have made many choices on how to distribute the materials that the club owned, they chose to donate them to our historical society and to the city. They have donated plates, cups, silverware and table clothes to be used at the community center and here at City Hall for events. In addition, they have donated a number of silver pieces that we can use when visitors from other countries come to our community. This beautiful silver set is one of the gifts [displayed] and it was originally given to the club in 1949 as a gift from Stella Antisdale, another name from our history and also the silver water pitcher from 1934.

Tonight, I know each member of council wants to say a word of thanks, so we will begin in this direction with Councilwoman Nancy Dietrich."

Council Member Dietrich stated, "Sometimes there is nothing like female bonding, I think. You know, so many organizations offer membership to both men and women and while I think that's a great stride in the way we should do it, I do feel that some of the most satisfying times that I've spent is when I'm working together with other women or just socializing with other women. So, I'm sure that bond is something that you're going to miss and perhaps something that you won't really let go of. I also

want to say to Kerry that I know you know my mother-in-law, so anyway that was my little personal aside. Thank you for all that you've done for Cleveland Heights and I hope your friendship continues."

Council Member Wilcox added, "Thank you so much for your caring service to this community for so many years and particularly your generous donations to the city and this lovely tea service we have sitting up here. Again, I think your caring about our community says a lot about our city and we thank you very much for your years of service. Thank you."

Council Member Tumeo added, "It's a fitting ceremony to have after we just honored the young women of a very successful state-wide team. The women of Cleveland Heights are truly the people who keep our community together. You're our mothers and our sisters and we are deeply, deeply grateful and as your surrogate son, thank you for what you've done for Cleveland Heights."

Council Member Caplan added, "It's very special to be part of long tradition of women moving outside of their homes and doing something for their community. My mother was part of a long-standing organization, which was sad when it was over, so I feel some sadness for you because you belong to a long-tradition and you will take it away with you. I hope you have passed it on to your daughters and yours sons too, about what working for others, working together, and working for something that you believe in [what it] really means. So, I'm sure that you've passed that on and to your grandchildren too and maybe even your great-grandchildren. That it was really very special and you set a tradition for what women really can become. You have really - if you look at the word in a very positive way - a feminist is really what you all have been and what the women who came before you have been - you really opened up the road for all of us; women who are sitting here and if it weren't for some of you we wouldn't be here. So thank you for that. Thank you for the doors you've opened for us and we will treasure what you've done for us and I know that you treasure the experience you've all had together. It is sad, though. Thank you."

Council Member Evans added, "Thank you. Thanks again for paving the way for so many of us. Annette, it's been a really long time - you're one of the ones that was really involved politically and probably helped teach me a number of things in this arena. I thank all of you for being here this evening and sharing - having shared some of the wonderful memorabilia that you collected over the years with the city. We will certainly use them wisely. Thank you."

Vice Mayor Montlack added, "I think that many people who live in the neighborhoods, in communities, what they know about the community basically ends at their tree lawn. They know that their garbage gets picked up once a week or some of the other very basic things happen and at a time like this I think of the words of Walter Lippman, an astute commentator of years ago who wrote about the historic community. The community of the past, and yes, the present, and the future. Sometimes you look at those things, it isn't exactly that you see a monument but instead of that you see the things that people have done that make that community a real community. Sitting here in this room tonight are the people who have bridged the gap between the past, the present, and the future. And we are greatly indebted to you. Thank you."

Mayor Kelley concluded, "As I look out over some of the women who are here tonight, I see some friends, my former teacher, my 8th grade math teacher, Mrs. Sawyer, who taught me some very good life lessons and it is hard to say goodbye, but you did so much for our community. You made Cleveland Heights what it is today. Your activism even in the later years and what has come before us, so it's with a little tear in the eye we say goodbye to you, but we know you're still going to be here,

you're still going to be active. I know, Annette, you've been involved in democratic precinct committee politics for many years and since I grew up with your sons - I know you lived on Lincoln - you were a family on Lincoln. I don't know where you live now, but you've always been active. You'll continue to be active. Thank you for your gift tonight. We have a little something to say goodbye to each one of you. It's not really goodbye, it's thank you for the memories. Thank you for what you've done to make Cleveland Heights such a special place, such an active place and we appreciate all you've done. This isn't goodbye, this is thank you.

We're going to begin by asking you to come up for a little gift we have. Annette Tashjian, we're going to begin with you as the president. I think, Bonnie, you have the flowers for her?"

Council Member Caplan replied, "Yes, I do."

Mayor Kelley continued, "Why don't you go down and present them? Councilwoman Caplan and Councilwoman Dietrich have some flowers and a little gift and Annette is the current president. Next, we have Ardele Jones, who is the treasurer. Ardele, right there."

Annette said from the floor, "She deserves all the credit for keeping our money."

Mayor Kelley jokingly said, "I have five children. I'm going to talk to her about some investments after we get done with the meeting, if she's still here - college funds.

We have Kerry Broden. Councilwoman Evans and Councilwoman Dietrich are going to give her flowers."

Councilwoman Evans and Councilwoman Dietrich gave out the next bunch of flowers.

Mayor Kelley continued, "We have my friend, whose family grew up on Lincoln, right, Olive Haber."

Ms. Haber did say something from the floor but it was unclear.

Mayor Kelley replied, "But you raised your family on Lincoln. Ruth Kaye is with us tonight. I'm sorry, Ruth Brickle. Vice Mayor Montlack has some flowers for you. Next, my favorite is my 8th grade math teacher, Mrs. Marie Sawyer. We also have Barbara White and Councilman Mark Tumeo and Nancy Dietrich [to pass out flowers]. And Ruth Kaye. I think we're done with our part. I still have a few to mention. Annette, do you want to say a few words before we go?"

Annette replied, "I'm always ready to speak."

Mayor Kelley said, "Wait, wait one minute. Why don't you sit down. I have a few other people I want to mention in here that couldn't be with us tonight and then I'll let Annette say a few words. I also need to acknowledge Nancy Darling, Mrs. John Haslow, Mrs. J. Peters. Mrs. G. Stephenson, Mrs. D. Tranhail, who could not be here tonight. I'm going to let Annette say a few words as the president."

Annette stated, "First of all, I want to thank the City of Cleveland Heights for making us the club we were. We couldn't have done it if we didn't have the feeling for the community. I want to thank our treasurer, I know I said it in jest, she kept such good records that we were able to have money to leave to

the Cleveland Foundation to continue the scholarships. I want you also to know that all the items, they're material things, everything stayed in Cleveland Heights, because that's where it belongs. Thank you very, very, very much for this honor."

Mayor Kelley asked for all the women to come up to have a picture taken for the Focus, at the completion of the picture taking, the Mayor moved into the business portion of the meeting.

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, Wagner, Wong

The minutes of the Regular Council Meeting held Monday, June 5, 2006 were signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

"Good evening, Mayor Kelley, Vice Mayor Montlack and Members of Council. Thank you for allowing me a few moments to come before you this evening."

Mayor Kelley asked her to state her name and address.

"Wendy Leatherberry, 1406 Cleveland Heights Boulevard. I know I have spoken with a number of you or at least exchanged messages and you're certainly all aware that last Monday the school board voted to adopt the reorganization scenario that closes Coventry Elementary School at the end of 2006/2007 school year and begin a seven elementary school configuration for the 2007/2008 school year. This decision, as you know, was the next phase of an 18-month time line that will position our district for future opportunity and enable us to operate with greater efficiency and effectiveness. This was a challenging, but necessary decision to pro-actively address issues stemming from an historically significant enrollment decline in our district. And I would note as we've noted numerous times, this is an enrollment decline that's being seen throughout most first ring suburban communities in our area and throughout the country, really. Our district's declining enrollment means a decline in dollars from the state and with the future of school funding in Ohio, still certainly unknown, districts must continue to be proactive and address inefficiencies wherever we can.

Our district has an excess capacity in relation to the number of students we serve. Consolidation of resources provides equity of services across the district and the opportunity for our educators to further collaborate, thus offering opportunities that will ultimately yield an even greater positive results for our students. We are very proud of the accomplishments made at all of our schools and the significant improvements that we have seen across the district in the past few years. The board extends its appreciation and gratitude to all residents who participated in our elementary reorganization process to date and we are most appreciative of the respect that our residents have shown for the process and the decision. We're very proud of the accomplishments of all of our students and as a board we are committed to doing everything we can to support our families and students during this time of transition. This next year will be absolutely critical in insuring that our students, families and staff members have the support necessary to make a smooth and positive transition. It is for this reason that the board

built an entire year of transition to work through the many issues that lie ahead. We pledge to continue keeping residents informed and apprised of the conversations and decisions we make and please know that no discussions have taken place nor decisions made regarding the future use of the Coventry building and property. It is not the board's intent to leave the building vacant and every effort will be made to insure its future use is productive and that it sits well with the city's master plan.

The Coventry playground and surrounding green space are obviously community assets which we fervently hope to maintain. We look forward to working with you on this important phase of our process. Elementary attendance boundaries will be finalized in October and communicated in early November, and since a couple of you have asked what this decision means regarding staffing for those staff currently at Coventry, the district will work as it does really annually through the staffing decisions and have assignments finalized in the spring of 2007.

The board appreciates Council's involvement during this process and we saw here earlier tonight your absolutely unwavering support of our students - we very much appreciate. I respectfully ask for City Council's support in making this transition positive for the students, families, and staff members that it will impact. Ultimately, we are all members of the Cleveland Heights-University Heights School District and as with the first part of this process, we will continue to seek feedback and ask for assistance in making this transition positive. Thank you very much for your continued support of our students and our schools."

"David Harbarger, 1375 East Ninth Street, Cleveland, Ohio, with Roetzel & Andress, here tonight representing Dominion East Ohio Gas, First Energy, the Illuminating Company regarding Ordinance No. 32-2006. Mayor and Members of Council, Mr. Downey, we appreciate the opportunity to speak with you this evening. We also appreciate the courtesy extended in allowing us to speak during the work sessions regarding this matter.

As you are aware of, we have expressed our concerns both in writing and in meetings with representatives of the city including Mr. Gibbon, concerning certain provisions in this ordinance and we believe it is important to understand that Dominion and First Energy are regulated utilities in the State of Ohio operating under a tariff granted by the Public Utilities Commission. In Ohio, the Public Utilities Commission is the exclusive body with the ability to regulate and operate or force the compliance with state law with regard to the operations of tariff utilities in this state. A regulated utility is entirely different from the other kinds of entities that we think you're concerned about who might want to use your right-of-ways. A regulated utility is granted the right by state law to use the right-of-ways and while there are certain areas of local concern and where local regulations can be imposed we believe this ordinance goes way beyond matters of local concern and what authority that you have regarding this. If there are service issues as we said in the meeting with you and as we've said to city representatives all along, we are willing to work with you to solve those service issues, including issues of notice and any other thing that you might be concerned about. With regard to fees you can charge, this is not an opportunity for the city to raise monies to support the city budget or anything like that. It is very clear that the fees you can charge are carefully regulated by state law. They relate only to your actual cost for the activities of a regulated utility in the public right-of-way. Many of the regulations and provisions contain in this ordinance will increase service time - that is make service time extended, delay our ability to give service to your residents and they will also if imposed increase the cost of those utility services to your residents - and for what purpose? Because, nothing in this ordinance changes other than these regulations how the right-of-way is going to be used by a regulated tariff utility. The ordinance, if drafted, will also mean extensive litigation. We no doubt think that this ordinance will be subject to litigation. And even if the city prevails, which obviously we do not think the city will prevail, what will result? Will there be increased service for your residents? No. In fact, service will be de-

graded, and again, the cost of utility services will be increased for your residents, not for the rest of the rate payers, in either the First Energy areas or Dominion areas, but for your rate payers, your residents, the citizens of Cleveland Heights.

So, we are here tonight simply to urge you to take some time. There is no rush. There is no exigent reason that this ordinance needs to be passed tonight. Take some time to work with us to come up with an ordinance that is lawful, that's in accordance with state law and that will not degrade service to your residents and not increase the cost of their utility services. Again, thank you for the opportunity to appear this evening."

"My name is Rob Reynolds. I'm with AT&T Ohio."

Mayor Kelley replied, "Welcome, Rob. Do you have an address or place of business address?"

Mr. Reynolds replied, "45 Erieview Plaza, Cleveland. AT&T Ohio has several significant concerns with the right-of-way ordinance that you are considering. First, the ordinance will create substantial operational and financial burdens. It will severely restrict AT&T's ability to pull in new facilities and upgrade existing facilities. In addition, the lengthily and complex provisions that apply to the installation, repair and maintenance of our facilities will further negatively impact our ability to efficiently provide communication services to the city's residents and our customers. Second, a number of the provisions of the proposed ordinance that negatively affect AT&T are illegal. Several notable examples were included in the June 9th letter that you received from AT&T's legal counsel, Mr. Jay Fredricks. Finally, the proposed ordinance fee and cost recovery provisions also cause serious concern. The registration fee and public way fee provisions do not explain or prescribe how the fees will be calculated, let alone specify what amount the fees will be. Instead, the determination for the fees is left to the sole discretion of the City Manager. AT&T's concern is that this provision is in direct violation with the Ohio Revised Code. The ordinance does have public policy implications. As written, we view these stringent requirements as a disincentive to invest capital goals where it's welcomed. This ordinance is both a barrier to both entry and investment.

AT&T urges this Cleveland Heights City Council not to adopt the ordinance as written. Its burdensome permitting, and restrictive construction installation and repair requirements, will discourage investment in new technologies and service for the city's residents and businesses. The ordinance severely restricts our ability to deploy current network upgrade. Its burdensome and costly and is so severely flawed from a legal standpoint that AT&T Ohio will be forced to take legal action and challenge this ordinance in all available forms.

To date AT&T and Cleveland Heights have successfully worked together to serve your citizens. Why is this extraordinary and extensive legislation needed now? AT&T Ohio asks that the Council please reconsider the necessity of the ordinance. Thank you."

"Good evening. My name is Eric Coble. I live at 3011 Edgehill Road. I wish I could speak to telephones and natural gas lines but I can't. I can only speak to our neighborhood. I come to you tonight as a parent, as a neighbor who has worked very, very hard over the last six months to keep Coventry School open, and I welcome the opportunity tonight to both address the city council and the large majority of the school board who are here as well and to give you a brief report based on what I have seen from the ground right now in the past week. I have spoken to about - well, actually about over a hundred parents in the last seven days. Obviously, there is a lot of anger, there is a lot of fear,

there is a lot of confusion. There is a fair amount of hope as well. I would like to bring the best ideas that I have heard - some of the interesting ideas that have come out of the community for your consideration - many of which you may have heard, but I want them in the public record. I would like to begin this discussion because there are things that need to be acted on quickly. I don't think we have too much time before we begin to alienate even more people than have been alienated.

First and foremost is, as Ms. Leatherberry mentioned, is the protection of the Coventry playground and the Coventry Park. There are people who are very saddened but who are willing to let go of the school but who have sworn they will fight to the bitter, bitter end over that park and that playground. It does my heart good to hear Ms. Leatherberry say this evening that she fervently hopes it can remain an open public space. I have to admit that due to the level of anger, fear and confusion right now, fervently hoping, may not be enough. We may need a commitment. We don't may - need a commitment, we need one as soon as possible. If we want to ease peoples' minds, one of the first things that can be done is for the City Council, the school board perhaps, to step forward and say, 'we will not be turning this land into condos', because I can tell you that's one everyone assumed. In fact, there are rumors around, which you probably heard, that the reason Coventry was closed because it's a great place to open condos. I've been assured this is not the case. I don't think it's a wonderful place to open condos at all, but if the City Council and the school board would step forward and acknowledge, 'we will keep this space open and public'. You all know what it means - what that symbol means to this city and the idea of building something there - of building houses there - private property houses there, is the worst case scenario in many ways. Because, and this is a big because, we don't need places to live in Cleveland Heights. We need reasons to live in Cleveland Heights right now. Closing a school offers no reason whatsoever to live in Cleveland Heights. Having a great playground and a great park - that's a big reason - that's a really good reason. I would ask you to begin to consider going one step further - having a great multi-purpose community center in Cleveland Heights is another really great reason to continue to live in that Coventry area right now. We have a building with twenty-nine rooms in it. We have, I know from various parts of the community over the last few years, I've heard requests for an art center of some sort - more programs for elderly - more programs for youth. We have a space. We have an opportunity and we have a chance to keep that space public. We have a chance to keep it available to the community for whom it was built and by whom it was built.

If you want to go one step further, which may be a very wild idea - something else that has come up repeatedly in these conversations - two words that have calmed even the most angry, vociferous person against this transition right now - indoor pool. I'll tell you, it sounds like a wild idea and at first I would just laugh when I heard it and then I thought, well we're in a wild situation now. Coventry, as now to the neighborhood - the way they feel is up for grabs. Why not throw some wild ideas on the table and everyone, I swear to you, fifteen different people came up to me over the last week at various points. Well, what could they do - like a pool or something and after a while it began to impressions with me and it has made me - and so then I would echo it back to other people who are very much against this - they would say, 'well, now that's an interesting idea, I could maybe get behind that'. If ever there was a chance in order - now I know there is no money right now for doing this kind of big thing, but I would assume money can be found. I assume leadership can be found and if there's ever a time to step forward and say, we need the community to step up and turn what could be a tragic situation in our neighborhood into a wonderful new opportunity and what we need is a bond - what we need is public signatures - what we need is people to step forward on this - now might be the time. There's an awful lot of attention and an awful lot of energy focused on saving that neighborhood right now, and anything you can hold up as a means would probably get support at this moment.

The PTA started up a petition about saving the playground and the park, on Thursday. Literally within four hours after having this printed up, having the petitions printed up, they had 472 signatures. The PTA would be happy - there are lots of people dedicated to going through the city and getting 50,000 signatures as needed. I'm really hoping that because we're all on the same page on this, that will not be necessary and that again tonight perhaps the City Council, perhaps the school board can step forward and say, 'Stop, we don't need 50,000 signatures to tell us, we know what the space is good for.'

Finally, it has to be a public space. It needs to be a place where people - it has to be free, open, where people can show up regardless of the color of their skin, regardless of what they believe, regardless if even if they have a dime in their pocket, if they can get together, if they can talk, they can meet, they can celebrate, they can play, without being told that they're trespassing - that is what makes Coventry - Coventry. That is what makes Cleveland Heights - Cleveland Heights and that is what makes our community - a community and we owe it to all of the children and the adults who have poured their lives into making that space. We owe it to all the children and adults who don't even know that space exists yet but who are going to discover it and who are going to be drawn to it and are going to want to live in this city because of it and now is the time to harness that energy and that attention and that focus, that this community has right now and do something amazing with it. Thank you."

Mayor Kelley responded, "Thank you, Eric. Let me just address a couple of your points for you real quick. We do have a beautiful 15 million dollar community center, not more than half a mile away from the current Coventry School site. We also do have a boys and girls club opening up a little less than a mile at Washington and Lee, that will handle some of the issues that you raised. As far as an indoor pool, we are in constant contact with the City of South Euclid and University Heights about their endeavor to go ahead and build a community center with a number of cities. Lyndhurst is now off the table, but they are talking to Richmond Heights and the City of University Heights about going to the ballot and building a community center which will include an indoor pool. We are at the table with them, talking to them at present that our residents would have the opportunity to use this beautiful facility, the indoor pool part of it. We are constantly talking to them about that situation. So the indoor pool issue has been on the table, has been, being addressed as we speak. Okay."

Mr. Coble asked something from the floor and the Mayor responded, "You can add whatever you want, but this is not meant to be a dialogue."

Mr. Coble said, "I appreciate all that. I'm very grateful [unclear] again, part of it [unclear] people that live in that corner of Cleveland Heights right now, with major anger for the school is now gone. So anything we can do (and I appreciate everything that's already been done) anything that we can do to make that a very attractive corner in Cleveland Heights [unclear] -"

"Patricia Richburg, 2180 Noble Road, Greyton Court."

"Aveda Mateen, 2182 Noble Road, also Greyton Court."

Mayor Kelley stated, "Welcome, ladies."

Ms. Richburg continued, "Thank you for letting us speak. We have a large concern about the area, the Noble Road area where Greyton Court is. In the evening, I feel very secure when I see those blue lights go on and the policemen are chasing people to give them traffic violations. Oh, they are out there, I feel really great, but when I don't hear that and I know they are not out there, it's a different

scene entirely. I know the part of Noble that I'm concerned with is East Cleveland. I know that, because I've called many times and been told that, but the guys congregate there and I know we have our own boundaries like East Cleveland does. It really makes you feel awful when you call and you're asked, does someone have a gun? Because we're not coming if they don't have a gun. Is someone really getting hurt? And it's really sometimes a fist fight, sometimes roaming up and down, making a lot of noise at 11:00 at night when you're trying to go to bed. I realize the police cannot sit in that car out there on Noble every evening from seven to eleven. Also, I wondered if there was a curfew? I know some of those guys and those girls out there - I know that some of you have a different curfew - but, you don't?"

Mayor Kelley answered, "We have a curfew year-round, but keep going."

Ms. Richburg continued, "The same curfew. Well, I know some of them have to be under age, especially when they come through (I call it our backyard) - you can hear them talking, swearing, and things like that. Also, I'm selling my town house, but I'm not here because of that, but I'm here because I don't know if there is going to be a Phase Two of Greyton Courts, but I know with Phase One, it's taken me two years to sell it and I haven't sold it. Last year, a person would not even get out of their car to come in because they looked at the neighborhood. They drive through and they usually have two excuses, well, reasons. It's either the neighborhood, the area, or it's East Cleveland schools. Now, I teach in East Cleveland schools and all of the teachers in East Cleveland are not bad teachers. The schools are not all bad. So, but, because of the present like that, that's what people think and they don't want to move there. So, if we can't keep it safe then the town house will not be attractive for anyone to come to and it is so reasonable for this area because of the location. If you put these town houses somewhere else they'd be worth a lot more money. We also were concerned if we could have security cameras? Is there a law that says you can't have security cameras, because there was an attempted theft of one of the owner's cars. Bushes have disappeared. One side of Nelaview, all the bushes just about have disappeared. Someone stole them. You know they steal your flowers, rose bushes and if we could put security cameras onto the town homes, we don't know if that's illegal or not. It's just things like that doesn't make it real appealing to live in that area, even though everyone there loves their home. They take care of them, but it's just the area. You look out your window and you see all this stuff going on. You can't sleep, and we just wondered if something could be done?"

Mayor Kelley responded, "Yes. Why don't we do this. Susanna Niermann O'Neil is right there in the back. Why don't we plan to have a neighborhood meeting either later this week or next week. I'll be more than happy to come, but I need to find out what my children's baseball schedule is. We'll also have a police officer there. Mr. Downey also doubles as the Safety Director. I'm assuming this starts probably first thing when you get home from school, after dinner it continues."

Ms. Richburg replied, "After dinner."

Mayor Kelley continued, "Into the night hours. We'll be more than happy to have security there for you. We'll be more than happy to run radar there and continue to step that up. As far as the juvenile delinquency issue and/or curfew violations, we'll be more than happy to write tickets. We're not bashful about tickets in this town. But, if you see Susanna now, I think I am pretty flexible as far as my schedule in the next week. Tomorrow would be a bad night. We need time to flyer the people in the neighborhood. If you want to host the meeting in your home, I'll be more than happy to come with Susanna and maybe someone else from this council will come also. We're ready to go full speed ahead."

Ms. Mateen replied, "We do need time to notify the others."

Mayor Kelley said, "Maybe, next week and that would be fine too. Monday night, we obviously have a meeting. Maybe someone else from council will come. We'll bring a police officer and in the meantime Mr. Downey will check with the chief tomorrow. You will get top priority, radar and police there to write curfew violations and/or other juvenile delinquency issues. We'll check on the bushes, etc. We made a major investment down there, this city council, and you made a major investment. We're in this together. We'll get through this together. We'll help you through this."

Ms. Mateen asked, "Could you address the Phase Two when we do meet, because one of the issues is because we are twenty-two homes and we do not have the mass that we need to --"

Mayor Kelley added, "The critical mass is very important."

Ms. Mateen said, "We were thinking that we were going to grow larger over time and we have not."

Vice Mayor Montlack added, "I was present at a previous meeting and was very impressed with the spirit and the intellect of the group that I met with. I can tell you that this council continuously discusses, a next step in the Greyton Court area. There are some challenges, some fiscal challenges, as in money, but it is a major concern and it not one that we have forgotten about. I do want to say one other thing. I want you, please, always call the police if you see or hear something that you feel doesn't seem right. It does not fall to you, as a resident, to investigate or to prove the case. All you're doing is alerting the police department and that's one of the things that they're there for and should there ever be a feeling - some hesitation in calling the police, we want to know about it, because this is a critical part of our community safety. So, again, Greyton Court and the work that we are doing there is never very far from our thoughts."

Mayor Kelley said, "Another thing Council Member Dietrich reminded me and Council Member Caplan nodded her head, security cameras are not illegal, but in this case I want to go with just some good old-fashioned police work and some good old-fashioned tender loving care for you down in that neighborhood. So, if you meet with Susanna, she will set up some times for next week, if you wouldn't mind hosting it at your property, we'll come right down there and I think Mr. Downey got the message loud and clear. I think I speak for everyone on council, we're going to do something, we're going to hit it hard, we're going to get these kids out. This is your neighborhood. It's not these young juvenile's neighborhood. I want you to feel safe. I want you to feel comfortable twenty-four hours a day, seven days a week, just as we feel in our homes."

The women thanked the Mayor for listening to them.

Mayor Kelley replied, "Thank you for coming. I'm very sorry you had to come, but I'm glad you came."

"Jon Kaplan, 2256 Cottage Grove. Along the same lines as these two ladies, I own a rental property on North Coventry right by East Cleveland, and I don't know if anyone has been down in that area after school time and even up to 11:00 I've been in those areas. But, juveniles like she was saying, same problem. I'm here because it's a problem down there. I have a three-family, the second floor is a lady with children. The first floor is a lady with children and they tell me all the kids are out - 11:00 - it's crazy down there. It needs more police protection. I like the idea of a camera just in those areas. I mean could we step up the protection and the drive-by's, because I really haven't seen any drive-by's in the time I

spent down there.”

Mayor Kelley answered, “For the thirteen years I’ve been on Council, North Coventry has always been a high priority case and just last year Councilwoman Dietrich and Councilwoman Caplan spent considerable time on a porch or two watching activity. Where is your property, what street?”

Mr. Kaplan replied, “At the corner of Eddington and Belmar.”

Mayor Kelley asked, “Do they call the police? We really – “

Mr. Kaplan said, “I tell them, I encourage them to call the police.”

Mayor Kelley asked, “But, do they? I mean - I don’t know - it’s a legitimate question. Because it’s one thing to say this happened, it’s another thing do we really need people in certain areas to call the police? And if the police aren’t responding, you know what I’m saying?”

Mr. Kaplan asked, “What about walking the beat or?”

Mayor Kelley answered, “We don’t walk beats in North Coventry.”

Mr. Kaplan asked, “More drive-bys. I’ve been down there - “

Mayor Kelley answered, “We’ve put so much police – you live on Cottage Grove. If we drove Cottage Grove as much as we drove North Coventry you’d have a policeman literally in your front yard every five minutes just about, seriously. So we have to encourage the folks to call. If you’d like to have a street meeting. Bonnie, what streets were you on last year?”

Mr. Downey replied to the question, “Glenmont and Avondale.”

Mayor Kelley continued, “Again, if you’d like to have a street meeting, we’d be more than happy to do the same thing there. It’s the time of the year. It’s the heat, the fact that you border East Cleveland - all these issues - we have a formula we use, we’d be more than happy to do it down there. It’s up to you?”

Mr. Kaplan replied, “Alright.”

Mayor Kelley asked, “Do you want to see Susanna?”

Mr. Kaplan said, “I like the idea of having cameras, I mean, in all the areas bordering East Cleveland.”

Mayor Kelley replied, “I’ve got to be honest with you. Most of my fellow mayors that use cameras, after a week or two, the cameras are stolen. The cameras are stolen, they climb up on the telephone poles, they get a 10 foot ladder, a 50 foot ladder and they steal the camera. So, if you want to meet with Susanna, we’ll be more than happy - I don’t know if I can make that meeting, but someone from this council will be more than happy to make the meeting.

Anyone else want to address Council tonight? I see Ed Wittenberg has joined us from his other meeting. South Euclid, they are done for the summer? Right. Just kidding. Anyone else want to ad-

dress Council tonight before we move onto business?

Anyone who spoke to us, like our friends from the school board who've met every Monday for the last 25 weeks, if you'd like to leave, you don't have to stick around, we won't feel embarrassed. I'm serious and if anyone else who talked to us."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have several items this evening. In your council packets you received a copy of a number of bid tabulations and the award of contract. Let me read those into the record. Bid Document No. 2006-11, the purchase of fire hydrants, the lowest and best bidder is Hughes Supply, in the amount of \$102,712.00; Bid Document No. 2006-12, the 2006 Street Resurfacing Program, the lowest and best bidder is the Schloss Paving Company, in the amount of \$1,084,687.50; Bid Document No. 2006-13, the purchase of a tree and brush chipping machine, the lowest and best bidder is Valley Equipment Company, in the amount of \$49,500.00; and finally Bid Document No. 2006-14, the purchase and installation of a front-loader and the refurbishing of two vehicles, the lowest and best bidder is the Quality Truck Body and Equipment Company, in the amount of \$102,489.72. Your Honor, I would request that the bid tabulations and the award of contract be made a matter of record."

Mayor Kelley made them a matter of record.

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I have no report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "Thank you, Mayor. I have no legislation tonight, but I do have some appointments to the Commission on Aging. These are terms that are all ending the end of June. We have three individuals whose terms are ending and who I am introducing for reappointment for two-year terms effective July 1, 2006 and ending June 30, 2008. The three individuals are Pat Dillard, Frank Ruther and Louise Tufts. Louise has been serving since the year 2000, Frank since the year 2002, and Pat was appointed in 2006 to fill a vacant seat. I would like to move the appointment of these three individuals."

Second by Council Member Caplan.

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

Nays: None

Reappointments passed

Council Member Tumeo continued, "I also have two appointments to the Recreation Board. These are for four-year terms, both of these individuals' terms expired on May 31 of this year. The first is Marvin Watson, he is eligible for one last appointment under the rules of Ordinance No. 33- 2005 and Wendy Weirich, who is eligible for another four-year term. Her first appointment was in the year 2002 and they have both served with great distinction on the Recreation Advisory Board. I therefore, would like to move the reappointment of these two individuals to the Recreation Advisory Board for a four-

year term commencing June 1, 2006 and ending on May 31, 2010.”

Second by Council Member Dietrich.

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

Nays: None

Reappointments passed

Council Member Tumeo continued, “At the next council meeting, I hope to have some more applications come in so that we have a few more positions to fill. Once again, if you are interested in serving on any commission or board, please contact the city and bring in your application. If you have any questions, please feel free to contact me. I can tell you the details. Thank you. That’s my report.”

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, “Thank you. I have a few things to do tonight. Sorry for my voice, one of my sons got married over the weekend and I think I talked way too much for the past few days. I will try to proceed with Resolution No. 69-2006(CRR), authorizing an agreement with the Doan Brook Watershed Partnership, a non-profit corporation, for partial funding for fifth year operating expenses of the organization; providing compensation therefor; and declaring an emergency. The cities of Cleveland, Cleveland Heights and Shaker Heights, along with interested organizations and individuals, have formed the Doan Brook Watershed Partnership, to develop and implement a watershed management plan for the preservation and improvement of Doan Brook. For anybody who doesn’t know what Doan Brook is, you may refer to it as the Shaker Lakes. This organization has achieved significant progress in its first four years of its existence. It is in the best interest of the City to contribute partial funding for the fifth year. Therefore, be it resolved, that the City Manager be authorized to enter into an agreement with the Doan Brook Watershed Partnership, for partial funding for fifth year operating expenses in the amount of Thirteen Thousand Five Hundred Dollars (\$13,500.00), and declaring an emergency. I offer Resolution No. 69-2006(CRR) and then I will mention afterwards some of the accomplishments that we’ve made this past year.”

Mayor Kelley accepted Resolution No. 69-2006(CRR).

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

Nays: None

Resolution passed

Council Member Dietrich continued, “I just want to say that the City of Cleveland Heights has been extremely supportive of the Doan Brook Watershed Partnership and the Partnership appreciates that and appreciates Carl Czaga’s liaison from the staff to the Partnership and I’m the liaison from Council. This organization really has only been an actual organization that evolved out of something called the Joint Committee for the Doan Brook which really had no power at all and now we’ve formed this partnership between the three cities and we actually are able to do things. Some of the things that have been done in the past year are construction of a 500-foot long natural stream restoration project at the Shaker Heights Country Club, the coordination, design and pyramiding of a 400-foot stream restoration project at the Shaker school campus and that used grant funds from the Ohio Lake Erie Commission, work with John Carroll to provide technical assistance for long term management for the lake. We participated in the master planning process for Dyke 14, which is where the Doan Brook empties into

Lake Erie. We provided assistance for the Phase Two storm water regulations for the three cities. I won't keep going, but for the \$13,500.00 that each of the cities puts into this, along with grant money that we had, and money from individual donors, a great deal is accomplished each year by the partnership. I just want to say that our first new executive director ever since the inception, Keith Jones, is going to be going on to a job that really better fits his career and Tory Mills from the Nature Center is going to be providing some interim directorship and then we'll be searching for a new executive director. We certainly thank Keith Jones for his four years with the partnership and we're sorry to see him go.

One other subject that I want to address, I want to say something to the people who are e-mailing us, who are so unhappy about the closing of Coventry School. We heard from many of you and those that spoke tonight and who are worried about the next step - what's going to happen in their neighborhood? While, I don't have any answers and I can't say yes, we'll do an indoor pool, but just offer my personal thoughts. We, up here, don't totally agree with each other on what we think, but we respect each other's opinions. So, these are just my thoughts. I probably am the person up here that is, I suppose you could say the closest to the school district, having served as liaison to PTA and having been active for thirty years really. So, I feel like I've seen them go through this struggle. I do feel that our school board members truly did struggle with this decision. I don't think, as some people are saying, that it was a foregone conclusion. I do think they listened. I do think, however, that every individual focus on the criteria that they think most important and so the school board did that and it was in their jurisdiction to do what they did.

Personally, I was for the closing of Gearity School, not only because it's - really not at all, not because it's not in Cleveland Heights, but we all got to give input to the school board. My input was that the effect on the neighborhood was the most important criteria for them to look at. That certain schools are more tied to and more important to their neighborhood than others and Gearity always seemed like the school whose neighborhood was not really committed to it, it was always the school, still is, that needs to be shored up all the time. I would have gone that way, but it is their decision. What I'm hoping is that - and this is to the people in the Coventry neighborhood, that you realize that your strengths, strength of your Coventry neighborhood was not in your building. Strength is in yourself. And, that, we hope that your choices to remain strong and committed and to bring the spirit that has made Coventry what it is, bring that spirit to your new school.

For the city's sake, for your neighborhood's sake, and really for your own sake I hope you can take lemons and make lemonade. See what you can do together to make the situation more what you want and to make the situation more what you had.

The wild ideas that we heard tonight, may be wild ideas, but it doesn't hurt to bring them up and it doesn't hurt to talk about them and I think people should know that in whatever ways are appropriate for the city, that we will be supportive of the people that are going to need to make the move. That's all that I have."

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There are several resolutions that apportion block grant funds and I'm going to go through each individual resolution rather briskly. Let me say as an overview that come late October or so of every year, the City Council receives from the Citizens Advisory Committee on block grant funding, a citizens committee, its recommendations on how to apportion the block grant that is received or is promised from the federal government - our taxes

coming back to us, as entitlements. We, along with certain other cities being entitlement cities that directly receive these funds. At that time, the City Council passes a budget that indicates the amounts and the grantees in each case. What we are doing here at this point in the fiscal years is simply now authorizing the contracts and the disbursement of those funds. In each case there is attached to the legislation I'm going to briefly read, an exhibit indicating exactly the scope of services, and in most cases I'm not going to go through it, we've already basically done that and had some discussion.

The first is Resolution No. 70-2006(F), authorizing the City Manager to enter into an agreement with the Cleveland Tenants Organization, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with its telephone information services; providing compensation therefor; and declaring an emergency. The amount involved is Seven Thousand Dollars (\$7,000.00) and with the other legislation the scope of services is in Exhibit "A" and this is the Resolution that authorized the City Manager to go forward with an agreement in that regard. Resolution No. 70-2006(F) is offered on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 70-2006(F).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Resolution No. 71-2006(F), authorizing the City Manager to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses; providing compensation therefor; and declaring an emergency. This very worth-while organization which functions to a large extent on great volunteer help and always does a wonderful job would be awarded, for operating expenses, not for the food itself - that is distributed, Five Thousand Ninety Dollars (\$5,090.00). Resolution No. 71-2006(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 71-2006(F).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Resolution 72-2006(F), authorizing the City Manager to enter into an agreement with the Heights Parent Center, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with the Center's Oxford Family Literacy Program to provide support to families and youth in the Oxford neighborhood; and declaring an emergency. In this case the amount awarded is Forty-three Thousand Four Hundred Three Dollars (\$43,403.00). The Heights Parent Center is truly one of this community's great resources which answers a tremendous need that we don't spend enough time focusing on - what happens to the environment of youth when they're not in the school classroom and helps us to capture in a positive way more of that environment and at the same time provides support and yes, education for parents. Nobody is better at this than Heights Parent Center. Resolution No. 72-2006(F) is presented on first reading for passage."

Mayor Kelley accepted Resolution No. 72-2006(F).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Resolution No. 73-2006(F), authorizing the City Manager to enter into an agreement with the Home Repair Resource Center ("HRRC"), (formerly known as FHC - Federal Housing Corporation) a non-profit corporation, for the use of Community Development Block Grant funds for assistance with HRRC's home-repair and home-improvement programs; providing compensation therefor; and declaring an emergency. This is traditionally one of the largest, usually the largest single grant, certainly to a non-governmental group and the reason that this grant and the total amount here is Two Hundred Seventeen Thousand Seven Hundred Sixty-three Dollars (\$217,763.00). That's from a block grant budget of little under two million dollars. This grant goes to this extremely competent organization, well led over these many years by Diana Woodbridge, who has recently announced her retirement, she thinks, from this activity. What has also happened over a period of time is actually there were programs that were in-house in the City of Cleveland Heights, and contrary to the way government is thought often to operate, here is a situation where it was recognized that HRRC as it is now known, can handle these functions very well and handle critical functions in housing which in many ways is the name of the game in this community. The way it is divided up this Two Hundred Seventeen Thousand Seven Hundred Sixty-three Dollars (\$217,763.00): One Hundred Ninety-one Thousand Five Hundred Sixty-three Dollars (\$191,563.00) for HRRC Operating Expenses; Sixteen Thousand Two Hundred Dollars (\$16,200.00) for the Assist 0% Program (a lending program that is well-monitored); and Ten thousand Dollars (\$10,000.00) for Assist Incentive Grant activities under these programs. Resolution No. 73-2006(F) is presented on first reading for passage."

Mayor Kelley accepted Resolution No. 73-2006(F).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Resolution No. 74-2006(F), authorizing the City Manager to enter into an agreement with the Jewish Community Center of Cleveland, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for the Center's Nutrition and Afternoon Out Program; providing compensation therefor; and declaring an emergency. The amount provided this year is Twenty-five Thousand Dollars (\$25,000.00). Resolution No. 74-2006(F) is on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 74-2006(F).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Finally, Resolution No. 75-2006(F), authorizing the City Manager to enter into an agreement with Open Doors, Inc., a non-profit corporation, for the use of Community Development Block Grant funds for assistance with the organization's after-school programming for middle school-aged youth; and declaring an emergency. To some extent the comments I made with regard to the Heights Parent Center and the need for this kind of programming applies here. The

amount involved again from our CDBG budget is Sixty-five Thousand Dollars (\$65,000.00) and once again as with the other legislation the scope of the programming is described in the exhibit attached to this legislation, all of which is on file with the Clerk of Council for anybody's perusal. Resolution No. 75-2006(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 75-2006(F).

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

Nays: None

Resolution passed

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have two pieces of legislation. The first is Ordinance No. 32-2006(MS). It is on Second Reading and this is about adopting and enacting a new Chapter 941, of our Codified Ordinances of our city. If you have been paying attention this is a second reading and we've been talking about managing the occupancy and use of the Public Right-of-Way by utilities, by telecommunication facilities and there has been a lot of discussion with representatives of those utilities with our city manager. Because this is a new chapter in our codified ordinances, that I wanted to read what the purpose and intent of this chapter is.

- (1) Manage the occupancy or use of the Public Right-of-Way.
- (2) Encourage the provision of advanced, competitive utility and telecommunications services on the widest possible basis to the businesses, institutions and residents of the City;
- (3) Permit and manage reasonable access to the Public Right-of-Way of the City for utility and telecommunications service purposes on a competitively neutral basis.
- (4) Conserve the limited physical capacity of the Public Right-of-Way held in trust by the City for the benefit of the public.
- (5) Assure that the City receives cost recovery for the Occupancy and Use of the Public Right-of-Way in accordance with law.
- (6) Assure that all Service Providers with Facilities in the Public Right-of-Way comply with the ordinances, rules and regulations of the City.
- (7) Assure that the City fairly and responsibly protects the public health, safety and welfare.
- (8) Enables the City to discharge its public trust consistent with rapidly evolving Federal and State regulatory policies, industry competition and technological development.

There has been a lot of conversation with representatives of the utilities that are affected and some changes that have been made with respect to that are:

- (1) Making clear that the City permission is required (with respect to persons who are already legally using the right-of-way) as only for additional capital improvements and not for routine maintenance or emergency repairs;
- (2) Not requiring the users to leave maps with the city, but to make them available for review by the City with ten days notice;
- (3) Authorizing the City Manager to waive requirements in specific instances where, in his judgment, the requirements are not necessary to protect the City's interests and the purposes and intent of the ordinances;
- (4) Providing for civil penalties up to \$500.00 per day for violations in addition to criminal penalties; and
- (5) Permitting joint applications for capital improvement permits and construction permits.

I also would like to add that there are similar Right-of-Way ordinances that have been acted by the Ohio cities of Forest Park, Toledo, Dayton, Dublin, Columbus among others. With that I will read Ordinance No. 32-2006(MS), Second Reading.”

Mr. Gibbon added, “Excuse me, Councilwoman Caplan. A point of procedure. We have made certain changes, which you just ran through and therefore we’ve got to amend the ordinance which was read once and is currently on council’s table to conform with that, so we’ll need a motion to amend to conform with the revisions to the ordinance which were given to council and which are on file with the Clerk of Council.”

Council Member Caplan so moved.

Second by Council Member Tumeo.

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

Nays: None

Ordinance No. 32-2006(MS), Amended, passed

Council Member Caplan continued, “It is now Ordinance No. 32-2006(MS), As Amended, Second Reading, adopting and enacting a new Chapter 941, “Use of Public Rights of Way by Service Providers”, of the Codified Ordinances of the City of Cleveland Heights; and declaring an emergency. Increasing demand is being made on the City’s streets and rights of way to accommodate facilities of utility companies, telecommunications providers and other service providers. It is in the City’s best interest to manage the occupancy and use of the City’s streets and rights of way by utility companies, telecommunications providers and other service providers to the extent permitted by the law. Therefore, be it ordained by this Council that this Council adopts and enacts a new Chapter 941 of the Codified Ordinances of the City of Cleveland Heights to be entitled “Use of Public Rights of Way by Service Providers”, a copy of which is held by the Clerk of Council. Notice of passage shall be given and this Ordinance shall be declared an emergency measure for passage tonight. I offer Ordinance No. 32-2006(MS), As Amended, Second Reading for passage.”

Mayor Kelley accepted Ordinance No. 32-2006(MS), As Amended, Second Reading.

Council Member Tumeo commented, “We heard some testimony about this tonight and I think it’s important for the citizens to understand that this has been discussed by Council for several years before I’ve been on Council and since I’ve been on. In 2002, the Ohio Legislature enacted a chapter dealing with this kind of activity, and there is as always in the case of law, legal disagreements, but there are a couple of sections that I looked up and with my knowledge of the law I would like to at least note my thoughts on this. First of all Section 4939.03 of the Ohio Revised Code says, “No person shall occupy or use a Public Right-of-Way without first obtaining a requisite consent of the municipal corporation owning or controlling the public way.” That would be this Council. Second, while it says that initial consent for occupancy or use of the public way shall be conclusively presumed for facilities of a public utility, this presumed consent does not relieve the public utility or cable operator of compliance with any law related to the ongoing occupancy or the public way, which this ordinance would be. And finally, and I think most importantly, Section 4939.04(b) of this same law states, “That the management, regulation and administration of public way by a municipal corporation with regard to matters of local concerns shall be presumed to be a valid exercise of the power of local self-government granted by Section 3 of Article 18 of the Ohio Constitution. For this reason, I am definitely in support of this ordinance.”

Council Member Wilcox added, "I just want to add, just because it was stated earlier tonight, it should be obvious that we believe or at least I believe this ordinance is lawful, although it was stated by one of the speakers up here that it wasn't, we believe that it is lawful. We believe what we are doing is in the best interest of the city and pursuant to our powers. And, again, this is not something that has been thrown together, we've worked on this for a number of months and I appreciate our law director's efforts and the fact that a number of amendments were made to the ordinance as a result of comments we received from the utilities shows our good faith in this regard. I'll be voting for this ordinance."

Vice Mayor Montlack stated, "I think that over the years, most of the time, the relationship between the utilities, the various kinds of utilities and this city has been a productive one. Most recently, after a great deal of communication the Illuminating Company or CEI or First Energy has really done a great deal of work in Cleveland Heights to address outage problems and that kind of investment is very much appreciated and not to pick out any particular company, I can cite many examples for SBC, now AT&T to indicate what a good corporate citizen that entity has been in its support for many, many good things. There is though, I've been convinced, a need for this legislation. There have been situations where work in the right-of-way has not always gone smoothly. I can recall that during the not so recent cable television build-out of the lines, etc., in the city, that there were some rough spots and that kind of situation goes a long way in evidencing the need to keep an eye on the right-of-way. There are just a few comments in terms of the possibilities of how such legislation could be misused, but I think are worthy of comment. First of all, fees that are mentioned in this legislation are based on actual costs incurred, and we can keep expect - all of us can expect, both the utilities and those on Council that this legislation will be reasonably implemented and that the City Manager as always can be counted on to handle the legislation in the spirit that it is intended. I know that we heard discussion of the inevitability of litigation and of course none of us can control that if someone is bound and determined to go ahead in that regard, but frankly, I think that if you're one of those who sees itself being directly affected, maybe you want to wait and see whether, in fact, these worst fears have any basis. Thank you."

Council Member Evans commented, "I, too, will be supporting this legislation as presented. This has been a difficult process and it has been a lengthily one as many of you well-know. Our law director has done most of the communication and it has been our responsibility then to try to understand it and put it together. I sincerely believe that this legislation will be the best for our residents, the best thing for our residents to protect them and I believe that's one of our responsibilities. I appreciate all the information that the different entities have brought to us, and I do hope that the conversations will continue because I think that - I know that it'll be necessary. And as Ken mentioned, if you're able to be patient and wait this out - work through it - that there may not be any need to beget any legal ramifications. That completes my comments."

Mayor Kelley commented, "How did we get here? We started in 1997. We re-looked at this in 2000. 2002, July, the Ohio Legislature enacted Chapter 4939, which Councilman Tumeo talked a lot about. About three months ago or so, back in early spring, our law director brought this to our attention. We did it on first reading. At numerous meetings with the various entities that are concerned - we've had conversations - we had a short meeting tonight. And we're here to pass this tonight. But what did I learn from one of the representatives? That this is going to cause litigation - service will not be improved and there will be an increased cost to our residents. But they want to work together with us. They want sixty (60) more days. I don't see that happening. You can't have it both ways. Can't come in our town and tell us if we pass it it's going to cause litigation, your service to our residents will not be improved [and] it is going to increase the cost, but give us sixty days. You're talking out of both sides of your mouth and for that reason I'll be voting yes tonight, supporting our law director. Our law

director has worked very hard on this. You've had a lot of time to talk to us and we're moving forward and I strongly suggest - strongly suggest that if there is future concerns about this legislation, you continue to work with the law director to move this forward. Other cities as Councilwoman Caplan has mentioned, Forest Park, Toledo, Dayton, Dublin and Columbus, just to name a few, have passed this. Things are going on. The power is still turned on. The lights still work, the gas comes in, cable comes into the homes there. AT&T, whatever the phone service down in those cities is still working. Things are happening. Construction is going on - everybody is waking up in the morning and things are still happening. I haven't seen any major lawsuits filled or people being disenfranchised, fees being tacked on to people's bills because of the city doing this. So I strongly suggest you get on the same page with our city and move forward. It's time to put this pettiness aside and move forward. We're passing this tonight by a 7-0 vote."

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

Nays: None

Ordinance passed

Council Member Caplan continued, "Thank you. I now have Resolution No. 76-2006(MS), to adopt the Solid Waste Management Plan for the Cuyahoga County Solid Waste District; and declaring an emergency. This one is also rather interesting, in August of 1988, the Cuyahoga County Board of Commissioners formed the first and largest populated Solid Waste Management District in the State of Ohio. The reason for doing that was to work on facility designations, the flow control of waste, waste generation, capacity of availability, strategies for waste reduction and/or recycling, (and you know how I always talk about recycling) availability of revenue for implementation, procedures to be followed for implementation, and a time-table for implementation of programs or activities. Along with that, they also instituted that the plan needed to be reviewed every five years and so that's what we're going to hopefully pass tonight and just so that you can see that this is not a minor thing, it is a major five-year draft for proposal.

So, this Resolution is to adopt the Solid Waste Management Plan for the Cuyahoga County Solid Waste District; and declaring an emergency. The City of Cleveland Heights is located within the jurisdiction of the Cuyahoga County Solid Waste District ("District"). The Cuyahoga County Solid Waste District Policy Committee has prepared and adopted a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code. The District provided a copy of the Draft Final Solid Waste Management Plan for ratification to each of the legislative authorities of the District and that's what I just explained. The City of Cleveland Heights must decide whether it approves of said Solid Waste Management Plan within ninety days of receiving this plan. Therefore, be it resolved by this City Council that we approve the Solid Waste Management Plan, 2007 - 2021, a copy of which is on file with the Clerk of Council. The Clerk is directed to send the District a copy of this Resolution to the attention of Patrick J. Holland, Executive Director, Cuyahoga County Solid Waste District, 323 Lakeside West Avenue West, Suite 400, Cleveland, Ohio 44113. Notice of passage shall be given and this Resolution shall be declared an emergency for passage tonight. I offer Resolution No. 76-2006(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 76-2006(MS).

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

Nays: None

Resolution passed

Council Member Caplan concluded, "Thank you. Just one last thing, because we're talking about solid waste and we have a book called, Recycling of Cleveland Heights, A Way of Life. I cannot resist telling you of all the materials we collect in Cleveland Heights, almost 44% of them are recycled. We could really do better, though, and we make money on it. We make money on it in two different ways. We made about \$40,000.00 last year on recycling, but we also saved because we didn't have to pay the \$31.00 a ton that we need to pay to have our garbage land filled, so not only did we make money directly we also saved a lot of money. It is really up to us, each one of us to do a better job on recycling. All that mail, all those magazines, the newspapers, the cans and the bottles - you can do your part and you sure will be hearing more about this from me as we keep going along, because I talk about it a lot. It distresses me that more people do not really recycle all the paper that comes into their homes. With that, my committee report is finished. Thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation from this committee tonight, but I did want to make a couple of comments. The first one, on an up note for Coventry, last Thursday night was the first street fair that Coventry held. The weather was great and the crowd was even better. It was just a uniquely Coventry-type of event and it was really a great time and I just wanted to point out that it is summer time and that a lot of our business districts will be having events such as that. Maybe not quite like Coventry's, but Coventry is going to have another street fair on the 20th of July and also on August 17th. There are a lot of events in our city including the Cedar Lee Stroll on Lee on July 13th, the Noble-Nela District is going to have their summer festival, I think that's a first for them, on July 14th, Fairmount and Taylor will be having a weekend festival from July 20 to July 22, and Cedar Fairmount will have their Discover Cedar Fairmount Festival on August 20th. So, again, there are a lot of events going on in our business districts.

In addition, we're doing something new in the city this summer to basically showcase our new housing. As you probably know, since 2000 the city has built or is in the process of building, not the city, but folks in the city are building 350 new housing units and there is going to be an open house for participating developments, Sunday, July 9th from 1:00 to 5:00 p.m. You can take a self-guided tour by following the map or there will be a trolley to visit a number of these new housing developments in our city including Bluestone which is right across the street on Mayfield, Boulevard Town Homes at Euclid Heights and Lee, Courtyards of Severance over at Severance Town Center, Fairmount Hill, which is on Fairmount Boulevard, 500 Severance Place which is the former Kaiser building on Severance Ring Road next to City Hall here and then Kenilworth Mews which is near the top of Cedar Hill. You can get more information about this at 291-5959 and hopefully this will be a great way to showcase the new housing in our city.

I am going to make a few comments also about the Coventry Elementary closing. I don't want to rehash the process or the reasoning or the disagreements we might have had with that process because we need to move forward in the best interest of our residents, but I did want to make a couple of observations as we go along here. I think it's been said that it's been difficult for the Board of Education to make this process, but we need to keep in mind that it's no more difficult than some of the anguish that some of the families are feeling in the Coventry area right now and other areas of our community, so we need to recognize that and do our best to work with those families.

Also, it was said that the Board of Education was closing a building not a school and I disagree with that. I think that comment ignores the integral and unique relationship of Coventry School to the

Coventry neighborhood. In a sense it really fails to recognize the spirit of that neighborhood. Moreover, the children that go to that school will now be split up and they will be going to three different schools. Although the board did not factor the future use of the building in making its decision, I hope that it will be particularly sensitive to those concerns of the Coventry neighborhood and looking at those future uses and I was encouraged by Wendy Leatherberry's comment here tonight in that regard.

Finally, I think we need to keep in mind that although many parts of our neighborhoods or community may be breathing a sigh of relief now that their school is not going to be closed, we need to keep in mind that this elementary reorganization process is actually really just beginning. It's going to be going on over the next year and according to the book that was passed out on May 15th by the school board, the Coventry scenario will impact 700 students or over 25% of our elementary students going to new schools. So as that process begins, I will again implore the school board to be as sensitive as possible to the needs of our families and our school children in making this plan successful. We've all been encouraged with the improved scores in our schools over the last several years and we want that to continue and we want our families to still have all the confidence in the schools that they do today, but we all need to work together to make this successful. That concludes my comments."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you. The next is Ordinance No. 77-2006(PSH) and this ordinance was made possible because of a grant that we received from FEMA to pay for 70% of the equipment. Ordinance No. 77-2006(PSH), authorizing an agreement with GTSI Corporation for the purchase of laptop computers and accessories for the Fire Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring an emergency. It has been determined to purchase laptop computers and accessories for the Fire Department and will be purchased at a total cost of Thirty-five Thousand Fifty-six Dollars and Forty-eight Cents (\$35,056.48). This equipment can be purchased through the Ohio Department of Administrative Services Cooperative Purchasing Program at a lower price and this all came about because of a resolution that we passed way back in 1988 which authorized Council to participate in the Cooperative Purchasing Program. I'd like to present Ordinance No. 77-2006(PSH) for passage this evening, keeping in mind that FEMA will pay for 70% of the cost of this program."

Mayor Kelley accepted Ordinance No. 77-2006(PSH).

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

Nays: None

Ordinance passed

Council Member Evans continued, "Next is Resolution No. 78-2006(PSH), authorizing an agreement with BIO-key for the purchase of computer software upgrades for the Fire Department; providing compensation therefor; and declaring an emergency. The Fire Department has determined to upgrade its computer software and this particular company is able to provide an upgrade which is compatible with the Joint Fire Dispatch Center's software. The proposed price for the software upgrade is reasonable and competitive. FEMA will also, through a grant, be covering seventy percent (70%) of the cost of this upgrade which will cost Forty-one Thousand Thirty-one Dollars (\$41,031.00). I'd like to present Resolution No. 78-2006(PSH) for passage."

Mayor Kelley accepted Resolution No. 78-2006(PSH).

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

Nays: None

Resolution passed

Council Member Evans concluded, "That completes the legislation but I do have an announcement to make. A number of weeks ago we introduced Ordinance No. 44-2006(PSH) on first reading to amend Subsection(d) of Section 1161.11, "Improvement and Maintenance Standards", of Chapter 1161, "Off-Street Parking and Loading Requirements", of the Codified Ordinances of the City of Cleveland Heights. The next step is that Council will transmit the Ordinance to the Planning Commission and we have scheduled a Public Hearing, Council's public hearing on July 24 at 7:00 p.m. Then Planning Commission will meet about this issue on August 9th and it returns back to Council on August 21st. That completes my report."

REPORT OF THE MAYOR

Mayor Kelley reported, "I just want to spend a minute on the Coventry School issue. I'm committed to helping the school board help the families and the people at Coventry School to have a fantastic last year at Coventry School. What that really means is to help them make sure the school year goes along just like any other year, to make sure as they transition through the process of where they are going to go, following year that things are smooth and are set in stone. How do you do that? You do that by very simply, by making sure that all these rumors about what's going to happen to the property doesn't get out of hand. How do you do that? You make sure that when all these ideas come up or filter out that nothing is done with the property. By that, it means it's very simple, the school board right now has a property that's called Millikin that will be on the market very soon 'cause they're moving out of Millikin. That will be the property that the school board will be working with in the next few months or maybe even into a year to sell or to transition onto or do something with. I think it's very important not to get caught up on what's going to happen to Coventry. There will be ninety-nine rumors between now and eighteen months or two years from now before Coventry is actually vacated. I think it's very important to make sure for the people that are going there, spending the next year there- so we're going to hear all the rumors, the art center, the skateboard center, what did we hear tonight - the swimming pool, these type of things. I think it's very important that we let Coventry School breathe, to have their last year there, do their thing. Because regardless of what happens in the next fifteen months - twenty-four months, Coventry School needs to be operated as an elementary school. We owe it to the families that are there. We owe it to the families that have been there for the last few years. We owe it to the teachers, the administrators, to the principal to honor the memory of the Coventry School and what it needs to be.

As far as the playground, we'll figure the playground issue out. A developer or not developer - the community will figure out what to do for the playground, but let's not forget about the playground. The playground, the city put money into that playground, a lot of hard work, sweat equity went into the playground. So from my point of view, I don't see the city buying that playground from the school board when the city and a lot of hard earned money went into that playground even though the school board isn't here, I would say that to the school board even if I have a chance. I mean only be speaking for myself, I may be just speaking as a taxpayer. Who knows what's going to happen? I think the important thing now is while all the rumors swirl about what's going to happen to Coventry School, as the Mayor of this Council, I am not entertaining any offers from anybody. We don't own the property, the school board owns the property. I think the school board has a responsibility to figure out what to do with the Millikin property and entertain offers for the Millikin property. There are a lot of things that

can and cannot do with the property due to the Ohio Revised Code. They will have to figure that out. We stand ready to assist them in some of these ventures but I think it's very important for the families that are involved at Coventry School, the teachers, the administrators, the Coventry Merchants, the whole Coventry area to let them have the best year possible and enough with all these rumors of about what's going to happen - condos or whatever or swimming pools or community centers or whatever. We have a lot of great assets in this community. Coventry School is one of them. I think it's important to let the people have their year there and let us stand back for a while and see what happens. They have a lot of things they need to do. First and foremost they need to make sure those families have the best school year they can. It's very important to me for that to happen. As the Mayor I'm ready to make that happen. We'll continue to visit that school a number of times like I did last year and to be there. As far as the playgrounds, rumors are going to persist. Developers are weird people. We know that from what we've done in the city in different developments. We're going to hear a lot of rumors. The city is not going to actively pursue a developer who comes to that site, at least I think we're not at this point and time, 'cause we don't own the site. We'd love to have an art center somewhere. I know we have two Sun Press reporters, but we'll see what happens.

This meeting is adjourned at 9:33 p.m. Our next meeting will be Wednesday, July 5, 2006 at 7:30 p.m. We are not meeting on Monday, July 3rd due to the craziness of the July 4th holiday. We will cancel the meeting on July 3rd. We will call for a special meeting on July 5th even though it is our regular meeting. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc