



CLEVELAND HEIGHTS

CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 18, 2006

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:25 p.m.

Kenneth Montlack, presiding

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

Council Members absent: Kelley

Vice Mayor Montlack excused the absence of Mayor Kelley.

Staff present: Carter, Czaga, 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 7:36 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:44 p.m.

Kenneth Montlack, presiding

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

Council Members absent: Kelley

Vice Mayor Montlack excused the absence of Mayor Kelley.

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

The minutes of the Regular Council Meeting held Tuesday, September 5, 2006 were approved, but held for Mayor Kelley's signature along with the resolutions passed at that meeting.

Vice Mayor Montlack stated, "At this time, we will deviate from our regular program for a few minutes of a special presentation, and it is our pleasure to invite up to the microphone representing the Friends of Cain Park, David Budin."

Mr. Budin stated, "I am David Budin. I am president of the Friends of Cain Park and every year we present this award called the Good Friends of the Arts Award. That's not all we do, but I won't go into that. Actually, I should have Tom Fello come up here. Every year when Friends of Cain Park holds its fundraiser, we approach about thirty restaurants in the Heights' area and ask if they will donate food for the event and about one third of the places actually say no. Of the others, some say yes, reluctantly and some are happy to give a little, but when you go to Tommy's and ask Tom Fello, he starts saying yes before you are even half way done with the question. At other restaurants they say, "Well, when do you want to pick it up?" When you go to Tommy's, he says, "What time do you want us to have it there?" When we go to pick up the food on the day of the event, some places have forgotten about it entirely and if we are lucky they will throw something together. Some restaurants have prepared enough food for maybe a dozen people. We go to Tommy's, he not only has a giant pan of say broccoli risotto all ready, but he says, "Do you need pita, too?" And he says, "Do you need anything else, do you need humus, how about some of this, a chafing dish, are you ready for your event, do you need anything?" I feel like I have to escape before he gives me too much. Then he has his staff carry it out for you to your car. That's just the Friends of Cain Park and our annual broccoli risotto. On Earth Day, he feed 700 volunteers. For the Art on Wheels Benefit, he provided all the food and every year on New Years Day, in the morning, he gives his whole restaurant and his staff to Heights Arts for its benefit and he comes into work, early in the morning. So these are just a few examples of Tommy's long-time consistent and extraordinary generosity in helping this community's arts and other non-profit organizations. So, as our way of saying thank you, we present this year's Friends of Cain Park, good friend of the arts award to Tom Fello. And while Tommy's here, we also - this is a tradition now, two years in a row makes it a tradition - every year, well, for the past two years, it's wishful thinking I guess, Victor Schreckengost and I think everybody here knows who he is, world famous artist and designer, who lives in Cleveland Heights and just turned 100 this year, he has given us a print to raffle off as another part of our fundraiser - there it is - there is this years and we thought we would have Tommy pick the winning ticket while he is here. Reach in there and I can actually read it this time. Looks like Susan Hirsch."

Tommy Fello replied, "Thank you, David."

Vice Mayor Montlack replied, "Wait a minute. You can't escape that quickly."

Mr. Budin asked, "Question and answer period?"

Vice Mayor Montlack continued, "Well, first of all, Mr. Budin, thank you for coming and thank you for representing such a fine organization, Friends of Cain Park and all the terrific things that you do. I would like to ask, I guess I could say our guest of honor, Tommy, would say a few words to us."

Mr. Fello replied, "I would love to."

Vice Mayor Montlack interjected, "On any subject."

Mr. Fello stated, "Thank you very much, Ken. I appreciate that. This is a really great award. I really appreciate getting this. This summer I told David, there are so many other people, there are so many artists and that people that donate their time and efforts to the arts in Cleveland Heights, which makes it such a great place to have a business and to live as we all well know. That I felt that this - a few pancakes flipped here and there and a little bit of broccoli risotto spilled here really doesn't warrant this, but I really do appreciate it even though I feel there are so many other people that well-deserve this and I am sure they will get their turn in the next couple of years. But, this is from my heart I really want to say thank you very much to everybody. I appreciate it. Thank you."

Vice Mayor Montlack continued, "Thank you. Don't escape quite yet. I wonder if there are any others on council who want to say anything at this point."

Council Member Caplan replied, "I think it's great that the Friends of Cain Park, first of all are the Friends of Cain Park, really thank you for all the work that you do for Cain Park and, Tommy, you're a friend of the whole city, not just the Friends of Cain Park. It's a joy to have you and your business in Cleveland Heights. You are like Mr. Cleveland Heights and certainly Mr. Coventry. Always joyful, always good natured, always helpful, and that broccoli risotto, my grandchildren are crazy for it. So thank you for all you do for all of us and [you] always do it with a smile. Thank you."

Council Member Evans added, "I certainly agree with everything Councilwoman Caplan has said and I know other people are going to say some really outstanding things, but I too have had similar experiences dealing with Tommy and the wonderful donations from the restaurant and his willingness to be helpful at all times, but above all those deserts are very delightful and I do enjoy them as well as everyone I know. Thanks so much."

Council Member Tumeo stated, "I'm the new kid on the block, as you know. Since I have been here for the past ten years, Tommy's has been the place to go and you have always been the most gracious host as a restaurateur and it is really a hallmark. You represent this community so well in the way you give to everybody and you give generously of your time and your energy. I don't know how your family has given up so much of you, but nine times out of ten they're down there giving with you. It's wonderful that you've gotten this and it is the least we could do to say thank you."

Council Member Wilcox added, "I just wanted to add thanks to the Friends of Cain Park, obviously for the great job they do, and to you, Tommy, for everything you do. There are any number of awards we could give you beyond this for what you do for our city and especially the Coventry Business District and I know from working with the SID up there, the countless hours you give to that as well. I'm not sure where you find all the time or when you sleep, but it seems like you are probably one of the most devoted people to Cleveland Heights that I know and we really appreciate it. Thank you."

Council Member Dietrich stated, "I'll go last. Tommy, this goes back to the 70's. I remember the first thing that I ever worked on that had to do with the City of Cleveland Heights and it was a race in Forest Hill Park and it was done by this group called, Cleveland Women Running and we were brand new and one of the ways that we knew we could do a race was because you had volunteered to help us out in some way. I don't remember what you gave us, but it was like bananas or something. But, It's really one of my very first memories of doing something in Cleveland Heights and you were doing it volunteering, offering back then. Now, seeing you work in the Special Improvement District, you so set the tone for the merchants and for that SID, your lack is always noticed. If Tommy is not there, you know Tommy is not there, and he is definitely missing - and you just stepped down after nine years as the president of the Special Improvement District and previously the Merchant Association and the lack of you is going to be noticed. I know we're all going to be the worst for having you retire, but thank you so much for everything that you've done."

Vice Mayor Montlack commented, "This is a special evening. First of all, Friends of Cain Park, is well-represented and I noticed, Mr. Budin, that you have with you, Chessie Bleick, who is also such a spark plug and I don't think it exaggerates too much to say she is also part of the heart and soul of Friends of Cain Park and it is important for us that Tommy stayed after receiving his presentation, not that I think that, you, Tommy, care that much about hearing the great compliments, you are such a self-effacing person, but it makes us feel better to be able to say these things to you and you noticed everybody says the same thing and it is true. I will only add that I remember a number of years ago, one of

the national networks - when they had national networks, did a show on featuring Cleveland Heights and the one representative of this city that was featured on the show was this guy named Tommy and everybody who watched that just nodded their head, and said, 'Absolutely, that is the representative of our city at its best'. So, thank you. Thank you to Friends of Cain Park for making this such a special evening."

"Thank you for this opportunity. My name is Sally Michael Keyes. I am a previous Cain Park employee, which was a wonderful experience, but now I am here tonight for the group called, 'OPEN', and I think you are all familiar with 'OPEN'. I have e-mailed information to you and I just am here to make two points tonight. The first is a little bit of an antidotal story. I was walking down Coventry Boulevard putting up 'OPEN' posters to help raise awareness of the issues and I went in one of the stores and there were three guys behind the counter, two very young and one maybe thirty or forty. I said, "Would it be okay if I put up a poster about the school closing? We feel it is a district-wide problem and it could be a downward spiral for the city. It is very serious. Could we put the poster up?" And one of the young men said, "Well, schools close all the time. What difference does it make that a school is closing? That's really not a big deal." And I said, "Well, this is a neighborhood school and it means that people who bought their homes to go to that school, will maybe not live there, they might move away. And if they do, who will buy those three-four-five-six bedroom homes?" And he said, "Well, CASE students are moving in all the time. They need them. I don't think there will be any problem with that." And I said, "Well, that's probably true. Do you think they'll vote for the school levy?" And he said, "No. What do they care about --" And then he stopped. And then he put his head down and he walked away from behind the counter and the man who was thirty or forty years old and just looked at me with big eyes. And I could see the wheels turning. What happened there, was that they, by my questioning, they took this school closing a step further. Maybe the young kids didn't have kids in school. It didn't affect them personally. But when you take it a step or two or three further, you realize that this could really cause detrimental affects for the city. Which is what 'OPEN' is about. I have - there are flyers - I don't know if you want me to leave them? They go into detail about the different detrimental affects, the raising of the class size, the busing of children - despite the fact that, that's proven not to be a very good way to socially integrate children in communities. But, my other point then, goes to the levy. In the past there have been three levies recently. In the March 2nd levy, it was passed, I'm sorry, in 2004, the March 2nd levy of 2004 was passed by 615 votes. That's it. The November 4 levy from 2003 lost by 1,332 votes. And the one in May of 2003 lost by 873 votes. At this point, 'OPEN' has signatures on our petitions from 1,300 people. The school closing will affect 707 families. That doesn't include the seniors in the neighborhood, the cousins, the grandmothers, the relatives. My statement to you is that we need to be concerned.

When Northwood was closed in University Heights and I spoke to the University Heights City Council, basically what I left with was - I don't usually talk to city councils, but I've been doing it recently for this. They said, "Well, you know, we don't know if you know the history, but our Northwood School was closed." And it was just kind of left like, so now you take what's coming to you. It was kind of a downer of an attitude as far as I'm concerned. In regard to the levy, University Heights has not passed a levy since the school closed. They're still very bitter about it. I've been here for about seven or eight years and it happened before I got here. These things go deep and they last and I am concerned that this could happen to us. The folks in Coventry voted for the '04 levy, by 69% of the community. In '03 they voted for, by 62%. In May of '03 they voted for, by 66%. In the Garity community in University Heights they voted for, by 33%, they voted for, by 29% and they voted for, by 30%. This is where the downward spiral comes in and I am begging you for your support and your action and I guess - - . Apparently the school district has not been very considerate in completely disregarding what the city council has approached them with, but I'm here tonight to ask you to go back, to ask you to go as individuals, to ask you to go as a group, to meet with them for breakfast, to talk, talk, talk and talk this

out so that we come to a resolution that is good for this city, that supports the city, that supports the housing initiatives that are so smart bringing in the empty nesters. But, we still have those four- five- and six bedroom homes, that we need a middle-class family in. 'OPEN' is available to talk with you about this, to provide materials and resources that we have found and we just urge you to trudge forward and help us solve this dilemma in a constructive manner for the whole city. Thank you for your time."

"Good evening. My name is Shanda Mays and I am here representing Labor Local 860 and we presented you with a proposal legislation and I was just wondering where it stands with you right now? Have you had time to go over it? Are you still looking at it?"

Vice Mayor Montlack responded, "I'm personally not familiar with it."

Ms. Mays continued, "Well, it was given to you a few months ago. If you need me to, I can get you another one."

Vice Mayor Montlack replied, "If you would like to submit something to Council or to the City Manager, I'm sure it will be provided to us."

Ms. Mays thanked the Vice Mayor.

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 purchase of fire hydrants."

Vice Mayor Montlack made it a matter of record and referred it to the Public Health and Safety Committee of Council.

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

Second by Council Member Tumeo.

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

Nays: None

Motion passed

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Your Honor, I have no report tonight."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "Thank you. I have no legislation tonight. I do have two comments I'd like to make. First, both of them are in regard to the speakers we've had tonight in public comment. First, with regard to the schools, at our last meeting, Mayor Kelley restated our position that we're here to work through with and for the community and that this Council has taken the official position that we are opposed to closing any school. So I just want to make sure that you know that's been our position and remains our position.

Secondly, Ms. Mays, I've not seen that legislation either. So please don't think we are ignoring you. It's probably in a packet on our agendas. We do committee meetings on alternate Mondays. So I commit to you that we'll take a look at it. So I just want you to know that it's not because we weren't paying attention, it just hasn't gotten on our agenda yet. Thank you."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, "Thank you. There is no legislation tonight from this committee. I want to talk about the weekend that we had in Cleveland Heights. It was such a fabulous activity-filled, good feeling, Heightsie weekend. Starting our with Friday night, the Heights Arts Collaborative opened their gallery in what used to be the Y, now part of the new library. Rockefeller Building hosted a birthday party for the Mayfield and Lee merchants, which Councilman Tumeo cut the cake at and they had sidewalk sales and things all weekend. Saturday and Sunday was the big public event at the library with clowns. It was like a circus at the library Saturday and Sunday afternoon. Saturday night was the preview party for the Heights Community Congress House Tour. It was the most wonderful Heights Community Congress preview party that I've been to ever, I think. It was at Oakwood Country Club. Over 200 people were there and then the next day, of course, the annual house tour, that is the fundraiser for Heights Community Congress. Just a day people from Cleveland Heights happily viewing each others' houses. It really, really was a fabulous weekend.

In light of some of these other things that are happening like the school closing, it almost seemed like, I don't know, a little bit cold to be celebrating like a weekend that we had here in Cleveland Heights, but I just want to make sure that people are aware that those other good things are happening too. I echo what Councilman Tumeo said about the school closing. I think, you know we feel a little stymied on how to communicate further with the school board and we do, of course, recognize that they are the ones with the right and the responsibility to make that kind of call and that I think we do need to make a better effort to keep our communication open with them at this sort of uncomfortable time for us. I'm pledging that I'll do that - do my part in that.

The last thing I want to talk about is that election day is November 7, so people have until October 10th to register to vote. I hope that you have noticed that the Board of Elections has sent around a little thing telling you about how you need an ID this time to vote. If you haven't gotten something from them it means you're probably not on their registration rolls. If I were you if you haven't gotten communication about voting on November 7th in your mail from the Board of Elections, it means that you need to communicate with them and make sure that you're registered. There is a hot line for voters to call. It is 866-our-vote which is 866-687-8683. One other voting thing I want to talk about that I imagine most people know, is that anybody can vote absentee now. You don't have to have a real reason why you can't go to the poles on election day. So anyone can vote absentee and again, you would call that number 866-our-vote to request an absentee ballot application, fill it out [mail it back], and they will send you back the actual absentee ballot, and then you fill that out [and mail it back]. It's a two-step process. You have to give yourself time to do it for the mail to work. For anybody who has kids off at college or is going to forget by November 7th that you're just going to be out of town that day, make sure you get your absentee ballot. You also can go into the Board of Elections and vote there in person ahead of time. You can do that anytime between October 3rd and noon on November 4th as long as you are registered. You just give them your drivers' license number, the last four digits of your social security number and you get to vote ahead of time at the Board of Elections. So, there is no excuse, not to. So, I hope that we have a really high voter turnout from Cleveland Heights this year."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are two pieces of legislation from the Finance Committee tonight. The first one is Resolution No. 107-2006(F), authorizing the City Manager to enter into an agreement with Fifth Third Bank for equipment financing for the purchase of an Aerial Truck for the Fire Department; providing compensation therefor; and declaring an emergency.

The purchase of this fire truck was actually authorized by Council earlier this year as part of the capital needs for the Fire Department.

The City requested proposals for equipment financing for the purchase of an Aerial Truck for the Fire Department; and the proposal submitted by Fifth Third Bank contained the most favorable terms. Pursuant to law, Council is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the City. Council hereby determines that the execution of a lease-purchase agreement ("Equipment Lease") in a principal amount not to exceed Seven Hundred Twenty Thousand Dollars (\$720,000.00) ("Principal Amount") for the purpose of acquiring an Aerial Truck (the "Property") is appropriate and necessary to the functions and operations of the City. This Resolution authorizes the City Manager to enter into an agreement with Fifth Third Bank for the purchase of an Aerial Truck for the Fire Department. The agreement shall be in substantially the form of the proposed Equipment Lease ("Equipment Lease") submitted by Fifth Third Bank, a copy of which is on file with the Clerk of Council. The aggregate original principal amount of the Equipment Lease shall not exceed Seven Hundred Twenty Thousand Dollars (\$720,000.00), and shall bear interest at a rate of Four and Two Hundredths Percent (4.02%) for a Five-(5)-Year Term. This will be repaid out of the Ambulance Billing Fund of the City and payments will begin November 1. The obligations for this Equipment Lease are subject to annual appropriation of Council. The Council anticipates that the City may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. This Council hereby declares the City's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. Section 4 of this legislation provides that this is a qualified tax-exempt obligation. I offer Resolution No. 107-2006(F) for passage tonight."

Vice Mayor Montlack accepted Resolution No. 107-2006(F).

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Next, I have Resolution No. 108-2006(F), authorizing an agreement with The Shamrock Companies, Inc. for electronic bill payment services; providing compensation therefor; and declaring an emergency. It is in the best interest of the City and its residents to implement a system for electronic payment of water bills, tickets, taxes and other City charges and accounts. Shamrock Companies, Inc. has presented a proposal for the provision of such services, the terms of which are reasonable and competitive. Being professional services, there is no bidding required. Section 1 of this Resolution authorizes the City Manager to enter into an agreement with The Shamrock Companies, Inc. for the provision of electronic bill payment services. The terms of the agreement shall be substantially in accordance with the proposal of the company, a copy of which is on file with the Clerk of Council, and shall include one time set-up fees of \$8,615.00, as well as the stated monthly and transactional charges, which after discussion with our Finance Director we estimate around \$800.00 per month and they can be increased in the future with the written consent of the City Manager.

We would expect that this bill paying service will actually be a more efficient method of collecting certain charges and tickets and taxes that will provide a convenience to residents who want to do electronic bill paying and hopefully will save postage charges as a result as well.

I offer Resolution No. 108-2006(F) for passage tonight.”

Vice Mayor Montlack accepted Resolution No. 108-2006(F).

Council Member Tumeo remarked, “I just want to make one quick comment. We do a lot of legislation and we all pass it and stuff, but I want to make a special note of this and commend the Director of Finance for moving into the 21st Century getting to the electronic payment. We’ve got our codes and ordinances up. The city staff is working hard and I just want to make sure that everyone recognizes that Council appreciates that and I’m glad to support this.”

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

Nays: None

Resolution passed

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, “Thank you. I have two pieces of legislation tonight. The first is Resolution No. 109-2006(MS). This is the first indication that we’ve really had that’s tangible that there really is going to be a project at Cedar and Lee, because Resolution No. 109-2006(MS), authorizing an agreement with AT&T for the relocation of a conduit at the Meadowbrook/Lee construction site; providing compensation therefor; and declaring an emergency. In order to allow the environmental remediation at the Meadowbrook/Lee construction site to proceed, it is necessary for an AT&T conduit on the site to be relocated. The City expects to be reimbursed for the costs of said relocation from a grant received from the United States Environmental Protection Agency. Therefore, be it resolved, that the City Manager be authorized to enter into an agreement with AT&T for the relocation of a conduit at the Meadowbrook/Lee construction site as part of the environmental remediation of said property. The agreement shall provide for payment in a sum not to exceed Sixty-nine Thousand Three Hundred Ninety-four Dollars and One Cent (\$69,394.01), and shall be approved as to form by the Director of Law. Notice of passage shall be given and this Resolution shall be declared an emergency for passage tonight. I offer Resolution No. 109-2006(MS).”

Vice Mayor Montlack accepted Resolution No. 109-2006(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, “Thank you. Now I have Resolution No. 110-2006(MS), and this one is being paid for by Issue 27 money. If you remember we, voted our money to do some improvements on various parts of the city’s recreation and community properties. This is Resolution No. 110-2006(MS), authorizing an agreement with Kerr & Boron Associates for engineering services for the Cain Park-Superior Road Area Site Improvements Project; providing compensation therefor; and declaring an emergency. The City is performing site improvement and erosion control work at the Cain Park-Superior Road area; and, Kerr & Boron Associates has submitted a proposal to the City to provide the necessary engineering services for this Project. They are well qualified to perform the required services and the rates set forth in its proposal are reasonable and competitive.

I want to tell you before I continue, what this is. When you go from Superior down into the tennis courts and when you go from Superior Road down toward the theater, there are a lot of areas where you could just sit down and slide down on the dirt or if you walk, you walk at your own peril, so

they are looking at how you can get down to the bottom where Cain Park is, where the playground is, where the tennis courts are, in a more reasonable and safer manner. So, that's what this is about.

The City Manager is authorized to enter into an agreement with Kerr & Boron Associates for engineering services for the Cain Park-Superior Road Area Site Improvements Project. The services to be performed are set forth in the engineer's proposal dated September 6, 2006, a copy of which is on file with the Clerk of Council. Compensation for the aforesaid engineering services shall be at the engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Nine Thousand Two Hundred Sixty Dollars (\$9,260.00). The agreement shall be in a form approved by the Director of Law. Notice of passage shall be given and this Resolution shall be declared an emergency measure to be passed tonight. This is Resolution No. 110-2006(MS)."

Vice Mayor Montlack accepted Resolution No. 110-2006(MS).

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

Nays: None

Resolution passed

Council Member Caplan stated, "Thank you. Then I have a few comments that I'd like to make. One is about the school closing of Coventry, and as has been stated numerous times, of course, that this City Council has stood firmly in favor of asking the school board to slow down the process and to not close a school and to look at other ways of dealing with the financial issues. Actually, of course, there is nothing that this City Council can do about closing the school. It is not our business. However, our business is about making sure that when there are concerns from our citizens that we are listening to those concerns, that we are trying to address them, and that when we see a situation that may affect the future of Cleveland Heights, that we really do need to be voicing our concerns. We work very hard at keeping this city vital, energetic, looking beautiful, paying attention to how our residents are living, making sure that certain behaviors don't persist in our community, and this closing of a school may have a very detrimental affect on the entire community, not on just the Coventry area. Therefore, it is our business to try and enter into a dialogue with the people from the school board and try to be supportive of the community in voicing their concerns. I certainly am and I think all of us are, really very concerned about this action and really hope that the school board can find some way to slow down the process so that maybe we could look at another alternative.

On another subject, my favorite - I am very excited and I know you're really going to be excited to hear this too, that now we can recycle plastics that go from numbers 1 to 7. What that means is, you know those yogurts you eat for those healthy lunches and the take-out food that's not so healthy that comes in plastic containers, you can recycle all of those. Rinse them out, put them in your recycle bag with your cans, you know that plastic blue or clear recycle bag with your cans, with your bottles, with your other plastic things - rinse those things out and you will be amazed at how little garbage you end up having. It is really wonderful for the community. It saves us money in landfill costs. It'll make you feel good about doing something for the environment. I encourage you - I beseech you, please participate in recycling. We try to make it as easy as possible. Open your mail over a paper bag. Throw away all of your magazines, all of that filler stuff, all of your newspapers, all of those catalogs. Ninety percent of my mail is junk mail, I'm sure yours is also. Put it in a paper bag, not with plastic around it and put it out on your garbage day and it will disappear and be recycled and we may even get some money for it. So, do your part. That would really be a terrific thing.

Last, but not least, this coming weekend begins the Jewish new year for our community, actually for the whole world and so I wish a healthy, sweet, fulfilling new year for all of our residents and maybe there could even be a little peace in the world if we all work hard at doing our part in - I don't know if

it's going to be prayers or writing letters or what it's going to be - but, a little peace would really make this a very special year. That's all I have. Thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you. I have one Ordinance on first reading tonight. It is Ordinance No. 111-2006(PD). This will be on first reading because it is a proposed change to the Zoning Code which will deal with the increasing number of portable storage structures, which we notice in the city and the intent of this legislation is to insure that they are indeed, temporary structures and do not become permanent in nature. Ordinance No. 111-2006(PD), amending Sections 1103.03, "Definition of General Terms", 1121.05, "Accessory Uses", and 1165.02, "Supplemental Accessory Use Regulations", of Part Eleven, Zoning Code, of the City of Cleveland Heights to enact regulations regarding the usage of portable on-demand storage structures. Section 1 of this Ordinance would amend Section 1103.03 Definitions of General Terms by enacting a new section (76A) and that definition is:

Portable On-Demand Storage Structure (which I may refer to later as PODS) means any container, storage unit, shed-like container or other portable storage structure with a volume equal to or exceeding 50 cubic feet other than an accessory building or shed complying with Code requirements that can be or is used for the storage of personal property of any kind and which is located for such purpose outside a building.

Section 2 amends Section 1121.05, Accessory Uses of the Zoning Code is amended to enact a new Subsection (n), to read as follows:

Portable On-Demand Storage Structures, subject to the regulations of Section 1165.02(f).

Section 1165.02 is dealt with in Section 3, Supplemental Accessory Use Regulations, which amends by enacting a new Subsection (f), to read as follows:

Portable On-Demand Storage Structures (PODS as we are going to call them) may be utilized as a temporary structure when in compliance with the following standards:

- (1) They may be located as a temporary structure on property for a period of not exceeding ten (10) days in duration from the time of delivery to the time of removal;
- (2) No more than two (2) portable on-demand storage structures may be located on any premises at any one time;
- (3) The PODS shall not be located on any premises for more than ten (10) days for any given thirty (30) day calendar period;
- (4) PODS shall be located only on a driveway or other paved private parking area and shall not be located in a front yard unless there is no access to other yards;
- (5) PODS shall be securely locked at all times other than during actual loading or unloading.

This Ordinance is presented on first reading tonight. There will be a public hearing with respect to this Ordinance on October 23, 2006 at 7:00 p.m. in Council Chambers and then this will be referred to

the Planning Commission at the November 8 meeting which is at 7:00 p.m. also. I present Ordinance No. 111-2006(PD), First Reading.”

Vice Mayor Montlack accepted Ordinance No. 111-2006(PD), First Reading.

Council Member Wilcox concluded, “Finally, I did want to comment on the Coventry School closing. I want to thank Sally Michael Keyes for coming tonight. Also I want to thank the group, ‘OPEN’, for opening up the dialogue, if you will about this, and doing it by and large in a very civil way and making some very good points for us on Council that feel similarly - that the way you do. Obviously, we made that known, but I think the most important part is for our citizens in our community to make the school board feel those thoughts and understand that these are valid concerns that we all have and I think we all need to think about that dialogue. I mean, as much as Council has dialogue, it’s obviously the school board’s decision, so I would just encourage you to continue to have that dialogue with the school board. On this one, I think is when we stop talking about this and having that dialogue, is when we’re going to be in trouble. So, thank you again, for your comments tonight. That concludes my report.”

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, “Thank you, Vice Mayor Montlack. Ordinance No. 44-2006(PSH) Second Reading, As Amended, amending Subsection (d) of Section 1161.11, “Improvement and Maintenance Standards”, of Chapter 1161, “Off-Street Parking and Loading Requirements”, of the Codified Ordinances of the City of Cleveland Heights to clarify standards for paving. Be it ordained by the Council of the City of Cleveland Heights, Ohio, that: Subsection (d) of Section 1161.11, shall be and hereby is amended so that henceforth said Subsection (d) shall read as follows:

- (d) Paving. All required spaces, together with driveways, aprons, other circulation aisles and access sidewalks, both public and private, shall be surfaced as follows:
 - (1) Parking lots and circulation aisles for parking lots: Concrete not less than six (6) inches in thickness, or with bituminous surface not less than *three (3) inches* in depth on top of a compacted crushed stone base not less than six (6) inches in depth, or with surfacing *determined by the Board of Building Code Appeals to be equal or superior to either of these types, including structural grass, paving stones or other similar material with adequate spacing for drainage infiltration, or other stormwater management control surfaces which are able to withstand vehicular traffic or other heavy-impact uses. Surfaces in areas designated as accessible parking and/or accessible pedestrian paths shall meet all applicable federal and state standards. Prior to approval of an alternate surfacing material, the Board of Building Code Appeals shall determine that the proposed application will have no adverse impact upon neighboring public or private properties.*
 - (2) Aprons: Concrete not less than six (6) inches in thickness for residential aprons and concrete not less than eight (8) inches in thickness for commercial aprons.
 - (3) Driveways: Concrete not less than four (4) inches in thickness, or with bituminous surface not less than four (4) inches thick consisting of

two (2) inches of compacted #301 binder course and two (2) inches of compacted #404 surface course over a four (4) inch compacted aggregate base, or with surfacing determined by the Board of Building Code Appeals to be equal or superior to either of these types, such as grid or lattice paving systems or concrete driving strips over an approved base. Prior to approval of an alternate surfacing material, the Board of Building Code Appeals shall determine that the proposed application will have no adverse impact upon neighboring public or private properties.

- (4) Sidewalks, both public and private: Concrete not less than four (4) inches in thickness, or an equivalent stone material.

Section 2 is notice of passage and Section 3 states that this Ordinance shall be in effect and be in force from and after the earliest time allowed by law. I'd like to present Ordinance No. 44-2006(PSH), Second Reading, As Amended for passage."

Vice Mayor Montlack accepted Ordinance No. 44-2006(PSH), Second Reading, As Amended for passage.

Council Member Dietrich commented, "I'd just like to note for people that the change here that we're making is really a positive environmental step. Sometimes when you hear all the inches and thicknesses it's hard to know exactly what it is that we're changing, and what we're changing is that we're allowing something we never allowed before, which is surfaces that you park on to be able to be made in a more permeable way, so that instead of having to have every single place that people park or at the driveway, be absolutely solidly covered with asphalt or concrete, we're now allowing some of these things that give a little space for grass or gravel or something. Obviously, that helps the runoff problem, helps pollution, etc. In case you weren't really sure what change we were making, it is significant."

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

Nays: None

Ordinance passed

Council Member Evans continued, "Resolution No. 112-2006(PSH), objecting to the issuance of C1 and C2 liquor permits to Aditi, Ltd., d.b.a. Mike's Convenient Mart, 1929 South Taylor Road, Cleveland Heights, Ohio; and declaring an emergency. Whereas, the City has been notified by the Ohio Department of Liquor Control that Aditi, Ltd., dba Mike's Convenient Mart, has made application for C1 and C2 liquor permits. The Chief of Police and City Manager have investigated this situation and recommended to this Council that the City object to the issuance of the requested permits for the reasons set forth in Ohio Revised Code Section 4303.292, including, without limitation, the fact that issuance of the requested permits would substantially and adversely affect and interfere with the normal orderly conduct of the nearby synagogues, schools, public playgrounds, funeral home and community park. Therefore, be it resolved by the City of Cleveland Heights that in Section 1, objection is hereby made to the issuance of C1 and C2 liquor permits to Aditi, Ltd., dba Mike's Convenient Mart, 1929 South Taylor Road, and a hearing on the matter is hereby requested to take place in Cuyahoga County. The Chief of Police and / or his designee(s) shall represent the City at said hearing. Section 2, the Clerk of Council is instructed to certify notice of the City's objection and request for hearing to the Ohio Department of Liquor Control no later than September 29, 2006. Section 3 is notice of passage and Section 4 declares this to be passed as an emergency measure. I'd like to present Resolution No. 112-2006(PSH)."

Vice Mayor Montlack accepted Resolution No. 112-2006(PSH).

Council Member Evans stated, "I am concerned because a convenience store has been in Taylor Commons for many, many years and it has served as an anchor for that particular shopping strip. I think it would be detrimental for the neighborhood to end up with an abandoned business and who knows how long it would be abandoned. This is a business - the type of business that does need to be able to sell the alcoholic beverages to really serve and thrive in the community. I think it's important for small businesses to be in our neighborhoods. Many people are seen walking there buying some really necessary items so that they can prepare their children's lunches and other necessities that they don't have an opportunity to go to a store a greater distance away. So I will not be voting for this particular resolution."

Council Member Tumeo added, "I'd like to echo some of the same concerns, but go into a little more detail and explain a few things so that some of this is a little more understandable. When we object to something like a liquor permit being issued, what we're faced with is balancing the business interests of the business at hand and the community needs there, along with other community concerns of the schools and those kinds of issues that are stated in the resolution. This is an interesting case in that this is a place where we've had a liquor license for some time in this business, but this license was actually lost in the past and the new applicant has the same name as the last name of the previous license owner, but we don't know if there's any relation between them. It's not something we can find out in the application process. The objection that we will place in this and it is an interesting thing, if we pass it as an emergency it actually takes effect immediately, that's why one does that as a City Council and that takes five (5) votes and you can see there are only six (6) of us here with Ms. Evans voting no as she said she will, that kind of makes me kind of a swing vote - not necessarily an enviable position. I want to stress that if I do vote yes, which I plan to, this objection does not deny the liquor license. What it does, is it insures that we get a hearing so we can get our concerns answered. If we don't act tonight and we don't pass this as an emergency, because of the way the timing goes, the process goes, as set by the Ohio Department of Liquor Control we would lose the opportunity to get the hearing and to get those questions answered. So, while it is not something I'm necessarily concerned about and would object to the license outright, so that we can get the answers and address concerns that are valid and the community has raised, I will support this."

Council Member Caplan added, "I think Council Member Tumeo expressed it exactly correctly, that voting yes allows there to be a hearing and I had not been aware of there being any problem at Mike's Convenient Deli or Convenient Mart, so I was quizzical why we were objecting. So having a hearing I think does allow some questions to be answered and questions to be raised and does not say no to wanting the liquor license it just allows a bigger discussion about it. So, I will vote yes. You did a great job in explaining what this process was about."

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

Nays: Evans

Resolution passed

Council Member Evans added, "On the Coventry closing issue, we received a wonderfully informational letter written by one of our long-time residents Susanne Nigro. I'm sure it will be public at some time. In that letter she references a booklet that she wrote entitled, "Personal Reflections", that gives a lot of information based on the 1972 St. Ann audit and how -. She explains a lot of history and how this process really will have a long-lasting effect on Cleveland Heights if the school board goes forth as they have planned. So I would encourage people to read her letter. I am sure it will be made public and this booklet has been public for a while, so if you get your hands on it, it might give you a better perspective of everything in our city. That concludes my report this evening."

REPORT OF THE VICE MAYOR

Vice Mayor Montlack commented, "First, on the school closing question, I think it's important to remember or to know if you don't recall that this City Council - the council folks - who come from different perspectives on these important issues, through very intense discussion, framed the comments, the statement that was then delivered with regard to the school closing at the Board of Education meeting prior to the meeting at which the critical vote was taken. That statement was repeated when Mayor Kelley, I think, transmitted it again to the Sun Newspaper. It really does represent the thinking of a group that you might not think of as that politically diverse but in fact the City Council is that - we have different ideas - but came together for that statement. My second comment in this regard is that as with great issues in a community, I think this one finally is evolving in a kind of *peel the onion fashion* to some of the underlying issues. Councilwoman Evans referenced that with regard to Suzanne Nigro's letter and my own personal feeling is that one of the critical underlying issues faced by this community, not for months or for years, but for decades is the question of the fact that some residents with children are not sending their children to our public schools and in fact sometimes making important housing decisions that affect the community. We are in what I would call the *post integration phase*. We are a community of some sophistication and certainly a community that has the courage to look at issues straight in the eye and discuss them. I think this is happening and I also believe as I did when the vote was taken by the Board of Education that this process is not at the end. This will be ongoing series of dialogues, I believe, for some time. So there is no one meeting or no one decision, tonight included, that I think resolves that issue. Because it is such an important issue, virtually every council person has spoken to it.

A second comment relates to a couple events, one of which happens tomorrow nights, so most of the folks watching the video of this council meeting will be watching it after that event. On Tuesday, September 19th there will be a Renter's Forum as previously announced by Mayor Kelley. That will be here at City Hall at 7:00 p.m. On Thursday, September 21st, the Annual Community Improvement Awards will be held and that is another community celebration where great numbers of folks who take excellent care of their properties, preserving and upgrading receive well-deserved plaudits.

Next, I'd like to comment briefly on another process that's happening. There is now a task force composed of representatives from First Suburbs and the juvenile court that is now meeting with judges and staff of the Juvenile Court and it also involves many of our elected officials and I'm proud to say that Cleveland Heights has been a leader, in that our police chief has been very instrumental in helping to identify important problems within the relationship with Juvenile Court as relates to admission youths to the detention center, looking for a better system for warrants and the execution of warrants and the bottom line is now to establish better communication so that everyone understands that violation of community standards carries important consequences and that process is really underway.

Finally, I would say to, Mayor Kelley, get better. I miss your easy manner and the contributions that you make in so many ways. Our Council meeting will be adjourned at 8:50 p.m. this evening. Thank you."

Respectfully submitted,

Kenneth Montlack, Vice Mayor
Vice President of Council

Thomas Malone
Clerk of Council

/mwc