



CITY OF CLEVELAND HEIGHTS, OHIO

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY EVENING, JULY 2, 2007

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 5:05 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.

Committee of the Whole adjourned at 7:45 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:56 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

The minutes of the Regular Council Meeting held Monday, June 18, 2007 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

"Good evening. I'm Fran Mentch and my address is 1413 Lynn Park Drive and I've lived here 18 years. I started to communicate with Council, May of last year, about my concerns about architectural integrity and the increased presence of security doors in our community and how that will lead to eventually to our neighborhoods deteriorating. I did hear a few things back from a few members of council. Then in February I came and addressed Council in more detail about my concern about architectural integrity and the increased presence of security doors and how there is a lot of information and there is a lot of accumulated history about how that's a soft sign of deterioration that leads, in fact, to crime in neighborhoods. At that meeting, Mr. Montlack suggested that we find out how other people in the community felt about the issue. Council received three letters from individuals in the community or e-mails. You received a letter from the Forest Hills Home Owners Association representing obviously the people who live there - all in support of architectural integrity, including the evaluation of security doors as to whether or not they are architecturally congruent with the buildings. In addition, Future Heights put a poll up on their website asking people to both sign - give information - give their opinion,

but also vote. Forty-eight people thought that it wasn't, in fact, an issue of concern. There were a lot of interesting comments made and the copies of those comments were sent to all of you. I know that Julie sent them to you and some other members of city government. Also at that meeting in February, Ms. Evans suggested that this issue go to committee, that it couldn't be decided that night. I followed up with members of council about that. It was not sent to committee. I then contacted Mayor Kelley, who contacted me. I asked him about what had happened with the law department giving an opinion. He said, if I recall, that they said it wasn't a good idea. I said, do you have anything in writing indicating that law opinion? He said no. Forgive me, but if a tree falls in the forest and no one hears it, does it make a sound? If the law department renders an opinion, but it's not written down - is that an opinion?

Then, I did - Nancy Dietrich - Ms. Dietrich did follow up with me about a flyer that was handed out that she wrote and had put originally in the Focus or helped to write - originally put in the Focus."

Mayor Kelley interrupted, "Nancy Dietrich did not write that letter."

Ms. Mentch continued, "Did she help to write it?"

Again Mayor Kelley and Council Member Dietrich replied, "No."

Ms. Mentch continued, "Whoever the author is, Nancy was, I think supportive of that. The article in the Focus which asked people essentially to follow the idea of civility but also mentions specific things about barking dogs and the security doors. Suggesting, essentially, that people use a full screen - install a full-view storm door. And I had asked if that could be sent to every place that essentially a new or a current homeowner intersects with the city to give them that flyer, to explain to them that we encourage the full-screen storm door and she - I believe I'm reporting what Nancy said, essentially it was up to Susanna. Apparently, the Home Repair Resource Center does have that to pass out, but I don't know that it intersects anybody else who comes into our community - intersects with the real estate department. I did find out from Kathryn Lad from HHRC that HUD does not pay for anything but a full-view storm door, that they will not, in fact, pay for the security doors and I had asked for that flyer. She had difficulty getting it to me, but I wanted to pass it out to you, but that obviously is available too. So HUD does not pay for anything but the full-view storm door. I also had concerns about - I had said at that point that I was very concerned about the increasing numbers, the image this projects to prospective homeowners, to people who drive around the school areas, people who drive into Cain Park to come to enjoy the wonderful things we have here. I did notice, I recently walked on Yellowstone between Noble and Monticello and this is a street that the Monticello Middle School sits on and on that street there are 36 homes. There are seven that are up for sale. There are twelve that have security doors and there is one that is boarded up. I was appalled. There is also another home that is boarded up on Monticello and I was appalled that in the community that pays both the real estate and the income tax that we do, that we have, in our community, boarded up homes. I just drove by tonight - you look like you don't believe me, but it's true. On the same street that if somebody drives down or they go to walk around the track at the Monticello Middle School you will see that.

So, I guess once again I would like to reiterate and then I would like to ask questions, I'd like to ask you a question, be very interested in your response. I think what is really here is common ground. Everyone who moves into this city does so with the hope that they are moving into a safe neighborhood, that their property value will maintain its value, that the quality of the community will be maintained. There is no one who wants it to deteriorate in any way, shape or form. I guess I'm asking - I'd be very interested in all of you in your response, about what your plan is for architectural integrity, where you see the community going without it, when you think about the schools - the large number of vacant homes, the large number of sub-prime lending that goes on, the situation with population mi-

grating, the intense competition within. Where do you see us going without some kind of architectural integrity with these increasing issues?"

Mayor Kelley asked, "Are you done?"

Ms. Mentch replied, "No. I'm waiting for a response, Thank you."

Mayor Kelley responded, "Let me start off by saying, as far as the security doors, you and I had numerous conversations. For a while there we talked every Friday."

Ms. Mentch interjected, "Not every Friday."

Mayor Kelley continued, "Almost every Friday,

Ms. Mentch said, "It might have felt like it."

Mayor Kelley continued, "Almost every Friday, because you traded e-mails with me. Actually you sent me e-mails and I responded to you on the phone and I explained to you that we did talk about this issue in the full Committee of Council and it had to go into the Public Safety and Health Committee as a whole. Council talked about your issue and we talked about your issue last year and that's why we put the first article in our Focus Magazine. I did explain to you that Mr. Gibbon did research the issue at Council's request and what his recommendation to us was that we couldn't just go ahead and put this issue in and tell people that they couldn't put these kind of doors in their homes and/or take them down. That was the gist of our conversation. As far as the questions that you just asked us now, we don't have two or three hours as the council to start answering questions like that. We have a lot of business tonight. There are other people here that want to speak and it just wouldn't be a good use of our time to try to answer all those questions that your just lumped together in one. So, it's that simple."

Ms. Mentch continued, "Is it possible for me to get some kind of a response by e-mail or in some kind of writing? Is there some way for me to get a response? I understand, I can't take up a lot of time now, but how is it - -?"

Mayor Kelley answered, "That's up to the individual council people if they want to respond to your e-mails or not. As I've told you before, I've talked to you about the security door issue. I relayed Council's decision to you. As I said, we spoke nearly every week. I don't know what more I can tell you about the security doors."

Ms. Mentch answered, "We didn't speak every week."

Mayor Kelley replied, "Nearly every week we spoke."

Ms. Mentch continued, "I don't think that's - - ."

Mayor Kelley replied, "I'm not going to argue with you. It is what it is. I told you what Council decided and where the law director came in and that was a few months ago."

Ms. Mentch asked, "Do you know the basis for the decision by the law director? What's the basis for not - -"

Mayor Kelley again answered, "I'm not going to discuss that with you. Do you have any other

questions you want to ask?"

Ms. Mentch continued, "Can I take that up with the law director? Can someone give me that response?"

Mayor Kelley answered, "He is a public servant. You can call him any time and he'll be more than happy to talk to you."

Ms. Mentch concluded, "So, you're not going to give me a response?"

Mayor Kelley replied, "I gave you a response when I talked to you before on the phone about what the law director decided. Is there anything else?"

Ms. Mentch answered, "No. Thank you."

"Good evening. My name is Stewart Pharis, 2351 Stratford Road. I've got a report that everyone on Stratford is deliriously happy about the arrival of paving equipment in the past few days. It's much smoother now and the potholes aren't going to swallow my Civic anymore, so that's good. I'm here tonight as co-president of the Fairfax PTA to address you about a zoning variance that is on your agenda tonight, the school district is asking for a variance to allow them to create 18 parking spaces behind Fairfax on the Lee Road side of the school and the PTA really strongly endorses this project and urges your approval. If any of you have not seen the congestion at Fairfax at pickup and drop off time, there just isn't enough parking space there. There are cars everywhere. It seems to bring out the worst in human behavior and in five years now of walking my kids to school, I've seen all too many near misses between cars and kids. So anything that would take some of the parking out of the main parking lot should reduce traffic both on Fairfax and Wellington Roads and hopefully improve pedestrian safety [and] at the same time the proposal not only creates badly needed parking space but it includes a number of landscaping measures that should greatly improve the look of the school on the Lee Road side which is charitably speaking, pretty terrible right now. So, for those reasons the PTA strongly urges you to approve the district's request for a zoning variance. Thank you very much."

"Jon Kaplan. I own a home on 1621 Eddington Road. I spoke last year about the crime in the area. I didn't really get a response from anyone, but this year I decided to do a study. I paid my tenant to write down every time a policeman drove by, so she did the study. Last month, the police were driving by about every two to four hours. So, I called the commander and the chief and I told them about it and they go, 'well, between four and eleven is the most dangerous time, we'll try to get someone there every hour."

Mayor Kelley asked, "4:00 p.m. and 11:00 p.m.?"

Mr. Kaplan answered, "Yes. So far we - mostly every two hours. Especially, you'd think Fridays and Saturdays are the most important times. I have all the times written down here. I spoke to Susanna and she is going to forward the times over to Julie in public relations. I just want to address that maybe someone else could speak to the commanders about getting - at least during Friday and Saturday, more drive-bys, at least every hour between 4:00 and 11:00, like Commander Ross since those are the most important times. Last year I spoke about maybe getting cameras and you said it is real expensive and maybe these people would be stealing them. There are cameras in Cleveland Heights, like in the parking garages at Cedar-Fairmount I noticed and I don't know if people are stealing those, but you can buy them relatively cheaply now. In my business, I was buying outdoor infrared cameras for fifty dollars for security, so you should reconsider maybe in the area of getting some cameras."

Mayor Kelley asked, "So, your tenant basically just sat there for hours?"

Mr. Kaplan answered, "Yes."

Mayor Kelley continued, "On the time, did your tenant and / or the people that live on Eddington, do they regularly call police when they see suspicious activity?"

Mr. Kaplan answered, "I tell them and I know they probably don't. The police tell me they don't call."

Mayor Kelley said, "We're in this together. If your tenant is seeing suspicious behavior between 4:00 and 11:00 p.m. instead of counting the cop cars she should be calling for activity."

Mr. Kaplan said, "You're quite right. I told them, they said they're calling. I know, but, it's a whole area that needs to be calling. I also suggested last year maybe we should - -"

Mayor Kelley said, "Mr. Downey is our safety director."

Mr. Downey stated, "Mr. Kaplan, if you could stay for a few minutes till the meeting is over, I can tell you what's going on in the area and talk with you about further police security? That's fair question for you that you've asked."

Mr. Kaplan replied, "Thank you."

Mayor Kelley reiterated, "But, please have your tenant, if she sees it, I assume it's a woman?"

Mr. Kaplan acknowledged such.

Mayor Kelley continued, "If she sees any activity that just isn't right, she should call the police instead of counting cars, she should call the police right away."

Mr. Kaplan said, "Right."

Mayor Kelley continued, "Whether it's kids out past curfew or anything worse than that, she has to call right away, really."

Mr. Kaplan said, "I understand and I tell them that."

Mayor Kelley concluded, "Great and Mr. Downey will get with you after the meeting."

REPORT OF THE CITY MANAGER

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

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that three notices have been received from the Ohio Department of Liquor Control advising that applications have been made by the following: Moran Foods, Inc., d.b.a. Save A Lot 618, new C1 and C2 permits, premises 2227 Noble

Road, 44112; Best Thai Inc., d.b.a Lemon Grass Thai Cuisine, premises 2179 Lee Road, transfer D5 and D6 permits from Lemon Grass Inc., premises 2179 Lee Road and Patio, 44118; and, 1854 Coventry Salad, Inc, premises 1854 Coventry Road, transfer D5 and D6 permits from Severance Athletic Club Ltd., premises 15 Severance Circle Road, 44118, Leigh Perkins. Your Honor, I need to make these a matter of record.”

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

Mr. Malone continued, “Thank you, your Honor. I also need to notify Council that one resolution of the Board of Zoning Appeals has been received pertaining to a variance in the Zoning Code and is requested by the following: BZA Calendar No. 3126 Cleveland Heights-University Heights School District (Fairfax Elementary), 3150 Fairfax Road, yard regulations for conditional uses. Your Honor, I also need to make this a matter of record.”

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

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, “Thank you, your Honor. I have no legislation tonight, but as always I have a random assortment of things to mention. First of all, I feel compelled to respond to a letter that was in the Sun Press, a letter to the editor in the Sun Press, I think it was just this past Thursday. The person who was writing the letter was actually addressing the shooting of Officer West on Altamont and saying that maybe Cleveland Heights should take a lesson from Shaker Heights and hold landlords responsible for tenant behavior. Well, we were the people that - I mean it’s really our housing manager, Rick Wagner, that brought this kind of legislation to us and then Shaker and the other suburbs found out about it at the First Suburbs Consortium and followed the lead. So I just felt I wanted people to know that sometimes when you read about something that becomes controversial like the Shaker legislation seem to have, we were able to pass that legislation very smoothly. It’s been working here for a couple of years and we have in the last couple of years are holding landlords responsible for tenant behavior after the second police call to their home. Along that same line, later tonight in Councilwoman Evans’ committee report there are three pieces of legislation on first reading that really go right along with that, we really are trying so hard to get on top of behavior problems. I think if you listen hard, you’ll hear that we’re doing it and I think sometimes we just pass these things as legislation and nobody takes issue with it and so people don’t really notice that we’re doing it. So I just wanted to say that we really are doing that.

Secondly, and this also has a little bit to do with Jason West in a different way. On Saturday, July 16th there is going to be a cut-a-thon at Quintana’s Barber Shop up on Taylor Road and the proceeds will go to the Jason West Memorial Fund. Barbers from Euclid, Cleveland Heights, Shaker Heights, University Heights, Tremont and Avon which was Jason West’s home town, as well as the entire Dream Spa staff will be donating their time Saturday, July 16th from 8:00 a.m. to 8:00 p.m. to give haircuts and massages and all the money that people pay for that will go to the Jason West fund. So if you need a haircut or a massage go to Quintana’s Barber Shop on Taylor Road on July 16th and your money will be put to good use.

I also wanted to announce that the Softball Hall of Fame Induction Ceremony will be held this Saturday 4:00 p.m. at Forest Hill Park and I thought I would read you the names of the eight people that are being inducted: Colin Irish, John Cook, Dennis Grosel and Mike Valentino are all male softball

players. Female softball players who will be inducted are Pam Koeth, Reaver Nelson, Lisa Nagy Wojtylak and contributor Howie Wise. It's always a big deal, Softball Hall of Fame induction ceremonies at 4:00 this Saturday at Forest Hill.

Finally, one last thing. I just went to my first event of the year at Cain Park to see Oliver at Recognition Night the other night and I just want to say again, if you have never been to Cain Park, what ever your musical taste or your drama taste or your dancing taste, there is something for you and the venue is just so wonderful. We really have something that rivals any of the big regional draws in terms of venues for concerts. So, give Cain Park a try. That's all I that I have."

Mayor Kelley said, "I just want to help you out here. The date, is actually, it's a Saturday, but it's July 14th. You said, Saturday, July 16th so the haircuts and the massages - - "

Council Member Dietrich said, "Oh, I'm sorry."

Mayor Kelley continued, "It is Saturday, July 14th and that was from 8:00 in the morning until 8:00 at night."

Council Member Dietrich said, "Thank you so much. July 14th everybody."

Mayor Kelley continued, "For Officer West. Thank you, Councilwoman Dietrich."

REPORT OF THE FINANCE COMMITTEE

Mayor Kelley added, "We did spend a great deal of time on our 2008 Tax Budget, it's one of the many reasons we were a little late getting out here tonight and we will move to Vice Mayor Montlack."

Vice Mayor Montlack stated, "Thank you, your Honor. Resolution No. 82-2007(F), first reading only tonight. It is a Resolution approving the adoption of the 2008 Tax Budget; and declaring an emergency.

As the Mayor indicated we have now spent a couple nights going over the budget. I'm not going to attempt to go over the hundreds if not thousands of lines in the budget. Basically, I will tell you that because revenues, essentially continue to be flat, that tells us that expenses must be maintained. And, in fact, through every single department, that is the case and that is another reason why like any business person, we look at the monthly statements as they come across very intently. But, as I have said to some other folks on occasion, hats off to the staff of Cleveland Heights, because frankly, because of the flat budget, it is the staff that carries a great deal of the weight of the city's operations on the staffs' collective shoulders. This means that in many cases, jobs that were or duties that were handled by two people are now handled by one or 1.5 individuals. It means that often by attrition that positions are not filled the way they were previously. Frankly, this community is working leaner and smarter and doing everything we can at the same time to protect our tax base.

For any persons who wish to see a detailed line by line discussion of the budget including the estimates of revenues, and keep in mind that when we pass this legislation in mid-year we are making an educated guess as to 2008 and obviously we don't know the final story on 2007. Keeping that in mind, the Finance Department and the Director of Finance does have copies and information on the proposed budget available for anyone who so wishes. Now, also, there will be a public hearing, as there is every year, when we consider this legislation. It will be on July 23, 2007 at 7:00 p.m. here in Council Chambers. As we look forward to reading this on second reading, we anticipate that the budget will be

adopted. Resolution No. 82-2007(F) is submitted on first reading only tonight and that completes this committee report.”

Mayor Kelley accepted Resolution No. 82-2007(F) on first reading only.

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, “Thank you. I have one piece of legislation. It is Resolution No. 83-2007(MS), and you’ll be interested to hear what it’s about. It’s about paving Lee Road and the engineering will happen this year, but the project itself will happen next [year]. Next year we’ll worry about going north and south, this year we only have to be jogging around going east and west throughout the whole area. Resolution No. 83-2007(MS), authorizing the City Manager to enter into an agreement with Wade Trim Ohio, Inc. for engineering services for the plans and specifications phase of the Lee Road Rehabilitation Project; providing compensation therefor; and declaring an emergency. The City intends to perform rehabilitation on Lee Road from Dellwood Road (and that’s by the library) to the south corporation line; and, Wade Trim Ohio, Inc. has submitted a proposal to provide the necessary engineering services for the plans and specifications phase of this Project, the terms of which are reasonable and competitive; and, such services are professional services for which no bidding is necessary. Therefore, be it resolved by this Council that the City Manager be authorized to enter into an agreement with Wade Trim Ohio, Inc. for engineering services for the plans and specifications phase of the Lee Road Rehabilitation Project. The scope of the work shall be as set forth in the Engineer’s proposal dated January 8, 2007 (we’ve been working on this a really long time), a copy of which is on file with the Clerk of Council. Compensation for the services shall be at the Engineer’s usual hourly rates, with total fees and expenses not to exceed the sum of One Hundred Sixty Thousand Dollars (\$160,000.00). The agreement and any related documents shall be approved as to form by the Director of Law. Notice of the passage shall be given and this Resolution is declared to be an emergency measure for passage tonight. I offer Resolution No. 83-2007(MS) for passage tonight.”

Mayor Kelley accepted Resolution No. 83-2007(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, “Thank you. I have a comment or two. One is that anyone who is in our audience or watches us and wonders why it is that members of the community come and talk to us with such passion and then we don’t respond, that’s how it’s set up. The time at the beginning of our meeting is for people to come and talk about whatever it is they want to talk about, but it is not a dialogue. It is a time to come and present their views. We often do then speak with that person later or communicate with them in one way or another and we certainly do talk about whatever the issue is in our work sessions, but this is not a time for dialogue and there is no give and take. So that when questions are asked of us, it may seem harsh that we don’t respond, but we do not or our meetings could go on until 2:00 in the morning. Sometimes they go on late enough. So it is not that we are not listening, it is a time for somebody to make a public statement.

I also would like to comment about Cain Park this week. I had the pleasure of going and hearing Livingston Taylor. There is no place like it. There are very few municipal theaters across the country, to sit outside with a cover over your head so when there is lightening in the skies as there was the other night and you think, ‘oh, my goodness, I’m going to get rained on’. You won’t get rained on, but it is perfection. What could be more wonderful and then five minutes later you’re home. So, I encourage

you to come and see and participate in what we have to offer and also put on your calendar because the weekend of the 13th, which is in a week and a half or so is the Cain Park Arts Festival, which is free. There are 150 artists that are coming and it is fabulous, so I encourage you to come. And that may be all I have tonight, thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation tonight, but there is one Board of Zoning Appeals Resolution and Councilwoman Dietrich was at that meeting and she is going to read this legislation."

Council Member Dietrich stated, "Thank you. This is BZA Calendar No. 3126, a zoning variance was requested by Cleveland Heights-University Heights School District (Fairfax Elementary), to be specific, located at 3150 Fairfax Road, in an A-single family district. The school district requested a variance from the yard regulations for conditional uses of the Zoning Code, to permit a front yard setback that varies in depth and is 10' at its nearest point. Whereas, the Zoning Code requires a front yard setback of 50'. What this is, is that Fairfax Elementary is needing more parking, more staff parking, so this proposal is to be a separate little parking area on the Lee Road side of Fairfax School, so it would be very close to the street, so that's what this variance request is about. The Board of Zoning Appeals felt that the applicant did demonstrate exceptional and unusual circumstances resulting in practical difficulty in complying with the requirements of the Zoning Code. The Board of Zoning Appeals felt that the applicant would suffer practical difficulty if the variance is not granted for the following reasons: increased enrollment and staffing at Fairfax for next year due to the closing of Coventry Elementary School and that would require Fairfax to have additional staff parking because there will something like 75 additional students going there and there will be nine additional staff; also, because the configuration of the site with its playing fields, playgrounds and the building orientation do not allow for safe or practical additional parking in the locations permitted by Code; also because the new parking lot would utilize an existing curb cut and have minimal impact on Lee Road traffic. What that means is that there would not need to be a new entrance into the parking lot because already that's a service driveway, so there is a curb cut. Another reason that they granted it, is that part of the plan is for landscape screening of the parking lot and the dumpster enclosure which would improve the aesthetics of the service entry which functions as the back door of the school; and that also the relocation and screening of the community garden would improve the aesthetics of the site; and, finally because adequate parking and safety cannot be resolved without a variance. The Board of Zoning stipulated that construction would be completed within 90 days and so I offer BZA Calendar No. 3126 for passage tonight."

Second by Council Member Wilcox.

Council Member Dietrich commented, "I just want to add, I didn't want to do it while I was reporting on it, because you would get my opinion confused with my report. I am just going to tell you my opinion on this and why I will be voting for this. I do know that there is some question here about urban design guidelines and having a parking lot that is right up against the street. We do try to avoid parking lots that are up against the street and have parking lots that are behind a building. Years ago, in the '80's, three of my kids went to Fairfax School and I was PTA president there for two years and then I was playground chairman there for I don't remember how long and even back in the '80's we were looking for a solution to the horrible congested parking entrance and exit on the Fairfax-Wellington side of the building which is the front entrance to the building. Many times it has been proposed that the existing parking lot be exited out onto Scarborough. That proposal has been brought to neighbors - definitely since the early '80's and huge objection arises and the other reason for not extending the

parking lot in that direction is that there is a grade change and also that the soccer and other sport playing fields would be disrupted there. You know, I think this is one of those buildings that was built in the time when most kids walked to school. There really isn't very good drop off and pickup facilities now that there are so many parents driving their kids to school. It really does become a mad house there at the entrance and exit. It is all bottled into one tiny little driveway. Even just putting 18 cars in the front I think would relieve some of that congestion. Chief Lentz did approve the number of additional cars going onto and off of Lee Road. A couple other reasons why I'm voting for this, the way the building is situated on the site, what we would normally think of the back of the building is really the front of the building. The front of the building is facing Fairfax and Wellington, faces into the neighborhood. Lee road is actually the back of the building, so we usually favor parking in the back and that would turn out to be Lee Road, even though this time it seems like it's on the front. There is precedent for this. We, in fact, purchased and then sold to the library an old gas station on Lee Road that is now a parking lot for the library, that's right abutting Lee Road the same as the new Zagara's has their parking right on Lee Road. I'm just telling you ahead of time my additional reasons after years and years of experience at Fairfax School for supporting this variance. Thank you."

Council Member Wilcox added, "I will also be supporting this variance, although I think this is somewhat of a difficult issue, although our Board of Zoning Appeals voted unanimously to approve this variance. I'm not sure what is requested will completely alleviate the traffic concerns at Fairfax, but I believe that they have exhausted other options of where to put the parking. I'm truly convinced of that. They've looked at Scarborough, they've looked at the other sides of the school and I think this is the only practical place that they could add parking and I believe the parking is needed and one of the reasons I will be voting for this as I look at it as a safety feature for the school. I also would point out that the school is already located the way it is, it already does have the configuration that Councilwoman Dietrich talked about where there is a service entry coming from Lee Road that already exists and quite frankly the improvement that is planned here would be an aesthetic improvement over what's there right now. So, I mean that is another reason why I think, although I don't think this is going to alleviate the entirety of the parking issue there, I will be supporting this variance."

Council Member Tumeo spoke, "This is a very complicated issue and I will not be supporting the variance. The issue to me - I understand is very sensitive to a couple of issues. First of all this is a school, we're dealing with children and safety is always a primary concern, but it's an elementary school and I don't believe these children and driving and parking in this parking lot. The pickup and drop off time is the problem. The proposal doesn't alleviate or create a new pickup and drop off area. They're leaving all the parking in the parking lot where it's at. They're adding more students so it's just going to get more congested in that pickup and drop off area. They're adding eighteen parking lots² for the convenience of the teachers. That's not a safety issue in my mind, it's a convenience issue. It is for the employees, not for the parents picking up or dropping off their children. There are other options including some parking down the street, perhaps at the church which has a vacant parking lot during the school days and the teachers would have to walk a block or so. The landscaping issue on the front of Lee Road, we have planning rules because of aesthetics and looks and landscaping doesn't need a parking lot to be accomplished and meet the planning desires and actually the code for screening of the dumpster there. So, in my mind this does not meet the requirement of a practical difficulty nor does granting it alleviate the real problem there."

Council Member Caplan spoke, "I'm going to be voting no on this variance and actually Councilman Tumeo sort of stole all the things I was going to say, because the practical difficulty appears to be about the problem of congestion of coming and going and this parking lot doesn't have anything to do with addressing this issue. I do think that when one gets a job one is not necessarily guaranteed a parking space adjacent to the building where one works. There are many options within about a block

of the school. So, good planning in our city and good planning in general does not put parking on the street and if you will see we have very few houses that have garages - have driveways that go into the garages into the front. We encourage people and have laws about having the garages in the back. When you look at Zagara's, which was cited as one of the places where we do have parking on Lee Road. Indeed we do, but the building is up against the street and when it was built the parking's essentially on the side of Zagara's, not along the front of Lee Road. This is not good planning. Nowhere down the street, all those houses, the church, they have grass going down the front and then there's the building and then the parking comes along the sides or the back. I think it is not good planning and I don't see it as a safety issue and I don't see it as alleviating the practical difficulty and I need to vote no."

Council Member Evans added, "I also will not be voting for this BZA Calendar Number. I don't believe that the addition of these eighteen proposed spaces in the front are going to alleviate the congestion (I said it backwards - it's the back of the building) I don't believe it's going to alleviate the congestion where the parking is located at the present time. I took the time today to go over there because it is in an area - location that I've ever driven to in a frequent manner so I could have a better feel or to refresh my memory about the actually positioning of the building, as well as the parking lot area. I just can't in clear conscience vote to support the parking in the front of this building because I don't think it's going to be an answer to the problem. I think that there is a lot of parking in the area during the daytime hours, Monday through Friday, that some of the personnel can probably walk to during the days. That concludes my remarks."

Vice Mayor Montlack added, "Thank you, your Honor. Since I'm on Council, I must also have a very important opinion on this. Therefore, I will hold forth briefly. Our Board of Zoning Appeals is a group of citizens that we appoint to hear these cases fully and to apply the ordinances. I generally vote to support the decisions of the Board of Zoning Appeal unless I clearly see that there is an error of law or what lawyers call, 'decision against the manifest weight of the evidence'. I don't see that either of those problems exist. Parking anywhere near the street is not my first choice, but I understand the difficulties that were presented to the Board on which they've ruled. I will say this as a footnote I do notice that one of the conditions is that the parking lot and the dumpster which everybody that drives on Lee Road, south of Cedar, probably has noticed is to be screened and I must say in a personal sense that I don't think it should have taken all these years and a BZA resolution for the powers that be to put up the kind of screening for their dumpster that every resident in this city is required to do. However, let us separate some of our emotions and issues and that's the way I feel on it and yes, I will be voting yes."

Mayor Kelley stated, "Thank you, Vice Mayor. As you can clearly see we're at a 3 - 3 and at times like this I wish I had a half a vote to vote half yes and half no. Unfortunately, I don't. I do not see a practical difficulty here. I do not see as Councilwoman Dietrich said, ballfields and soccer fields here. The fact of the matter is we no longer play baseball here because the fields are such sad shape and it's sad that this part of what Fairfax is but Fairfax should be more than that. It should be place for people to gather and unfortunately the big issue here at Fairfax is that there are more kids coming here so we need more parking. And we are finally going to do something about the Community Garden and make it better, which it should have been made better a long time ago. So, I will not be supporting this measure tonight. So, I do not see the practical difficulty and we offered many years ago to move the buses out on Lee Road and make the bus things [shelters] which we will hopefully do when we start the Lee Road project and even that may be up in the air. So, I will be voting no because I do not see the practical difficulty and a lot more needs to be done on this cite. As the Vice Mayor said, every superintendent that's been here, every school board that's been here, at least my fourteen years and probably your twenty years, we've talked about the dumpster. We've gotten a nod and a smile and nothing has ever happened and to have a dumpster representing the Fairfax School out there in the open is just plain wrong and I will be voting no."

Mr. Malone, will you take the role? Yes vote means you are for BZA Calendar No. 3126, no vote means you are against it.”

Roll Call: Ayes: Dietrich, Montlack, Wilcox

Nays: Evans, Kelley, Tumeo, Caplan

Resolution denied

Council Member Wilcox added, “I just have one comment. Many of you have received the Focus Magazine which goes to all residents in Cleveland Heights and I just want to compliment our staff on the fine job they do with this publication. One of the things that we do going through the budget over the last couple of years was include the annual statement in the Focus Magazine to save a second mailing. We used to mail that out separately so it is one of the ways the city saves money. I did want to point out one article in here and that is about the Cleveland Heights WiFi pilot project which we are finally underway with and hope to have operational sometime in August of this summer. This is a pilot project. It is a one-year pilot project and it will cover areas along Cedar Road between Euclid Heights Boulevard and Coventry Road, Coventry Road between Cedar Road and the city’s corporate boundary near Superior Road, and along Mayfield Road between the city’s corporate boundary and Little Italy and Lee Road. The system is designed to allow persons using computers outdoors in the WiFi area to have free wireless broadband internet access. The system will be constructed by placing transmitting equipment on pre-existing electrical poles and buildings throughout that area. That’s actually what’s taking so long is getting CEI’s cooperation and support for this project. But, it is underway and we hope to have it, as I said, up and running in August. Persons using the computer outdoors in the WiFi area at street level have the best access to the system. Locations on the edge of the system may have access but it may be inconsistent; and, if you purchase a signal booster, if you’re in a building that may require (that can be purchased for less than \$100 from most electronic stores). So, if you have any questions about this system that will be up and running in August there is a toll free number for technical support. It is 1-866-693-7818. This information, again, is in the Focus Magazine and this is really an exciting project for the city because I think we’re the first city in this Northeast Ohio area that’s done a WiFi project for a community. That concludes my report.”

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, “Thank you, your Honor. The next three ordinances are going to be on first reading only this evening,. These ordinances were actually inspired essentially because of all the different housing concerns that the city is being faced with today that are not unique to Cleveland Heights but they are a lot different concerns. First I would like to read Ordinance No. 84-2007(PSH), amending Section 1329.01 of Chapter 1329, “Point of Sale Inspection”, of the Codified Ordinances of the City of Cleveland Heights to obligate purchasers and transferees of property to obtain certificates of inspection, correct violations, and place funds in escrow for Class “A” violations in instances in which sellers fail to comply with their legal obligations under said Chapter; and declaring an emergency. Section 1 is about Subsection (b) of Section 1320.01, which will be amended to read:

(b) In the event any property as described in subsection (a) hereinabove is sold at Sheriff’s sale or other court ordered auction or sale or any person obtains title to the property for consideration by any means, and no certificate of inspection has been issued for said property within one year prior to the date of such sale or transfer of title, the purchaser or transferee of said property shall apply to the Commissioner of Buildings for a certificate of inspection within thirty days after the time of transfer of title to the purchaser or transferee. The failure of the purchaser or transferee to obtain and / or file a deed with the county recorder shall not excuse the purchaser or transferee from compliance

with this chapter. The purchaser or transferee shall further comply with all of the obligations of a seller under this chapter including, without limitation, the duty to place funds in escrow for corrections of Class "A" violations.

I'm just going to present this on first reading only and hopefully inspire some discussion or interest from our residents and it'll give us a little bit more to talk about. We'd like a little bit more time think about it and talk about it ourselves."

Mayor Kelley accepted Ordinance No. 84-2007(PSH) for first reading only.

Council Member Evans continued, "Next, on first reading again, is Ordinance No. 85-2007(PSH), enacting a new section 1351.33, "Registration of Vacant Dwelling Structures", of the Codified Ordinances of the City of Cleveland Heights; and declaring an emergency. Section 1, this Council hereby adopts and enacts a new Section 1351.33 to the Codified Ordinances to be entitled, "Registration of Vacant Dwelling Structures" which shall read as follows:

- (a) The owner(s) of any dwelling structure that has become vacant, as defined in subsection (d) of this Section 1351.33, shall within sixty (60) days after the structure becomes vacant, or within thirty (30) days after the effective date of this Section 1351.33, whichever is later, register with the Commissioner of Buildings and designate an authorized agent located in Cuyahoga County for each vacant dwelling structure. The registration shall remain valid for one year from the date of registration. The owner shall be required to annually renew the registration as long as the dwelling structure remains vacant and shall pay an annual registration fee of \$50.00 for each registered dwelling structure. The owner shall notify the Commissioner of Buildings within twenty (20) days of any change in the registration information by filing an amended registration statement on a form provided by the Commissioner of Buildings for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement preceding or court proceeding instituted by the City against the owner or owners of the dwelling structure. The failure of the owner of the vacant dwelling structure to obtain a deed for the property or to file the deed with the county recorder shall not excuse the owner from compliance with this Section 1351.33
- (b) In addition to any other information required by the Commissioner of Buildings, the registration statement shall include the name, street address and telephone number of a natural person eighteen (18) years of age or older, designated by the owner or owners as the authorized agent for receiving, on behalf of such owner or owners, notices of violations of City Ordinances and for receiving process, in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or the dwelling structure, including but not limited to notices and processes served in connection with the enforcement of the Housing Code. The authorized agent must maintain a physical office in Cuyahoga County, Ohio, or must actually reside within Cuyahoga County, Ohio. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent. By designating an authorized agent under the provisions of this Section 1351.33, the owner

is consenting to receive any and all notices of violations of City Ordinances and to receive process, in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or dwelling structure, including but not limited to proceedings related to the enforcement of the Housing Code, by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this Section shall be deemed to consent to the continuation of the agent's designation for the purpose of this Section until the owner notifies the Commissioner of Buildings in writing of a change of authorized agent or until the owner files a new annual registration statement.

- (c) Any out-of-county owner who has registered with the Commissioner of Buildings pursuant to Section 1351.34 shall not be required to register with the Commissioner of Buildings under this Section 1351.33 so long as the owner's registration pursuant to Section 1351.34 is current.

This is on first reading this evening. There again, I invite any of our residents to contact the Clerk of Council's office if they have any concerns."

Mayor Kelley accepted Ordinance No. 85-2007(PSH) on first reading only.

Vice Mayor Montlack said, "I think it would be helpful to give a little bit of context also for those who may want to comment. You have three different ordinances that are proposed and they are relating to related problems. One of the problems is that many purchasers at sheriff's's sale intentional do not immediately file the deed for record, the deed that they obtain on purchase. They often do this in order to evade the kind of comprehensive municipal inspection and monitoring that we have in this city. So this needs to be addressed.

A second problem addressed by the second ordinance is that whereas vacant structures, vacant houses, just a few years ago were quite rare in Cleveland Heights, because of the nationwide, statewide, region-wide plague of foreclosures and vacant houses, this is a major issue here. So, we need to pay special attention to vacancies, which we have been doing already, but this will be a boost to our housing staff.

Finally, in the third ordinance, in terms of registrations of dwellings owned by out-of-county owners, this is again, another statewide issue, which I will get to in a minute, where we have service of process issues and service of notice issues that often times stymie a local government in doing enforcement. I'd like to compliment our law department on a terrific job of pulling together a lot of material and coming up with these proposals which I understand which we'll basically be discussing in the next week. So if any folks have thoughts on it, please, as Councilwoman Evans has said, let us know. I need to say this, not to complain for the hundredth time about the General Assembly, but perhaps to do so, these issues have come up in many geysers over the last few years when there was a chance to do something with comprehensive reform of predatory practices instead of doing something about it, the General Assembly previously simply passed a shell of a statute whose only purpose was to prevent local governments from doing something meaningful. And, now in the second time it's been proposed by Representative Michael Foley, representing some of our west side communities we have some statewide legislation on service of process kinds of registration and other issues like that, that we are addressing. But, these should be addressed on a state level, because these problems do not respect municipal boundaries.

Finally, I'd just like to say to follow up on what Councilwoman Dietrich said before about ideas being proposed and exchanged between First Suburbs' communities, just as legislation that Cleveland Heights came up with or borrowed from Milwaukee, that was very helpful in one aspect of the problems that we had, it was the excellent staff work of Warrensville Heights and its Mayor Fudge giving us the ideas for the vacant housing registration that our housing staff then went and our law department went and developed in a way that made sense for Cleveland Heights. Whatever it is that we do in the next week and then come back with legislation, we know that everything is a work-in-progress and as conditions change and we need additional tools or [to] reshape our tools, that is exactly what we'll do. Thank you."

Mayor Kelley added, "Just a minute. I just want to say the same thing, that these are three more tools in the box for us to tackle these problems and they came out of working together, all seven council people talking about this, working with our staff, working with Rick Wagner, working with our law director again, sitting down, trying to tackle these issues head on. The easiest thing to do right now will be the same thing that many other councils are doing. They are on their summer break, but this council is not on a summer break. We've never been on a summer break. We don't plan to be on a summer break. We're hard at work, doing what needs to be done and the Vice Mayor hit it right on the head, the state legislature down there is worrying about your cable tv rates - how to get Ameritech or whomever in here to take away our cable access channels instead of dealing with these issues that are really hurting our neighborhoods. But, we're going to do something about it. We did work with Warrensville Heights on it and Mayor Fudge is involved right now in taking over a school district and good luck to her on that approach and who knows where that will end up. But, these are things that we're doing. Our law director took what we wanted here, got it together, worked with Warrensville Heights, looked at their stuff and these are good things that are going to happen. There are going to have positive results and three weeks from tonight we're going to come back and these will be even stronger because we already saw a few things that we may already want to add or think about. These are just more tools in the box to make our neighborhoods stronger, to change the behavior of the neighborhoods and make Cleveland Heights to continue to be the strong, vibrant place everybody want to live in. Thank you, Mr. Gibbon, for doing that."

Council Member Evans continued, "They are lengthily, but anytime there are new ordinances, they pretty much have to be read. Ordinance No. 86-2007(PSH), enacting a new Section 1351.34, "Registration of Dwelling Structures by Out-of-County Owners", of the Codified Ordinances of the City of Cleveland Heights; and declaring an emergency. Section 1 reads that this Council hereby adopts and enacts a new Section 1351.34 of the Codified Ordinances of the City of Cleveland Heights to be entitled, "Registration of Dwelling Structures By Out-of-County Owners" which shall read as follows:

(a) If a dwelling structure located within the City is owned by a person or persons, none of whom reside within Cuyahoga County, the owner(s) of the dwelling structure, within thirty (30) days after the effective date of this Section 1351.34 or within thirty (30) days after obtaining ownership of the dwelling structure, whichever is later, and annually thereafter, shall register with the Commissioner of Buildings on a form prescribed by the Commissioner of Buildings and designate an authorized agent for each dwelling structure. The authorized agent must be a natural person eighteen (18) years of age or older who maintains a physical office in Cuyahoga County, Ohio, or actually resides within Cuyahoga County, Ohio. By designating an authorized agent under the provisions of this Section, the owner is consenting to receive any and all notices of violations of City Ordinances and to receive process, in any court proceedings or administrative enforcement proceeding related to the use or maintenance of the property or dwelling structure, including, but not limited to, proceedings related to the enforcement of the Housing Code,

by service of the notice or process on the authorized agent. The failure of the owner of the dwelling structure to obtain a deed for the property or to file the deed with the county recorder shall not excuse the owner from compliance with this Section 1351.34.

This is just on first reading. I think I can save the rest for the next meeting. This is just on first reading only and again, we invite any of our residents to contact the Clerk of Council's office to get a complete copy and invite you to make any comments."

Mayor Kelley accepted Ordinance No. 86-2007(PSH) on first reading only.

Council Member Evans continued, "The next three are resolutions and all three of these are nuisance abatement resolutions. As you know, as you probably can recall from time to time we do declare some properties that have presented problems and concerns for a number of years that are in severe disrepair as nuisance abatements. In this case, the first one is Resolution No. 87-2007(PSH), declaring the property at 12660 Cedar Road /2155 Demington Drive to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. The City Manager and the Certified Building Official have reported to this Council that the residential property known as 12660 Cedar Road /2155 Demington Drive owned by David J. Blond has not been maintained for a number of years and is in a state of severe disrepair; and, it has been further reported that the owner of the subject property has been cited by the Housing Inspection Department for numerous housing code violations on the property over the past two (2) years and that little progress has been made toward correction of the violations. This particular property has estimated costs of repair of about \$18,000.00. I'd like to present Resolution No. 87-2007(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 87-2007(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "I'd like for you to keep in mind that the money spent on the corrections to these properties is placed as a tax lien and therefore, if the property ever changes owners or sold or whatever, the City does recover those dollars.

Next is Resolution No. 88-2007(PSH), declaring the property at 2871 Hampshire Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. Unfortunately, this property is owned by the same person as the previous one, David J. Blond. It has not been maintained for a number of years and it is in a state of severe disrepair as well. It has been proposed that there are estimated costs of almost \$11,000.00 to make this property look better. I'd like to present Resolution No. 88-2007(PSH) this evening."

Mayor Kelley accepted Resolution No. 88-2007(PSH) and commented, "Mr. Blond lives in Beachwood, I'd be interested to see what his property looks like in Beachwood, if there is any comparison to these two properties. Maybe we'll send someone out there to take a picture."

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

Nays: None

Resolution passed

Council Member Evans added, "I'd like to encourage that comparative study. Resolution No. 89-2007(PSH), declaring the property at 3494 Shannon Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. This particular property is owned by Marina A. Kaplan and has not been maintained (not any relative of my constituent, Bonnie Caplan) for a number of years and is in a severe state of flux with the repairs that were begun some time ago and not completed. The total estimated costs are about \$15,000.00 to bring this property up to standard. I would like to present Resolution No. 89-2007(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 89-2007(PSH).

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

Nays: None

Resolution passed

Council Member Evans concluded, "That concludes the Public Safety and Health Committee Report for the evening."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "I have the unenviable position of being last in a busy and somewhat contentious evening. I have two pieces of legislation tonight. First, I'd like to introduce Ordinance No. 90-2007(AS), to approve current replacement pages to the Cleveland Heights Codified Ordinances; and declaring an emergency. This is a bookkeeping ordinance so that we can make sure that our code is updated. However, the past year, various ordinances of general permanent nature have been passed by this Council and we need to get them included in our Codified Ordinances; and, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council. Therefore, this now ordains that the following ordinances (and there is a complete list that you can get from the Clerk if you so desire) of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2007 Replacement Pages to the Codified Ordinances. I introduce this tonight on first reading for passage."

Mayor Kelley accepted Ordinance No. 90-2007(AS).

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

Nays: None

Ordinance passed

Council Member Tumeo continued, "Next, I have Resolution No. 91-2007(AS), authorizing the City Manager to enter into an agreement with Kaiser Foundation Health Plan of Ohio, a non-profit corporation, for provision of group medical and hospital services to City employees and their families; providing compensation therefor; and declaring an emergency. By Ordinance No. 25-2007, this Council specified that the City shall purchase or subscribe to and maintain in full force and effect for each full-time employee of the City, health care insurance, including medical-surgical protection or the Kaiser Community Health Foundation protection plan, or any other similar plan by another company covering hospital and surgical benefits and related coverage. The City currently provides health care coverage for its employees through the Kaiser Foundation Health Plan of Ohio, as well as through its self-funded plan affiliated with the Emerald Health Network, Inc., and it's the election of the employees as to which one. The Kaiser Foundation Health Plan of Ohio has proposed a renewal of the contract for group medical and hospital services for the period July 1, 2007 through June 30, 2008. Right now we

have fewer than forty employees on the Kaiser Health Plan, all the rest are in the self-insured Emerald Plan.

Twenty-six are under the Family Plan and 12 are under the single-plan. Under the terms of the renewal of the Plan with Kaiser the City will pay a monthly premium of \$898.71 for a family and \$336.04 for a single person. These costs reflected 12.4% increase from the rates paid during the last year. Those of you who have been following the health care increases you'll know that there is some credit going to Kathleen Ruane, our Assistant City Manager for making sure we stay as low as possible in these contracts. Employees under the Kaiser Plan pay a monthly fee of \$50.00 for family coverage and \$20.00 for single coverage and there are some co-pays associated with that.

Under this Resolution, the City Manager is authorized to enter into the group service agreements with Kaiser Foundation Health Plan of Ohio and I introduce this tonight on first reading for passage."

Mayor Kelley accepted Resolution No. 91-2007(AS).

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

Nays: None

Resolution passed

Council Member Tumeo stated, "I just have a couple of comments. First, I want to echo something that Councilwoman Caplan said about people who come and give us comments and we don't get the sense that there is a discussion. In this instance, specifically I wanted to thank Fran Mentch for coming and talking to us again about this subject, but I want her to know and I want everyone to know we've actually talked about this, both personally and as a council a great number of times and we really do listen and we really do get what you're saying. It's just that our thoughts on the methods to solve the same problems which you're concerned about are different. So, it's not a problem with the goals, it's just a method thought. To some extent when you regulate or pass laws you're affecting the freedoms and decision makings of the people who own property or live in this city and you can do more or less, but I personally am not supportive of dictating such things as paint colors or doors that you can put on or not put on. How far do we go down that security arc? Those ADT signs, I have a security system. Are they causing the same level of concern? So, I think, you know, you can go a little too far that way. However, other things - it's a very complicated issue that we're facing and it's not just our city, it's regional, it's state and national as Ken has said. We're dealing with really, really hard issues and I will give Ms. Mentch some credit, we had a long discussion recently about vacant houses and tracking them and you see tonight that we've done on first reading an ordinance in that regard. It was a good idea. We have been doing it, but we can always do better and so I want to encourage Fran to keep thinking about these things. But, remember, that just because we don't agree, doesn't mean we don't get it or we're not listening but we're just making some other decisions in that regard.

The last thing is I want to give a special thanks to the staff. They've been working very hard in this budget development time and I think if they ever get the chance they'll attest the fact that sometimes I can ask a lot of questions and take up a lot of their time, at the same time they're supposed to be taking care of, you, the citizens need. So, I want to personally thank them for their patience in this process with me and the council as we work together to keep Cleveland Heights very, very strong and financially solvent. Thank you."

REPORT OF THE MAYOR

Mayor Kelley, "Just a reminder that the Arts Festival is at Cain Park Friday, July 13, Saturday the 14th, and Sunday the 15th. I do want to say on behalf of the City Council and City Staff, to Tommy Vanni on the loss of his daughter and the unfortunate drowning on Saturday. I do want to make clear the media did state it was at a city pool. It was not at a city pool it was at a private family pool. But, again, on behalf of the city our heart and our deepest sympathies go out to him. I did have the pleasure of growing up with Tommy and I did perform his wedding a few years ago and I will be there for you when the wake and the funeral come. We're very saddened and sorry for your loss.

This meeting is adjourned at 9:17 p.m. Our next meeting, please take note of it will be Monday, July 23, 2007 at 7:30 p.m. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc

¹ Actual date of cut-a-thon is Monday, July 16, 2007.

² The word should be spaces not lots.