



CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF MONDAY, AUGUST 2, 2010

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

Edward Kelley, presiding

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

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:33 p.m.

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

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Public Hearing held Monday, July 19, 2010 were approved and signed by Council Member Tumeo.

The minutes of the Regular Council Meeting held Monday, July 19, 2010 were approved and signed by Mayor Kelley along with the resolutions passed at that meeting.

"Good evening, your Honor and Council. Thank you for your time and opportunity. My name is Myra Cook. I live at 3630 Fenley Road. I represent a group of parents and a few of which are present so I would like those parents to please stand to be recognized."

The parents stood and Mayor Kelley responded, "Welcome, tonight."

Ms. Cook continued, "We represent a group of parents concerned about the safety and well-being

of their children as they travel to Heights High this year. As you are aware, RTA supplemental bus number 722 has been discontinued. This route serves several students in the northeastern neighborhood of Cleveland Heights, located about four miles from the high school. As a result, students will have to walk up to one mile to a bus route and then take two buses just to get to school. We estimate that it could take up to an hour for the average student in this area to get to school. This is not including, of course, time delays due to inclement weather during the winter months. We are primarily concerned with the following as delineated: Safety concerns, with the increased distance and time to walk to and from the public bus routes; again, this is of greater concern during the winter months when time travel is greater and when daylight is shortened requiring students to walk in the dark. On a personal note, last year, my daughter a tenth grader at the time, was solicited by an adult male as she walked to school. A copy of the police report regarding this incident is available and on file upon request. We are concerned that more incidents such as these, could occur. Also, in terms of safety, the students will ride alongside with the public on the buses which could lead to overcrowding. Secondly, we are concerned of the increased risk of students being tardy to school. This is, of course, is due to the prolong time to get to school and reliance on the RTA schedule for two buses. We would also like to make mention of the bus fare that RTA imposes which is of concern for several of the parents, especially this is problematic for parents with multiple children attending Heights, such as myself. An all day pass is available for five dollars a day, but that comes out to about \$25.00 per week per student. Without the pass it costs about \$7.40 per student per day and that's the discounted fare which, of course, is only available two days out of the week at the high school and this is a huge expense for the average family, as you can imagine. Lastly, we are concerned that this could deter families from moving into this area of Cleveland Heights due to the inconvenience. We are aware of districts in Ohio that provide school buses for high schoolers living a longer distance from the school. We think this is a viable option and one in which we hope that this Council will consider. We are also aware of other school districts, mainly North Olmsted and Maple Heights in which RTA supplemental busing is still available. We recognize that Mayor Kelley is a member of the Board of Trustees for RTA. This parent group would like the opportunity to collaborate with this council, the Cleveland Heights School Board and the RTA Board of Trustees to discuss viable options to resolve this problem for the overall benefit of our students. Thank you."

Mayor Kelley stated, "Thank you very much. Anyone else from that group that would like to address us? If you sit down I'll give you an answer in a minute. As far as your last point, school bus for high schoolers, that would be an issue that the Cleveland Heights-University Heights Board of Education would only deal with. That is under their purview. As far as some of these RTA issues, I'd be more than happy if you'd like to meet with Mr. Joe Calabrese sometime this week. Our next meeting is not until another three weeks from tomorrow and by then school will be pretty close to starting. Is Susanna Niermann O'Neil here? [she was] If you give your name to her, I'll make sure we get an appointment with you with Mr. Calabrese or Mr. York or both before the week is over. Although, I believe Mr. Calabrese may be on vacation this week, but give your name and whatever phone number you can. I'll have them give you a call tomorrow and see where you can go from there. Alright! Thank you for coming tonight."

"My name is Ann Dolan and I reside at 2439 Canterbury Road and this is Robert Brooks."

"My name is Robert Brooks and I reside at 2425 Canterbury Road."

Ms. Dolan continued, "We, the residents of Cleveland Heights, residing on in the neighborhood on Canterbury Road, have submitted a petition to have the entire street of Canterbury Road from Fairmount Boulevard to Meadowbrook Road repaired, reconstructed. Canterbury Road is in major need of major modifications. The history of Canterbury: Canterbury Road's last major street repair was basically when they put the new sewer lines in over 15 years ago. The street had only patch repairs

and only those sides where the storm lines were replaced. Each driveway received a patch repair. The material used in the patch repair is different than the interior material used in the center of the road thus eroding from both sides of the street. Every driveway received a patch repair and only these patch repairs are now chuck holes that are eroding. The patch repairs from potholes in the middle of the street are severely eroding. Fourteen of sixteen of the storm drains on Canterbury Road, which are 87% of our storm drains, are sinking. The street also has several additional sinkholes, both north and west sides which are unsafe. The minor patch repairs were made by a two-storm drains [sic] and the quality of the work is not even a very good temporary fix. A leaking hydrant was recently fixed by the Cleveland Heights Water Department on the south end of Canterbury Road, this leaking hydrant actually caused water damage and structural damage to the road, causing major street erosion and sinkholes. Basically, the street collapsed as a result of the lack of structural integrity due to the water damage. Large potholes were now throughout the center of the entire street between Bradford and Canterbury. This became very unsafe. The west side of the street in direct proximity to Canterbury Elementary School has also severely eroded. This has also been unsafe. School begins this August, with heavy traffic. Canterbury Road is a major thoroughfare. Canterbury also has cyclists and actually sporting events: lacrosse, soccer - always from fall through spring. We feel that Canterbury Road needs to be both structural safe for both the cyclists as well as the vehicle traffic. And I guess you guys know in Cleveland Heights, cyclists are allowed to ride in the streets. Drivers are now becoming near misses, when they swerve in and out on the outside pattern avoiding the potholes. We recently had an incident which was a near-miss incident which almost hit his child and a cyclist by avoiding the potholes on our street. The patch work that has been recently done is a temporary fix and the quality of the patch repair has been so poor that drivers are now swerving around the patch work causing safety risks to other drivers, vehicles and cyclists. Attached, we have 114 pictures that we have taken on our street throughout the year - the sinkholes and the major weakening and structural integrity of Canterbury Road. We feel Canterbury Road is in need of complete reconstruction. The government stimulus money or whatever was provided to local governments to provide support and upgrading and providing maintenance repairs. Other streets are being upgraded in Cleveland Heights. University Heights and Cleveland Heights took five years to complete the sewer project just north of Canterbury and Meadowbrook, but University Heights' roads were upgraded and reconstructed at the time of the sewer repair. Cleveland Heights' roads were not. So, we the undersigned, we have sixty-eight (68) signatures which comprises 93% of the residents on our street are concerned citizens who urge our leaders here today to act now to reconstruct Canterbury Road, Cleveland Heights within the next year or whatever can be allocated upon the review of the board.

We also have a CD-ROM to provide with a letter to the City to give to you guys to review, 114 pictures plus a CD-ROM of all of the sinkholes and deterioration on our street."

Mr. Brooks spoke, "I've been a resident on Canterbury Road for approximately 35 years and I've seen quite a bit of road reconstruction and I am aware that it's done basically from major thoroughfares and schools and then out into the neighborhood. My question is, how is it that streets surrounding elementary schools that don't have as much traffic as Canterbury Road does are chosen to be resurfaced and just the street crews are sent out to patch just terrible re-patch work and just sinkholes and it is going to make the street just more dangerous. As we said, we have cyclists, we have children, roller skaters, skate boarders, and plus we have all this traffic. You have these school buses coming in and they are zooming up and down the street, they are parking on the street, we have all that extra weight on the street and no maintenance to take care of the erosion of the roads. Again, my question is how are the streets picked to be done and in what order? Is it an alphabetical situation? Is it just by vote?"

Mayor Kelley replied, "It's based on need."

Mr. Brook continued, "It's based on need. If I may again, based on need, what other criteria - what is the need criteria for choosing what street is done and what street is not done?"

Mayor Kelley called on Mr. Downey.

Mr. Downey commented, "Sure, I'd be glad to. Not quite sure what Mr. Brooks refers to with the other distinguish with the bigger roads. Actually, with the bigger roads, we are usually able to get county money, state money, federal money to work on those. So actually, all of the money that we receive locally for roads, goes onto the local roads, like a Canterbury. Every year, at the end of the season, all the roads are then re-driven by our inspectors who then put together an elaborate evaluation form outlining the condition of all the streets in the city and they use factors as you had suggested or Ann had suggested, potholes and work where catch basins had been repaired, all those kinds of things. They also look at some more subjective things, what's happening right in the curb, what's happening at the intersections, so there is a lot of detail that goes into the evaluation of each one of the streets. Then as the Mayor said, it becomes based on need. Those that are the worst, the ones that get the worst grades, if you will, are the ones that are looked at for the next paving season. Now, does that mean a street can't move up or down? No, it doesn't mean that. That's why every year we review all of the streets again, because some may not fair a winter as well as others. It may have gotten worse, like you had suggested, you brought up the idea of when the sewer work was done. Well, maybe an area where a lot of work was done, heavy trucks, heavy equipment, something caused the street to get worse than you would have thought in one year. So, we really look at these every year and we come in and sit down with Council, we go through a list and they see what streets we think are in most need."

Ms. Dolan stated, "Mr. Downey, I'm an engineer by degree and some of the concerns - we just had a manhole that was completely eroded and the only reason why we got it done was because University Heights - it was cited by an officer and University Heights did patch work that was incredibly quality work. Our work is not quality work for repair work and the structural integrity is definitely in question. My concern and our neighbors are concerned, sixty-eight signatures are concerned about safety now. The quality of the work that was just redone just to put the patch work on some of the problems on our street will be coming up this winter and with the traffic and the snow, I really don't think the structural integrity of our street has been really restructured and reconstructed with an integrity that should be. It's not quality work."

Mr. Downey replied, "Well, no, pothole patching never redoes what an entire restructuring the street would do."

Ms. Dolan continued, "When they did the sewers, the integrity of the materials on both sides of Canterbury Road are sinking. The structural integrity of our street is sinking. All the storm drains, you'll see in these pictures, they are all sinking. Now, what is it going to cost us to do - to make us to take a look at? I realize - I drive around Cleveland Heights. I've been a resident here all my life. I grew up in Cleveland Heights. I've been on Canterbury eighteen years and I've had no problem ever with my city. I love - I'm the only Dolan left in Cleveland Heights and I'll stay a Cleveland Heights' resident, but I need to start thinking about the quality of our streets and I know you get your income from the vehicle maintenance and you get it from income tax. And I realize that, you guys, that the revenues are down. I'm not sure where our money is going, but it's not Canterbury. I can't focus on other streets right now, because we have kids in our school - it's a safety issue and I have to focus on Canterbury first."

Mr. Downey replied, "You live there, that's your street, you ought to, that's fine. We will be out

there, we will be out there this week to take a look at it and see what we think.”

Ms. Dolan continued, “Take a look at these pictures.”

Mr. Downey said, “If you leave them, that would be great.”

Ms. Dolan continued, “Prior to being the patch work, to show you.”

Mayor Kelley said, “The patch work was done on Thursday and Friday.”

Ms. Dolan said, “No, these were taken before.”

Mayor Kelley said, “No. I’m talking about the work we did. It was just done on Thursday.”

Mr. Dolan said, “It’s not quality work, Sir.”

Mayor Kelley interjected, “Would you let me finish. We’ll take a look at the work. The other good news is I talked to Alex Mannarino after we talked. You and I had a phone conversation on Wednesday. Canterbury is on the list for 2012. We’ll see what we can do to get it moved up to 2011 for you. That would be next year’s cycle. It does cost over \$200,000 to redo that road. So, we’ll see what we can do.”

Ms. Dolan added, “We understand the history of that street.”

Mayor Kelley said, “Your coming to the meeting tonight and your signatures will go a long way to making sure you’ll be done next year. I can’t guarantee, the function of what happens elsewhere, but you certainly made a good point.”

Ms. Dolan concluded, “Thank you. On behalf of Canterbury residents we thank you.”

“My name is Thomas Kimball. I live at 2433 Lamberton Road and I have not concluded with these people at all. But, every single thing that she said, I will echo. To Mr. Downey, who says that you make an assessment of the streets in their relative conditions, I walk my dog up and down Fairfax Road everyday. It’s not bad, but it’s being resurfaced, Sir. My street, I don’t have a whole CD worth of pictures, I only brought one. Okay! And I didn’t even take this one, it came off of Google maps and it was taken three years ago and you can plainly see the patches on top of the patches on top of the patches. And every year, in the fall when the snow plows, they use snow plows to remove leaves, and slide them up and down the street, they snag on these mushrooms and they knock it off and every single year we go out and we remove chunks of asphalt creating potholes. At the end of the winter, we do the same thing, because the snow plows have done it. Somebody is not doing their job, I’m sorry. Somebody is not assessing properly what streets need to be re-paved. I was walking down to Dave’s, formerly Russo’s, down Fairmount Boulevard and there is a side street there that looks pristine and it’s got the orange markings with the little thing in the aisle saying, this is where we’re going to start tearing it up. I don’t want to go down there and see it torn up too. You, Sir, need to take a long hard look at your streets’ department and see that they’re doing their job. Now, for the rest of you.”

Mayor Kelley asked, “Mr. Kimball, what street do you live on?”

Mr. Kimball answered, “I live on Lamberton and I have a picture right here taken of Scarborough looking south on Lamberton. By the way, Kew [is] not that much better, I understand all those streets are bad.”

Mayor Kelley said, "I'm sure if they did Kew, there would be a story in the Sun Newspaper."

Mr. Kimball replied, "I gave up on that rag, I don't read it anymore. I have two other things real quick and let you take care of business." Going back to the echo department. A couple of weeks ago you had somebody who complained about the cost of your mailing for your special assessments and I saw the reply in your minutes. They said it was a matter of state law."

Mayor Kelley replied, "Yes."

Mr. Kimball continued, "First of all, do you know how much that cost us, the city?"

Council Member Caplan replied, "It was like \$15,000.00."

Mr. Downey added, "It was over \$50,000."

Mr. Kimball continued, "It was a lot of money. There are 20,000 households. I don't know how many have frontage that would have - -"

Council Member Tumeo replied, "Ninety-five hundred."

Mr. Kimball continued, "That's basically money that was poured down the storm sewers on Canterbury, literally, okay. Now, I want to know is where is the resolution that should go to our state legislators, if it's a state issue, saying, this costs us a lot of money in these trying times when we don't have money to spend. Two hundred fifty dollars in 1964, that means it probably should be about fifteen hundred bucks worth today in today's dollars. So, I would like to know where is the resolution instructing somebody to get in touch with the state legislators, our state legislators and pound our shoes on the table, most of you are probably too young to understand that remark.

I have one more last editorial comment that I will throw out there. When I started going through and reading all these minutes, something came up, regularly, virtually, every single resolution, four words; and declaring an emergency. I look at one of them, it was a repeal of decades old ordinance, that's an emergency? God, I would hate to see what would happen if we had an emergency. I challenge each and everyone of you to sit there and think about what you are doing and why you are trying your best to circumvent and make your lives easier at the potential expense of the citizens of this community. There is a reason why you are supposed to have multiple readings. You guys circumvent it most of the time. I started going through, looking at the minutes, trying to go through three months, before I found one that had a first reading. That's all I have to say."

Council Member Tumeo said, "I would like to respond to your last comment. The problem with your concerns or you have a fundamental misunderstanding about the way state law and municipal law interact. We declare an ordinance an emergency - has nothing to do with the number of readings. We declare things that are an emergency that have two readings, we declare things an emergency that have one reading. Because, under state law, if you do not declare an emergency it cannot take effect for something like thirty or sixty days and often we would like the ordinances that we pass to take effect. So, rather than wait for it to take effect, it has nothing to do with the readings, it has to do with the amount of time for it to take effect once it's passed by Council, regardless of how many meetings. So, as a consequence, tonight for example, we want to buy something, so we have to pass an ordinance by emergency or else we cannot buy that for another month or more. So, it's not emergency in the sense of something dire has happened, it's about the amount of time required for our actions to take effect

in our city and this is what state law requires or we have a waiting period. That's the only reason for it. So, it's not about passing ordinances and I'll take to you about it afterwards and we can discuss it more."

"My name is Joe Miller. I live at 2618 Canterbury. I don't have to tell you about the potholes. I want to talk to you about this special assessment tax. I'm not sure it's legal and I want to bring out a few things. First of all, I was just doing a little bit of reading up on assessments and it says a special assessment is something that the amount is charged to a particular property based upon the benefits of that property will receive from the improvement. Cities cannot charge an amount greater than the amount the benefit for the value of the property. Here it is talking about something that is going to directly benefit the property. A couple other things I want to bring out. It says a public hearing will be held for the proposed improvement. I don't know if we've had a public hearing and then it says at the public hearing people will be given a chance to voice their concerns. Okay, so, I'm not aware of anything like that, but here is my point, this special assessment tax is something for your parks and recreation, it's for lighting, that's the impression I got from reading the minutes and stuff. Now, if you take my property, for instance, I don't have a light and I have this little small tree. Now, this assessment tax would not be benefitting me directly, but, yet, this assessment tax it blankets the entire city. Everybody has to pay this. So, that's the first thing I don't understand is how we can tax for this special assessment tax, how we can tax the entire city?

The second thing I don't understand is that you've said this is an ongoing tax. Well, if it's ongoing, it's not a special assessment tax anymore, it's just simply you're taking my property tax and you're upping what I have to pay for property tax, period and what you're doing with this little piece of the pie then is this is something that's not going to get taken away by county government or get divvied up by the school system. This is your own little pot. So, it seems to me that this is something that's generated year after year to help the general fund and not specifically what you're saying, although, if we could ever look at the records that would be interesting to see. If that is the case or not. I think that, that's my general gripe about this whole thing though is that it's another tax, it's an ongoing tax for overly taxed burdened residents right now. We just don't want City Council, we don't want the government, we don't want anybody else in our pockets anymore. Is there going to be a public hearing where maybe we can get some of the residents together and discuss this a little bit more in depth?"

Mayor Kelley replied, "Thank you, Mr. Miller. If you sit down, I'm going to have our law director respond to you about the legalities of the issue and fill you in on some information you may not be aware of. Mr. Gibbon, please."

Mr. Gibbon replied, "Special Assessments are governed by state law and we are required to follow state law very carefully and we do that and we've done it year after year after year. There is an opportunity built into the state law which we follow for input of residents. There is a public hearing. We pass a resolution of necessity and then we pass another ordinance determining to proceed with it and then individual property owners and that's the reason for the certified letter are given an opportunity to specifically object if they feel that the assessment is improper with respect to their property and indeed property owners can object. One basis for it is that they feel that their property is not benefitted in anyway. But I have to tell you that, an argument that your property is not benefitted for - let's say street lights, because you don't happen to have a light in front of your property, is not a case that you would win. That's been tried and the theory is that the courts have sustained that your street is lit, you have property on the street and even though the light doesn't happen to be directly in front of your property that the property and the value of your property is enhanced by having a well-lit street. The same thing is true with respect to shade trees. A number of properties don't specifically have a tree on their tree lawn, most of them do, but some don't. The theory is anyway and it's been

sustained by the courts that your property and its value is enhanced by having good shade trees in your area, but you do have a right to contest that and you may contest it on many fronts, not only at the public hearing, but actually filing specifically an objection and ultimately you can take that to court if you wanted to. So there is a lot of process. It is a state process we are required to follow and I can assure you that we don't like any better than you the fact that we're required to serve these notices by certified mail, because it costs us a great deal of money, but we do have to comply with state law and that is what we do."

Mayor Kelley thanked Mr. Gibbon.

"Jerry Miluk, 3015 Yorkshire Road. Just looking for some information about the layoffs and the refusal of the SAFER grant for the fire department. There has been very little information about that out there right now. A big question would be, is the city going to cut the minimum manning of the fire department from the sixteen that it's at now - I realize that we're at nineteen just four to five years ago, we are at sixteen now. I was wondering is the city going to cut the minimum manning of the fire department with these layoffs and if that doesn't happen, I was wondering also, because if we don't cut the minimum manning, then we're going to becoming overtime costs which will in effect not save us any money with these cuts. So, it seems like we're going to either suffer safety-wise or through tax dollars through these cuts of fire fighters. So, just looking for some information there. Also, I was wondering why you turned down the SAFER grant? Is it different basically the reason you guys wanted to layoff fire fighters, because you had to turn it down if you wanted to lay off fire fighters to turn down the SAFER grant? Is there any other reason you turned it down? I mean it's over 450,000 dollars of federal money that would have staffed three more fire fighters. Those are the big questions right now."

Mayor Kelley responded, "Our chief is here tonight. Chief Mohr, would you like to address some of his points, please, come up to the podium."

Chief Mohr replied, "With regard to the SAFER grant. SAFER grant was to provide 458,000 dollars to hire three firefighters for a period of three years. The money could only be used for paying the salary and benefits of those three fire fighters during those years. The SAFER rules state that no waivers will be granted for layoffs and SAFER grantees are prohibited against laying off any fire fighters during the SAFER grant period of performance. When we ran into some difficulties and it appeared that it was going to be necessary to lay off fire fighters we wanted to re-explore that with the SAFER grant people to see if there was any other thing they could do. And, so we contacted a number of people including Patty Blankenship with the SAFER Grant, she's the program director. This is what she wrote back to us after what we had explained what our situation was: "The waiver policy, as posted on the SAFER link on our website stipulates that the prohibition against layoffs per the program guidance is still in effect. Grantees who initiate layoffs during the grant's performance period will be found to be in default of their grant agreement. The fact that your proposed layoffs would occur in July 2010 or later would result in a finding of default." So the point is, we could not accept the grant. It was necessary to lay off based on a recent award and therefore we could not accept the grant and they made it perfectly clear to us that we could not do that."

Mr. Miluk responded, "You didn't answer a couple of the questions."

Mayor Kelley interjected, "Kevin, you made a comment about the minimum staffing level. Could you address that?"

Chief Mohr replied, "I don't know where we're at right now. For the past couple years we've

been at a minimum of sixteen. To the best of my knowledge we remain at sixteen and operationally we are the same.”

Mayor Kelley thanked the Chief and continued, “I don’t want this to be a debate here. I’ll give you one more shot. Let’s go.”

Mr. Miluk continued, “If it does stay at sixteen, how much would you project that would cost us in overtime over what it is going to cost us right now? By laying off three, how much more overtime will be occurred because of laying off three staffing at the sixteen?”

Chief Mohr responded, “A couple of things, number one, the unknown - if we knew how many people were going to be sick and injured, we could place a better handle on it. We also know that a program called, “DROP”, which affects our retirement plan. Beginning next year, actually beginning this year we’re going to see some people retire, but we’re going to see an increased number of retirements beginning early next year. What that will produce is a much younger fire department and the younger fire fighters have much less vacation time than the old timers. Which means our younger troops will be here more often, so there will be less opportunity or less potential for overtime. So, there are still variables we would need to take a look at and so it’s difficult to answer the question at the moment.”

REPORT OF THE CITY MANAGER

Mr. Downey stated, “Thank you very much, your Honor. I have just one item this evening and that would be to request authority to advertise for bids for the Community Center Lighting Energy Improvements - Phase 2 and the crack-filling and surface treatment program.”

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

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

Second by Council Member Wilcox.

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

Nays: None

Motion passed

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, “Thank you, your Honor. I need to notify Council that one notice has been received from the Ohio Department of Liquor Control advising that an application has been made by the following: Turn It Up LLC, D3A permit, premises 2573 Noble Road, 44121. Your Honor, I request this be made a matter of record.”

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

Mr. Malone continued, “I also need to notify Council that five resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following: BZA Calendar No. 3222 Aaron and Leah Mann, 3673 Berkeley Avenue, minimum yard requirements for accessory uses; BZA Calendar No. 3223 Miriam Ferguson, 3767 Bendemeer Road,

minimum yard requirements for accessory use regulations; BZA Calendar No. 3224 Mark Gridley, 2208 South Overlook Road (PPN 685-22-022) minimum yard requirements for principal and accessory use regulations; BZA Calendar No. 3225 St. Paul's Church, 2747 Fairmount Boulevard, conditionally permitted use regulations and the yard regulations for certain conditional uses; and, BZA Calendar No. 3226 Enterprise Rent-A-Car, 3200 Mayfield Road, sign regulations. Your Honor, I request these be made a matter of record."

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

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you. There are five resolutions from the Board of Zoning Appeals as we've just heard as a result of their meeting on July 21st here in Council Chambers and Councilwoman Stephens was at that meeting and she is going to read these into the record."

Council Member Stephens stated, "Mr. Chairman and Mr. Mayor, I present to Council the BZA Calendar No. 3222, Aaron and Leah Mann, 3673 Berkeley Avenue, in a 'A' single-family district, their request for the minimum yard requirements for accessory uses to permit a 4' tall wood picket fence located 4' from eastern boundary of the property which is on Staunton Road. The provisions that they require changes to are contained in Subsections 1121.12(a) and (i), which makes reference to maximum height of 3-feet. It is the opinion of the Board of Zoning Appeals that the applicant clearly demonstrated that there was a special condition and circumstances that created a practical difficulty in compliance with the regular Zoning Code. They also found that this is in keeping with the character of the neighborhood and the area of Berkeley and Staunton. So the variance is recommended with the following conditions: The Architectural Board of Review give approval; a fence permit is granted by the Building Department; that the applicant shall submit and provide to the Planning Department a landscaping plan for the area between the fence and the sidewalk; that the completion of the fence and landscaping take place within 12 months of City Council approval; and that the applicant shall work with the Planning Department staff to assure that the visibility at the driveway's intersection with the street is in accordance with Section 1165.03(e) of our Zoning Code which focuses on visibility because there is a fence near the driveway."

Second by Vice Mayor Evans.

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

Nays: None

Resolution confirmed

Council Member Stephens continued, "This is not a duplicate of the previous submission, it's an application for BZA Calendar No. 3223 Miriam Ferguson, 3767 Bendemeer Road in an 'A' single-family district. The applicant has made a formal application requesting a variance from the minimum yard requirements for accessory uses regulations permitting a 4-foot tall wood picket fence located 4-feet from the eastern boundary which is on Maple Road at this property. It is the opinion of the Board of Zoning Appeals that the applicant clearly demonstrated special conditions and circumstances for this fence and they recommend to the City Council that the applicant will suffer practical difficulty if this variance is not granted. They have recommended the following conditions: Approval of the Architectural Board of Review; receipt of a fence permit; submission of a landscaping plan for the area between the fence and the sidewalk to be approved by the Planning Director; completion of fencing

and landscaping within 12 months of the approval of City Council; and that the applicant work with the Planning and Development Department staff to assure visibility at the driveway's intersection with the street."

Second by Vice Mayor Evans.

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

Nays: None

Resolution confirmed

Council Member Stephens continued, "BZA Calendar No. 3224 is a submission by Mark Gridley, who has purchased the property at 2208 South Overlook Road (PPN 685-22-022) which is located in an 'A' single-family district and this applicant has made formal application requesting a variance from the minimum yard requirements for principal and accessory use regulations of the Zoning Code to permit the construction of a 1-story home with a 4-foot side-yard setback from the north property line and a 1-foot driveway setback from the south property line. The applicable provisions of the Zoning Code are contained in Sections 1121.08 and 1121.12(a) which requires a minimum side-yard setback from the north property line for the principal use of 5-feet and a minimum setback from the south property line of 3-feet. The Board of Zoning Appeals believes that the applicant clearly demonstrated that there were special conditions and circumstances presented with practical difficulty. They have recommended to City Council that the applicant would suffer the practical difficulty if the variance is not granted and that the granting of the variance with the following conditions: The applicant shall obtain a staked survey of the property prior to construction that defines property lines clearly; the applicant shall obtain necessary Building Department permits prior to construction; completion of construction within 18 months of City Council approval; and any additions that would enlarge the footprint or height of the building would require additional Board of Zoning Appeals variances."

Second by Vice Mayor Evans.

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

Nays: None

Resolution confirmed

Council Member Stephens continued, "BZA Calendar No. 3225 before the Board of Zoning Appeals in the month of July was a request by St. Paul's Church located at 2747 Fairmount Boulevard which is located in an 'A' single-family district. They would be referred to as the applicant in the balance of this presentation. They made a formal application requesting a variance from the conditionally permitted use regulations and the yard regulations for certain conditional uses of the Zoning Code to permit the joining of an adjacent house and garage located at 2334 Coventry Road to the church property for use as church offices. The existing house is set back 8-feet-1-inch to 35-feet-1-inch from the north property line. The existing garage is set back 1-foot from the west property line and 36-feet-3-inches from the north property line. The applicable provisions of the Zoning Code are contained in Sections 1121.04 and 1153.03(2) which require a 50-foot minimum setback of the existing house from the north property line; and a 50-foot minimum setback for the existing garage from the west and north property lines. In the opinion of the Board of Zoning Appeals the applicant clearly demonstrated that there were special conditions and circumstances resulting in practical difficulty with the consolidation of the single-family house with the balance of the church properties. Therefore, the Board recommends to City Council that the proposed variance is not necessitated by a new structure, but a new use of existing structures; that additional parking spaces that will be made available because of the consolidation make the church more compliant with parking requirements; the essential character of the neighborhood is

not changed and therefore no detriment to the adjacent property or properties is made by the granting of this variance. The Board of Zoning Appeals recommends to City Council that a variance be granted with the following conditions: Receipt of all necessary building permits; completion within 18 months of the date of this variance as approval by City Council; final landscaping, screening and parking plans shall be approved by the Director of Planning; and the applicant shall return to the Board of Zoning Appeals for any further variances should they consider future modifications that would increase the size of the house or expand the parking onto the property; and that the use of 2334 Coventry shall be strictly limited to church offices and storage and shall not affect adjacent homeowners' enjoyment of their properties."

Second by Council Member Tumeo.

Mayor Kelley commented, "Reverend Gates is with us tonight. I want to thank you. We worked a little bit on this project together and Richard Wong was involved with this. It's a great problem to have the need to grow and prosper and to get the religious message out, but it's been a pleasure to work with you. Looking forward to maybe doing some more with you in the future and we do appreciate the St. Paul's Church's commitment to Cleveland Heights and obviously your commitment. I believe your board president is with you also, it's nice to see you again. But, thank you. It was a super project for us and for the city and for you also, but for us also. We do appreciate the time and effort you put in to make this a successful project from start to finish and good luck."

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

Nays: None

Resolution confirmed

Council Member Stephens continued, "Mr. Mayor, BZA Calendar No. 3226 is the final Board of Zoning Appeals' resolution before us this evening. Because of the debate that ensued at the meeting on the signage for Enterprise Rent-A-Car located at 3200 Mayfield Road, in a 'C3' general commercial district, a continuance has been requested and I recommend approval of that continuance request."

Mayor Kelley stated, "Thank you. BZA Calendar No. 3226 will be left for our next meeting which will be Monday, August 16, 2010. It actually doesn't need a continuance, it's within the time frame, thirty day time frame. So what we're doing is we're going to take the two weeks and really eyeball this a little bit more and maybe come up with some alternatives that work for everybody involved not just Enterprise and the City, but of the neighbors and what have you. We're going to spend some time on this. Actually, our staff, Richard Wong, again I mentioned his name before, will be working very hard on this in the next two weeks and we'll have it back on our agenda two weeks from tonight. Thank you, Councilwoman Stephens. Councilman Wilcox, please."

Council Member Wilcox stated, "Thank you and that concludes the report of this committee."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Montlack stated, "Thank you, your Honor. There are three pieces of legislation from this committee tonight. The first is Ordinance No. 98-2010(PSH), amending Part Thirteen, *Building Code*, of the Codified Ordinances of the City of Cleveland Heights to adopt and enact a new Chapter 1337, entitled *Special Purpose Flood Damage Reduction*, to adopt Floodplain Regulations for the properties in the City of Cleveland Heights that are located in flood zones. The Federal Emergency Management Agency ("FEMA") and the Ohio Department of Natural Resources ("ODNR") have advised that Ohio communities without Floodplain Regulations as of December 3, 2010 will be suspended from

participation from the National Flood Insurance Program which is very important for persons who are in a Floodplain. That could result in impacting a very, very limited number of parcels in Cleveland Heights, potentially for reasons that I will explain and as far as we can determine at this point, probably impacts one dwelling or something like that. The city was advised in 1976 that no Flood Insurance Rate Map would be prepared for the City because no portions of the community were deemed to be in Flood Zones. However, FEMA has revised that and has now indicated that in its updated maps there are, as I said before, a very few areas of the City - mostly at the southern most portion near Doan Brook and the Shaker Lakes that could be in Floodplains. This rather lengthy legislation will have limited impact for our residents and will perhaps, as I said, affect one or a very few. Nevertheless without going through all this legislation, it does indicate with findings that the Floodplain designation applies in some regard to Cleveland Heights. There is a plethora of definitions I will not go through. It provides for in great federalize of administration for the Floodplain administrator, the duties, responsibilities of that - so designated in the City a permitting process that both has procedural aspects as well as substantive requirements with regard to residences, non-residences, other structures, new construction, construction that occurs after the initial construction, etc., and a variety of requirements. Again, this is presented, essentially, so that the very few parcels, owners of parcels that may be impacted, qualify for the federally sponsored flood insurance. Ordinance No. 98-2010(PSH) is on first reading only."

Mayor Kelley accepted Ordinance No. 98-2010(PSH), first reading.

Council Member Montlack continued, "The second is Resolution No. 99-2010(PSH), this is also on for first reading, authorizing the execution and delivery of a petition and approval of the petition, articles of incorporation, and initial plan of the City of Cleveland-First Suburbs Development Council Advanced Energy Special Improvement District; and declaring an emergency.

In substance this is a collaborative project proposed between Cleveland and the sixteen-member municipalities of the First Suburbs Development Council. It is a Solar Special Improvement District, that ultimately seeks to provide assistance to commercial and industrial properties and property owners investing in green energy. It also provides that each of the member cities will embark on one demonstration project each and it is proposed that the simple project for Cleveland Heights would involve solar lighting for a 'Welcome to Cleveland Heights' sign at one of the eastern parts of the city. The collaboration has resulted from the work of Tracy Nichols who is a very well-informed staff member in the City of Cleveland inviting the First Suburbs to participate. And, of course, the First Suburbs Development Council Board which consists of the economic development staff of all of its member cities. This project was recognized through public voting by the fund for our economic future in its Efficient Gov Program and resulted in an award, a grant of \$100,000 for this solar project and will ultimately also depend on some additional funding from the Port Authority. This also will be reviewed further by the City Council, this being Resolution No. 99-2010(PSH) on first reading only tonight."

Mayor Kelley accepted Resolution No. 99-2010(PSH), first reading.

Council Member Montlack continued, "Finally, Resolution No. 100-2010(PSH), declaring the property at 3436 Euclid Heights Boulevard to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. This residential property, at that address, is owned by Hatorah Mosdos Ohr and has not been maintained for a number of years and is in a state of severe disrepair. That institution is now proceeding with demolition, but that process is proceeding very slowly, too slowly and it is therefore found and determined by the City that the premises owned by that institution at 3436 Euclid Heights Boulevard is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and is declared to be a public nuisance. Therefore, time lines will go into effect following the notice to that institution and the opportunity will be provided, of course, for a

much quickened pace in dealing with the subject property. Resolution No. 100-2010(PSH) is presented on first reading for passage tonight.”

Mayor Kelley accepted Resolution No. 100-2010(PSH).

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

Nays: None

Resolution passed

Council Member Montlack continued, “Thank you. There certainly is a close relationship between the professionalism of rental property owners and the condition of those properties on the one hand and the quality of life in our neighborhoods and community. Understanding this, our Police Chief Martin Lentz, some months ago, suggested that the city repeat and expand a landlord training program that had previously been presented and with a planning team that was assembled by Susanna Niermann O’Neil the first such landlord training session of this year went forward this past Thursday evening, July 29th. The presentations were by our Police Department Lieutenant Brad Sudyk, our Housing Program Manager Rick Wagner, our Relocation Service Coordinator Gretta Ryan and they together presented, as I said, the first of several landlord training seminars at the Police Academy entitled, ‘Keeping Illegal Activity out of Rental Properties’. There were about forty landlords invited to that program, mostly owners of two-family properties and the presentations as expected were very well received. We emphasized all of the things that should be done to keep a property safe, but especially avoiding problems before they get started. One special part of that presentation, of course, having had to do with making sure that the applicants for rentals met the objective, equally applied requirements and qualifications, both in terms of ability to afford the rental, employment, behavior in terms of prior rental history and certainly not having a disqualifying criminal record. We also presented the methods of determining that. All of which becomes everyday and every year more and more important in those neighborhoods where there are a great many rental properties. We have a second session that’s going to come up again this week with another group of landlords, also those like the first, that have specifically been invited to attend. When those sessions are completed and the landlords who have participated also agree to follow the suggestions laid out in this program - and I should mention that the instruction manual - the basic manual was created/drafted by the Justice Department. When the teaching is concluded those landlords who agree and commit to following the ideas presented, among other things, will have their properties and the vacancies of their properties listed on the City website. So, this is another way that the city is attempting to partner with good landlords and landlords who want to be good professional landlords to keep our neighborhoods and our community safe. That concludes this report.”

Mayor Kelley added, “Thank you. Thank you for your hard work with this also.”

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Stephens stated, “Mr. Chairman, we will have a series of openings on boards. If people would please pay attention to our website, the Landmark Commission as well as the Commission on Aging will have openings. So we would like for people to take a look at that and begin to fill out applications and send them in to us. That concludes my report, Mr. Chairman.”

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Vice Mayor Evans stated, “Thank you, your Honor. This Ordinance No. 95-2010(CRR), Second Reading. The first reading took place on July 19th. An Ordinance amending the use regulations and

rates for admission and other services for the Cleveland Heights Community Center and parks for the 2010-2011 fall/winter season, and repealing Ordinance No. 70-2009. As you are pretty much aware of, the City of Cleveland Heights annually reviews its regulations and rates for admission and other services for its Community Center and parks.

I read all the changes into the record July 19th, so I'm not going to read the many changes. I didn't receive any phone calls and I hadn't heard that anyone wanted a greater explanation in the two weeks since it was read.

So, I would like to present Ordinance No. 95-2010(CRR) for passage this evening."

Mayor Kelley accepted Ordinance No. 95-2010(CRR).

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

Nays: None

Ordinance passed

Vice Mayor Evans continued, "Tomorrow evening, that's August 3rd the 2010 Cumberland Pool Show will take place at 8:30 in the evening. There are many, many youngsters participating in this program. So, I would like to encourage our residents - it's a nice family evening - I'd like to encourage our residents to come out to the program tomorrow evening. It's free admission. It promises to be a lot of fun. There is a lot of music and a lot of movement and it's really a fun time for families.

Next, I'd like to encourage our residents to submit applications for neighbors that they feel are deserving of a Community Improvement Award or a Tender Loving Care Award for their property. For a property to qualify the improvements must be visible from the public right-of-way and must make the area more attractive. You may nominate a property for restoration, renovation, addition, outdoor furniture or sitting areas, lighting, new construction, signage, painting and excellent maintenance. If you would like a form you can call our Community Relations Department at 291-2323 and they can be sure to get a form to you or if you choose you may also go on line at www.clevelandheights.com/forms.asp. Also, that program, the awards program will take place on Thursday, October 7th. Also, the Historic Preservation Awards will take place that evening and they are looking for properties that have undergone recent exterior and/or interior preservation, restoration, rehab, adaptive use, landscape restoration or sympathetic additions. For a nomination form for that you may call 291-4885 or go to the same website to receive a form. The nomination deadline has been extended beyond August 1st. We have not gotten in enough nominations and I know there are a lot of people out there who admire their neighbors' yards, houses, etc. So, please get involved and submit those applications. We would, really, really appreciate it. That program is scheduled again, October 7th. It usually starts at 7:00 p.m. downstairs in our atrium and that's always a wonderful program as well. That concludes my report."

REPORT OF THE FINANCE COMMITTEE

Council Member Tumeo stated, "Thank you, your Honor. I have no legislation this evening. I would just like to make a simple comment. I'd like to commend our residents. Tonight, was a night when we had a lot of people come in and talk to us. I would urge residents to do that. It's important for us to hear both your concerns and your praises. I'm especially pleased to see people are paying attention to the issues of finance and how do we pay for stuff and how do we make our decisions. The best kind of government is a government that has the citizens involved and coming and talking to us. So, I just wanted to commend the residents who came in and took time, got petitions and spoke to us. We appreciate it. We try and communicate back and answer questions. Don't be afraid to come

in and ask them. I think it's very important for our citizens to be fully involved in their City Council. Sometimes it seems boring. Sometimes you may not understand everything we're doing and the only way to find out is to ask. So, I wanted to commend all our residents for being active and engaged. That's my report, your Honor."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have three pieces of legislation. The first is Ordinance No. 101-2010(MS). The one that follows is 102-2010 and they are sort of companion pieces. Ordinance No.101-2010(MS), authorizing an agreement with Jack Doheny Supplies Ohio, Inc. for the purchase of a water jet for the Water Division of the Public Works Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring an emergency. The City has determined to purchase a new water jet for the Water Division of the Public Works Department; and in case you are wondering what that is, the Water Division uses the water jet to clean out the water lines and sanitary sewer lines and sometimes goes to people's homes to clean the lines and if you need that service, by the way, there is a charge for it, but you can certainly call the Water Division. That was a little side comment. The Ohio Revised Code Section 125.04 authorizes municipal corporations and other governmental entities to purchase supplies, equipment and services through the Ohio Department of Administrative Services Cooperative Purchasing Program. In1988, we authorized to participate in this Program. The City Manager has determined that the selected equipment may be purchased through this Program at a lower price than could be obtained through bidding, and it would be in the City's best interests to purchase this equipment through this means. The water jet will be mounted on a cab and chassis which will be purchased from a different vendor under another State purchasing program and that's what I'm going to read right after this one. So, the City Manager is hereby authorized to enter into this agreement for the purchase of this Mongoose 184-TK Water Jet Body at a total cost of Forty-six Thousand One Hundred Eighty-seven and 94/100 Dollars (\$46,187.94), which includes the trade-in of a 2002 Harben Truck Jet. The City reasonably expects that the cost of such expenditures will be paid with proceeds from the City's issuance of tax-exempt notes or bonds in a principal amount that is not anticipated to exceed Forty-seven Thousand Dollars (\$47,000.00). All agreements shall be approved as to form by the Director of Law. Notice of passage shall be given and this Ordinance is hereby declared to be an emergency measure for passage tonight. So, I offer Ordinance No. 101-2010(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 101-2010(MS).

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

Nays: None

Ordinance passed

Council Member Caplan continued, "Thank you. Now, I have the companion piece which is Resolution No. 102-2010(MS), authorizing the City Manager to enter into an agreement with Miami Valley International Trucks for the acquisition of a truck cab and chassis for the Water Division of the Public Works Department; providing compensation therefor; and declaring an emergency. In order to meet operational needs, it is necessary to purchase a new water jet and truck cab and chassis for the Water Division of the Public Works Department. Ohio Revised Code Section 5513.01 authorizes municipal corporations to do this without competitive bids. We have authorized the City Manager to participate in this Program and this one we did in1991. The City Manager has determined that the selected cab and chassis may be purchased through this Program at a lower price than could be obtained though bidding, and that it would be in the City's best interests to do this. The water jet

will be purchased from a different vendor. The City Manager is hereby authorized to execute any and all agreements for the purchase of a 2011 International Model 4300M7 SBA cab and chassis from Miami Valley International Trucks, through the Department of Transportation Cooperative Purchasing Program. The purchase price for the cab and chassis shall not exceed the sum of Sixty Thousand Seven Hundred Sixty-three Dollars (\$60,763.00). The City reasonably expects that the cost of such expenditures will be paid with proceeds from the City's issuance of tax-exempt notes or bonds in a principal amount that is not anticipated to exceed the sum of Sixty-one Thousand Dollars (\$61,000.00). All contracts shall be approved as to form by the Director of Law. Passage shall be given and this Resolution shall be passed as an emergency. So, I offer Resolution No. 102-2010(MS) this evening."

Mayor Kelley accepted Resolution No. 102-2010(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. Now, I have Resolution No. 103-2010(MS), authorizing the City Manager to enter into an agreement with Behnke Associates, Inc. for the preparation of a Storm Water Management Plan in conjunction with the Denison Park Soccer Field Improvement Project; providing compensation therefor; and declaring an emergency.

If anybody pays any attention to this, this has been an ongoing discussion that I read a piece of this for the past couple of months, we've been talking about this.

The City intends to replace the existing natural turf soccer field at Denison Park with a synthetic turf surface. In conjunction with this Project, it is necessary to prepare a Storm Water Management Plan. Behnke and Associates ("Behnke") has submitted a proposal for the preparation of this Plan, the terms of which are reasonable and competitive; and they are well qualified to perform the requested services and is already providing design services for the Soccer Field Improvement Project. Such services are professional services for which no bidding is necessary. Therefore, be it resolved that the City Manager be authorized to enter into an agreement with Behnke Associates, Inc. ("Behnke") for services for the preparation of a Storm Water Management Plan in conjunction with the Denison Park Soccer Field Improvement Project. The scope of the work shall be as set forth in the Engineer's proposal dated July 15, 2010, a copy of which is on file with the Clerk of Council. The total compensation for this such service shall be at the usual hourly rates, with total fees and expenses not to exceed the sum of Six Thousand Dollars (\$6,000.00). Notice of passage shall be given. This Resolution shall be declared an emergency for passage tonight and I offer Resolution No. 103-2010(MS) for passage tonight."

Mayor Kelley accepted Resolution No. 103-2010(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. The only other comment, because I haven't talked about it for a while is to remind you to do recycling. Sometimes in the summer we buy new things we need, a new appliance, you need something for the yard, they come in boxes. Could you take the plastic out of the boxes that some things are wrapped in and put that box out on garbage day on your lawn and maybe put other recyclable things in it and recycle it. Really, it's a really good thing to do for the environment and you'll feel better if you recycle things in your house. You know if

you open your mail over a paper bag and you pay a little bit of attention. I'm not talking about being compulsive, just a little bit of attention you could really reduce the amount of garbage that you have probably by half if you haven't been recycling up to now. So, I haven't talked about recycling for a while. I encourage you to remember to take care of the planet, to take care of our environment. It's good for the city and it saves the city a lot of money, because for every ton that we recycle it's one ton that we have not had to put into a landfill and landfill costs us a fortune. So, I encourage you to recycle and that's all I have. Thank you."

REPORT OF THE MAYOR

Mayor Kelley stated, "Two things I have real quick. I want to thank Mr. Kimball for coming tonight. There will be a letter or resolution forthcoming from this Council to our state legislature for the issue you raised. We had discussions with them three years ago when we did it, but I think it's time to reignite that fire and make this point very solid with them, because it doesn't make a lot of sense to spend over \$45,000 because the legislature is still back in the 1964 era.

I also want to thank the other people that spoke tonight, especially the Canterbury Road people. Help is on its way. It takes time. There is a shortage of money in the city, but we will get to Canterbury Road. Some of the work has been done already by our staff and we will look to see if we could possibly have it moved up from 2012 to 2011. But it is a project that will take over \$200,00 to get done. It's a very long street and it needs a lot of work.

Again, like Councilman Tumeo, I want to thank people for coming. We're here to work. We work for you. We're here during the summers. We do not take our summers off like many or most other cities do. This Council works every Monday night, basically, except for maybe one or two during the year. So, you have the hardest working Council and we'll continue to work hard and be responsive to our residents and thank everyone for coming tonight.

Our next meeting will be Monday, August 16, 2010. This meeting is adjourned at 9:08 p.m. Thank you for coming tonight."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc