



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY, NOVEMBER 6, 2006

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

Edward Kelley, presiding

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

Council Members absent: None

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

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

Council Member Tumeo moved to adjourn into Executive Session at 7:15 p.m. Second by Council Member Caplan.

Edward Kelley, presiding

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

Council Members absent: None

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

Topic of discussion litigation.

Executive Session concluded at 7:27 p.m. and adjourned into Committee of the Whole, adjourning at 7:35 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:50 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, October 16, 2006 were signed by Mayor Kelley along with the resolutions passed at that meeting.

The minutes of the Public Hearing held Monday, October 23, 2006 were signed by Council Member Wilcox.

Rob Acker stated, "I'm a development director with Al. Neyer, Inc., and the lead developer, leading the project known as the Terraces at Meadowbrook, and I just wanted to thank you and the Mayor and the Council Persons, Richard [Wong], the City Manager and the City Law Director for really your help and your facilitation of the project to date. We continue to make very good progress on both the garage as well as the mixed-use portion of the project. I see, and notice that you have the water-color rendering of the mixed-use building in your office here. We're very excited. We remain excited about this project and the opportunity and we appreciate all the help that your city staff has given us, City Manager and others, and we hope from your perspective that it's been a smooth process thus far."

"Thank you, Mayor Kelley and City Council, and thank you again for last Sunday for bringing the groups together. I'm Sally Keyes. I'm representing OPEN, the group that wants to keep all the elementary schools open in the CHUH district. We don't want to take a lot of your time, but last week at the meeting that the Mayor arranged between OPEN and the Board of Education, they requested for the second time that we present viable options that we had talked about, and we wanted to let you know that we had created ten viable options [as opposed] to closing a school. All ten do not disrupt any elementary child's education and they amount to a saving that we estimate of three to six million dollars, which if someone feels that, that is too - if you want to be more conservative you could still lose a lot and save the one million that the Board has talked about. The Board had mentioned that the only way they could solve the problems that they have which are substantial - we do acknowledge that, was to close a school and our point in this presentation is that, that is not the case that there are other options and we've documented these options with case studies across the country because this is a national problem and there are schools across the country and cities who are facing this issue.

We also prepared a first draft marketing plan at the Board's request. Apparently, attrition has been the problem, and we do, as a community need to address this. At the current moment there are five hundred homes in the 44118 zip code alone that are for sale. We need families in those homes, because they are basically two, three, four, five bedroom homes and families who are living in homes need an education system. We want them, the middle-class families, to have an excellent education system available. That affects the whole city and then of course, the city has tax revenues and more residents, etc., etc. In the marketing plan, in looking at it, we deduced that we can - the objective is to obtain 100% enrollment in elementary schools, give or take a 10% differential and we propose to do that in five years. In this plan we are using bench mark work that has already been done and we are proposing a very aggressive targeted niche marketing plan. We're using the same budget that we see that the district is already using. So this would not be an increase in budget, this would be a refocusing of the energies of the work that needs to be done.

We believe that the private schools are really becoming much more savvy, they run themselves much more like a business and we feel that the district's schools also need to take this under consideration and that they need to promote themselves. It never used to be this way. You just had a good public

school system and everybody knew it and the kids went. Nowadays it doesn't work like that and one of the issues or ideas that we're presenting is that the public schools also have a visitor day in the fall, where you come and you visit the school and you see a spelling bee and you see the kids doing Olympic games and you see how the building is structured. We need to be creative in that kind of a way in order to keep our system up to par and going the way we want them.

We also believe that attitude is everything. If the attitude of everyone in the community is to keep the public school systems viable then the public school systems will be. This community is so creative and so forward thinking and so educated, we can do this if we put our heads together and work together. We don't want to give up. We want to have a great school system. Thank you."

"Good evening. My name is Sacha Clark. I live at 2910 Euclid Heights Boulevard and I wanted to thank Sally in thanking you for giving us the opportunity to speak tonight and to also thank you for calling together the meeting last Sunday between members of OPEN and a couple of members of the school board. It certainly is a very important opportunity to get out into the public eye the dialogue around the dynamics of a school closing and more broadly the importance of getting some vision for growth into our school system in such a way that supports the growth that all of you are trying to drive in our community and in our city and personally I thank you for that as well.

I'll stay off of soap boxes tonight, but I'll just explain real briefly the handout that you received here. The day job precluded us from getting as much material to you as we wanted to today, but most of you have sort of a quick one-page summary of the action plans, implementation areas that Sally talked about before. Again, we don't believe that we need to pursue every single item on that agenda starting tomorrow, but certainly there are some significant opportunities to do better things for the school district and things that are far less disruptive. We've also pulled that together in the Power-Point deck, the dozens pages or so that the Mayor is leafing through right now and we'll get soft copy and/or hard copy to each of you within the next 24 hours here. Again, that gives you a little more of an overview of the initiative areas that we proposed to explore further and we certainly are very, very hopeful that this dialogue is far from over and that we'll be able to do the right thing for the school kids and do the right thing for the community as a whole. So, thanks again."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I only have one item this evening and that would be to request authority to advertise for bids for strash bags."

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

Second by Council Member Tumeo.

Roll Call: Ayes: Caplan, Dietrich, Evans, Kelley, Montlack, 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 three Fiscal Officer's Certificates pertaining to proposed legislation to be introduced later in the meeting to provide for issuance of bonds and notes: For the purpose of constructing and equipping a multi-level parking deck and improving the site therefor; and for the purpose of improving storm and sanitary sewers in the City.

Your Honor, I need to make this a matter of record.”

Mayor Kelley made it a matter of record.

Mr. Malone continued, “I also need to notify Council that four resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following: BZA Calendar No. 3111(a) B & W Management, Inc., 1955 Lee Road, off-street parking regulations; BZA Calendar No. 3111(b) B & W Management, Inc., 1955 Lee Road, off-street parking regulations; BZA Calendar No. 3115 Neyer Meadowbrook Lee Venture I, LLC, 2223 Lee Road, height regulations; and BZA Calendar No. 3116 Marc’s, 1833 Coventry Road, sign regulations. I need to make these a matter of record.”

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

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, “Thank you. I have one piece of legislation, it is Resolution No. 124-2006(MS), authorizing a cooperative agreement between the City of Cleveland Heights and the Ohio Water Development Authority for planning and construction of a Waste Water Project; and declaring an emergency. The City of Cleveland Heights (which in this whole document and I’m not going to read it to you is known as the “LGA”) has determined the need for planning and construction of certain waste water facilities as described in Exhibit “A” and rather than reading all the pages of Exhibit “A” let me tell you that this project will consist of the rehabilitation of the existing sanitary sewer and storm sewer in the following streets: Demington Drive, Colchester Road, Scarborough Road, St. James Parkway, and Fairmount Boulevard and these are in small sections. The rehabilitation will consist of relining, grouting of service laterals and replacement of damaged portions of the sanitary sewer; rehabilitation of the sanitary sewer manholes, replacement of invert plates in the combined manholes; replacement of damaged manhole covers; and spot repairs of the existing storm sewers. The project estimated construction cost is \$853,421. The OWDA has indicated its willingness to make a loan for that purpose and on those terms. The application for the loan and construction of the facilities would be in the best interest of the City and its residents. Therefore, be it resolved that this Council hereby approves the planning and construction of the aforesaid waste water treatment and sewage collection facilities in cooperation with the OWDA under the provisions, terms and conditions set forth in the “Cooperative Agreement for State Planning Project”. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Cleveland Heights. Notice of passage shall be given and this Resolution shall be declared an emergency for passage tonight. I offer Resolution No. 124-2006(MS) for passage tonight.”

Mayor Kelley accepted Resolution No. 124-2006(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, “Thank you. Of course, by the time anybody sees this on their tv it will already be after, but, tomorrow is election day and we encourage you everybody to vote.

It's very important, and I will save my usual discussions of be sure to recycle, where recycling is very important to our community and just leave it with reminding you to vote tomorrow. Thank you. That's all I have."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "There are four BZA Resolutions from this committee and I will have Council Member Dietrich who was in attendance at the BZA meeting to present the resolutions."

Council Member Dietrich stated, "Thank you. First of all I have BZA Calendar No. 3111(a) B & W Management, Inc., 1955 Lee Road, in an S-2 mixed-use district, requesting a variance from the off-street parking regulations of the Zoning Code, to permit a retail use in a building of 8,450 square feet to have 31 off-street parking spaces. The Zoning Code requires 34 off-street parking spaces for a building this size. The request was granted by the Board of Zoning Appeals at its meeting Wednesday, October 18, 2006. The request was granted because the landlocked site will not accommodate more parking; the number of spaces on site appears to be adequate for the use based on patronage of similar locations that the retailer operates, and the variance for three parking spaces is minor. This is subject to approval of the Architectural Board of Review and I offer BZA Calendar No. 3111(a)."

Second by Council Member Tumeo.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, "BZA Calendar No. 3111(b) B & W Management, Inc., 1955 Lee Road, in an S-2 mixed-use district, requesting a variance from the off-street parking regulations of the Zoning Code, to permit off-street parking space to be used for loading, whereas, the Zoning Code does not allow off-street parking space to be used for loading. The Board of Zoning Appeals granted the request citing that there should be no safety issues or negative impacts on the neighbors if the tractor trailer deliveries are limited to the hours of - -

Oh, I have an amendment to do first, don't we. I was supposed to do that first. I'm sorry, I should go back to the amendment."

Mayor Kelley said, "Just start again. Go ahead."

Council Member Dietrich started over, "In the case of BZA Calendar No. 3111(b), before we read it, it needs to be amended. This is in Section (2) 1., where what we have reads:

Deliveries using commercial tractor trailers shall be made only between 7 a.m. and 9 a.m.

We have an addition to that, which will say:
and shall not be made during normal store hours.

That was already agreed to, but this is a clarification of that. So, I offer the amendment."

Second by Council Member Wilcox.

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

Nays: None

Motion to amend passed

Council Member Dietrich continued, "BZA Calendar No. 3111(b), As Amended, B & W Management Inc., 1955 Lee Road, in an S-2 mixed-use district, requesting a variance from the off-street parking regulations of the Zoning Code, to permit off-street parking space to be used for loading, whereas, the Zoning Code does not allow off-street parking space to be used for loading. Again, the reasons that the Board of Zoning Appeals granted the request were that they felt there would be no safety issues or negative impacts on the neighbors if tractor trailer deliveries are limited to the hours of 7 a.m. to 9 a.m., and they also felt that the landlocked site is too small in size and will not accommodate more parking as they said in the previous calendar. There were three conditions placed on this variance. The first is the one that we just amended, which now reads:

1. Deliveries using commercial tractor trailers shall be made only between 7:00 a.m. and 9:00 a.m., and shall not be made during normal store hours;
2. An acceptable landscape plan shall be coordinated with Planning staff; and
3. Deliveries to the store at any time shall not cause a nuisance to neighboring properties or otherwise unduly disturb the peace.

I offer BZA Calendar No. 3111(b), As Amended, for passage."

Second by Vice Mayor Montlack.

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

Nays: Tumeo, Caplan

Resolution confirmed

Council Member Dietrich continued, "Next, we have BZA Calendar No. 3115 Neyer Meadowbrook Lee Venture I, LLC., 2223 Lee Road, in C2X multiple use district, requesting a variance from the height regulations of the Zoning Code, to permit a building with five rooftop penthouses that have second floors that reach a height of 74' above grade, where, the Zoning Code provides a maximum height of 65'. The Board of Zoning Appeals granted the request because the portions of the building that exceed the height limit are minor in area and are set back a significant distance from the edge of the building and the proposed height is not out of character with taller buildings in the larger Cedar-Lee area, and the penthouse units are important to the economic viability of the project. This also, is subject to approval by the Architectural Board of Review and so I offer BZA Calendar No. 3115."

Second by Council Member Wilcox.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, "Finally, BZA Calendar No. 3116. This has to do with a new Marc's store at 1833 Coventry Road, in a S-2 mixed-used district requesting a variance from the sign regulations of the Zoning Code, to allow a 35-square foot identification sign on a building facade without frontage, where the Zoning Code does not allow signs on facade that do not face the principal street. The request was granted because the building has limited visibility from Euclid Heights Boulevard, because there will be no adverse effect on the neighborhood, and the adjacent parking lot functions like a public right-of-way. This is also subject to the approval of the Architectural Board of Review. I offer

BZA Calendar No. 3116.”

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

Council Member Wilcox added, “Thank you. I have just a couple of comments to make. One, is that obviously, historic preservation is important in Cleveland Heights and I just wanted to report on the Cleveland Restoration Society’s Heritage Home Loan Program for this year which has resulted in a total of twenty-one (21) loans of over a million dollars (\$1,000,000), a million ninety-one thousand dollars (\$1,091,000) dollars compared to eighteen (18) loans of four hundred forty six thousand [dollars] (\$446,000) last years. Obviously, our residents in Cleveland Heights are taking advantage of this program and making important additions to their homes and we thank the Cleveland Restoration Society and our residents for this program.

I also just wanted to make a brief comment about the Coventry issue and I’m just not going to get into a detailed discussion of this. I wanted to thank the Mayor for setting up an open dialogue at the community center between the OPEN folks and some of the members of the school board. I think it is healthy for this community to continue to talk and try to work through these issues and I appreciate OPEN coming forward and giving some concrete proposals to the school board that they can look at and hope that the school board will give them serious consideration as we move forward here.

Finally, I just wanted to comment, tomorrow is an election day, that’s why we’re here in the atrium at City Hall because Council Chambers is being prepared for voting booths right now, which is a new thing for us. You had the advantage when you watch this on tv of knowing what the election results were and we’re sitting up here and we don’t know what they’re going to be. But, I’m going to go out on a limb and make one prediction and that is I think we’ll have a new governor in Ohio come January, and with that, that concludes my report.”

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, “Thank you, your Honor. I’d like to present Ordinance No. 125-2006(PSH), amending Section 1345.05, “Cases of Emergency; Order of Immediate Compliance”, of Chapter 1345, “Enforcement and Penalty”, of Part Thirteen, “Housing Code” of the Codified Ordinances of the City of Cleveland Heights to clarify some emergency conditions requiring immediate vacation of a premises; and declaring an emergency. Be it ordained by the Council of the City of Cleveland Heights, Ohio, that: Section 1345.05, “Cases of Emergency; Order of Immediate Compliance” shall read:

Whenever, in the opinion of the Building Commissioner, the condition of a structure or premises, or part thereof, constitutes an immediate hazard to human life or health, he shall declare a case of emergency and shall order the structure or premises or part thereof to be immediately vacated. For the purposes of this section, lack of water service, electrical service, or heat when required by Section 1351.15 is determined to constitute an immediate hazard to human life or health. Such notice shall be served in the manner provided in Section 1345.03, but shall require immediate compliance.

I’d like to present Ordinance No. 125-2006(PSH) for passage.”

Mayor Kelley accepted Ordinance No. 125-2006(PSH) for passage.

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

Nays: None

Ordinance passed

Council Member Evans continued, "Resolution No. 126-2006(PSH), supporting the transfer of the Cleveland Heights Registrar's Office as a primary registration district of Vital Statistics to the City of Cleveland; and declaring an emergency. The City of Cleveland Heights has been a primary registration district for many years, safekeeping the records of births and deaths in the City for the Ohio Department of Vital Statistics. The City supports centralization, streamlining and regionalization of functions in the greater Cleveland community. The City of Cleveland provides the Vital Statistics for more than twenty municipalities throughout the greater Cleveland area. Whereas, the City of Cleveland Heights will reduce its costs and expenses by transferring the function of record-keeping of Vital Statistics to the City of Cleveland. Therefore, be it resolved by the Council of City of Cleveland Heights that Section 1 reads: Council hereby approves the transfer of records and responsibilities as a primary registration district for Vital Statistics from the City of Cleveland Heights to the City of Cleveland. Section 2, this Resolution shall serve as notification to the residents and businesses of the City of Cleveland Heights as to the transfer set forth in Section One. I'd like to present Resolution No. 126-2006(PSH) for passage."

Mayor Kelley accepted Resolution No. 126-2006(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Thank you. That completes the legislation for this evening, but in listening to Councilwoman Dietrich present the Board of Zoning Appeals' resolutions, all three of them involve great commercial investment into the City of Cleveland Heights, which is wonderful and it feels good. I think we all get uplifted by it. Cleveland Heights continues to be a viable community and so many of us really enjoy and are truly committed to living here, which is perhaps the real reason in my way of thinking of why it is so disturbing to have not just the neighborhood upset by a school closing but I think the entire city should be upset. I think that city council has certainly shown their commitment throughout the years by being very supportive of the schools, and that's year round. I can't remember it any way other than city council has been extremely supportive, and we have always supported the levies. So, now, that we are at this point in all of the things that are going on, and we certainly continue to be committed, I think that residents need to recommit. I think it's time for you to let your voices be heard, [and] I'm not typically anyone who likes to be a rabble rouser, but I think there are some people in the city that do need to hear from residents and let people know just how important this community is. That completes my report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "Thank you, Mayor. I have no legislation tonight, but I have a series of appointments to the various boards and commissions of the City. First I would like to start with the Administrative Services Commission. We have two individuals whose terms have expired and I would like to move to renew those terms. The first is Mr. James Roosa. He was just appointed in June to fill a vacated term and the second is Dr. Shirley Seaton, who has served for three terms with great distinction. I'd like to move to reappoint Mr. James Roosa and Dr. Shirley Seaton to four year terms ending October 31, 2010."

Second by Council Member Dietrich.

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

Nays: None

Reappointments passed

Council Member Tumeo continued, "The next, is the Fair Housing Board. I would like to nominate Ms. Deborah Peet for a position on that board. Ms. Peet recently retired from her position as the coordinator of Early Childhood Programs at Millikin in the Cleveland Heights-University Heights school district. She is a long-time resident of Cleveland Heights, having lived here over thirty years and she is familiar with the diversity and unique housing stock in Cleveland Heights. She will be an excellent asset to this important city board and therefore, I would like to nominate her to fill the position left vacant by Sue Doerfer, who served well, but has stepped down because she has moved out of Cleveland Heights. The appointment would take place immediately and runs until March 31, 2008."

Second by Council Member Caplan.

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

Nays: None

Appointment passed

Council Member Tumeo continued, "We also have a vacancy on the Cable Television Commission due to the resignation of Ms. Cathy Pennington. Ms. Pennington is relocating to D.C. and is a loss both to the City of Cleveland Heights, as well as the Cuyahoga Metropolitan Housing Authority where she worked. She has been an important ally of our housing department as well as a thoughtful and knowledgeable voice on our Cable Television Commission. She will be sorely missed. To fill her seat I would like to nominate Mr. Tobias Rittner. Mr. Rittner is the Executive Director of the Council of Development Finance Agencies. He is a certified economic development finance professional with extensive policy experience at the local, state and national levels. While he is a relative newcomer to Cleveland Heights, his knowledge of the unique economic conditions in the inner ring suburbs brings an important and valuable perspective to discussions of the Cable Television Commission. I would like to nominate Mr. Rittner to fill Ms. Pennington's unexpired term beginning immediately and running until February 28, 2009."

Second by Council Member Wilcox.

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

Nays: None

Appointment passed

Council Member Tumeo continued, "Finally, we have had a vacancy on the Commission on Aging for several months as terms have expired on June 30th. Mr. James O'Brien has agreed to serve on the Commission. He is a long-time resident of Cleveland Heights and his experience and dedication to the city will serve the Commission well. I am pleased to nominate Mr. O'Brien to fill the Commission on Aging effective immediately and running until June 30, 2008."

Second by Council Member Dietrich.

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

Nays: None

Appointment passed

Council Member Tumeo concluded, "Thank you. I have just two comments. First, I too, would like to thank the Mayor for holding the session on Sunday and very, very thankful that everyone seems to be coming together and I am hopeful that we can reach a resolution and some compromise that is of value to the city. This has been a very painful experience for the citizens and I hope we can move forward with the excellent suggestions that OPEN has brought forward.

Second, I would encourage everyone to vote tomorrow. For the people here, as the television show will come afterwards, I hope you voted. Finally, just as a note, we are in leaf season as you know, and I would like to remind everyone that we have people picking up the leaves, but it is important that you put the leaves on the tree lawn and not in the street because if you put them in the street they end up blocking up the storm sewers. Believe it or not, even though the weather is wonderful outside, we're likely to get some more precipitation and the flooding that ensues when the sewers are blocked is not very good. So, please make sure you put them on the tree lawn and we'll pick them up there. Thank you."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, "Thank you. I have no legislation tonight, but of course I have a few things to say. I haven't mentioned civility in a while so I thought I'd give you a little update on what is happening civility wise. The civility posters that I held up a few weeks ago have been delivered by city staff to local merchants, so you should start looking for those. If your merchant, that you walk into doesn't have one, you might say, 'gee, why don't you have a civility poster?'. And they might put theirs up. Once again, remind you that they have the civility logo that says, 'Civility is the Heart of a Caring Community'. The school district featured civility at Staff Development Day last Friday. The keynote talk given to the classified staff was about ways to use civility in places like the lunchrooms, the playgrounds, the school buses, and two of the workshops that teachers and administrators could choose from were also related to infusing a civil tone into classrooms. Church of the Savior Adult Group is having a program on civility this Sunday. We do see that people are picking up on the idea and kind of taking off with civility on their own. Our Student Services staff is doing a, 'Character Counts' program with high school students and everyone get a civility poster in the middle of their winter Focus. When it arrives at your house, if you would it would be great if people would put their civility poster in a place that everybody would see them when they come to your door.

Now I am going to move onto some things that are coming up that are community related. Teen night at the community center is Friday, November 17th. That again, is for six, seventh, and eighth graders. It is from 7:00 to 9:00, November 17th - ever popular. We seem to grow by leaps and bounds. More and more kids come to that every time we have it. The community center will be closed on Veteran's Day which is this coming Friday, November 10th and also on Thanksgiving. I also want to remind people that Heights Community Congress will be holding its annual dinner meeting on November 19. That will be at 5:30 at MacGregor Home. So if anybody is interested in going to that they should call the Heights Congress at 321-6775.

Finally, a tiny comment on the school closing issue. Councilwoman Evans used the word, recommit. She was saying, people should recommit to making sure that their voices are heard and there is also another way to recommit and this is part of what OPEN is working for and that is getting people to recommit to using the public schools. If you are a person that wonders where you might send your child to school, I really encourage you to take a look at your neighborhood public school, so at least you will be putting that in your thinking, because part of OPEN thinking is very correct. It is time to recom-

mit to the public schools, and for more people in our community to feel good about using them, especially now that we've gone to the effective category in the state. This is a good time for people to think about that again. With that, that's all that this committee has."

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There are three pieces of legislation from this committee tonight. The first two ordinances, which are Ordinance Nos. 127 and 128-2006(F), relate to indebtedness and notes, bonds being issued for the construction of the parking deck on Lee Road that is a part of the overall project that the representative from Neyer, tonight, spoke about briefly here earlier. To understand this legislation, we go back one year when legislation for the issuance of notes was authorized and most of you will recall there was a slight delay in the construction and a new development team came in and now is underway. The first two pieces of legislation relate to that.

Ordinance No. 127-2006(F), to provide for the issuance in the principal amount not to exceed \$6,600,000 notes in anticipation of the issuance of bonds for the purpose of constructing and equipping a multi-level parking deck and improving the site therefor, and declaring an emergency. This follows on the prior issuance of notes and bonds in the amount of \$5,300,000. I emphasize here as with the next ordinance that the phrase, 'not to exceed' is important as we are giving the Finance Director and the City Manager some flexibility. By the way, we are dividing the financing up into two pots as it were because one will be tax-free bonds, the greater amount, Ordinance No. 127-2006(F) and the lesser amount that I'll get to quickly relates to a portion of the parking deck that does not qualify in that regard. Therefore, under Ordinance No. 127-2006(F), upon passage, it would be declared necessary to issue bonds of the City of Cleveland Heights in the principal amount of not to exceed \$6,600,000 for the purpose I just stated. The bonds will be dated August 1, 2007 and shall bear interest at the estimated rate of six percent (6%) per annum, maybe a bit less and used as I indicated. There are several more pages to the legislation. They are required by statute, but I won't go through those. Ordinance No. 127-2006(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 127-2006(F).

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

Nays: None

Ordinance passed

Vice Mayor Montlack continued, "Thank you. Ordinance No. 128-2006(F), to provide for the issuance in the principal amount not to exceed \$1,500,000 notes in anticipation of the issuance of bonds for the purpose of constructing and equipping a multi-level parking deck and improving the site therefor, and declaring an emergency. Here also, it follows up on last years issuance of notes in the same amount and we are hopeful that - actually far less indebtedness may have to be incurred, but again, giving the City Manager and Finance Director flexibility in this regard and frankly that is because we have great confidence in the staff and their financial abilities. Therefore, it would be declared necessary to issue the bonds of Cleveland Heights in the amount of \$1,500,000, again, bearing interest at the estimated rate of six percent (6%) and as I said before, the rest of this multi-page legislation is pursuant to statute. Ordinance No. 128-2006(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 128-2006(F).

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

Nays: None

Ordinance passed

Vice Mayor Montlack continued, "Thank you. Ordinance No. 129-2006(F), to provide for the issuance in the principal amount not to exceed \$260,000 notes in anticipation of the issuance of bonds for the purpose of improving storm and sanitary sewers in the City, and declaring an emergency. Here also one year ago, notes in the amount of \$460,000 were authorized and that was to windup a very, very long construction effort on Meadowbrook Road west of Lee that had, as often happens in our older built-out environments, ran into some water or sewer line problems that needed to be addressed. So in effect, this was an emergency allocation, and as with the other indebtedness that we have discussed here tonight, all fit in to the maximum amount of indebtedness that was appropriate for the city and was well-reviewed by the City Manager and Finance Director. Here we are ready to pay down more of the indebtedness, and so under this Ordinance, it would be declared necessary to issue bonds in the principal amount not to exceed \$260,000 with the payments having been made out of restricted funds that are maintained for water and sewer lines. The rest of this is basically dictated by statute. Ordinance No. 129-2006(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 129-2006(F).

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

Nays: None

Ordinance passed

Vice Mayor Montlack concluded, "As Councilman Wilcox advised we are here in a different place, the Atrium, for our Council Meeting, because the Council Chambers are being set up for voting tomorrow and that you will recall, some of you will, happened because Mayor Kelley made sure in his communication with the Board of Elections and the world that no one in Cleveland Heights would be disenfranchised and it would be comfortable for all our citizens to have a place to vote. That's why that's going on and it is also why our staff has been working so hard to get things set up so that all we elected official types have to do is come here and sit behind a microphone.

A final comment is, that on Wednesday, November 15, 2006, the various First Suburbs Consortiums from the Cleveland, Columbus, Cincinnati, Dayton areas are going to be gathering in Columbus to discuss and agree on and set in motion the work necessary for our state policy agenda for the next two years.

I anticipate a very interesting discussion where the main topics will have to do with state action needed in the area of foreclosures, vacant and abandoned housing, fix-it-first which means allocating more resources to the city streets as apposed to those super highways and a help for no-poaching policies and regional development funding in our various areas. I am without counting my chickens too much here, I am optimistic because it was only a little more than a month ago that I was present when gubernatorial candidate Strickland announced his Turn-Around-Ohio Plan and it in many ways matched word for word the policies that First Suburbs had put on paper and are the subject of this discussion. If the election turns out as it appears it will, now the next step is to make sure that promises are delivered. That concludes this report."

REPORT OF THE MAYOR

Mayor Kelley stated, "Just a couple things. I've had the opportunity to spend a little time at Wiley Junior High. My son, Shawn, who is in the Heights Youth Theater play, Annie, it's a great play, so I suggest if you have something you want to do next Friday or Saturday night or the following weekend again, Friday, Saturday or Sunday, although I think you are going to run into an Ohio State-Michigan

game, which is of interest to Councilman Wilcox and Vice Mayor Montlack, who obviously sit on my right and my left here, who one is rooting for one team and one is rooting for the other team, but we'll figure it out in a couple weeks when they have that discussion and who won the game. The Sunday show is something you could watch instead of the Pittsburgh-Browns game if you don't want to watch. But I did see the civility posters there last Friday night when I went there and it was nice to see and nice to spend some time at Wiley and not get asked any questions about Coventry School. But when you wear an outfit and a pair of glasses and a hat maybe —.

The orange barrels are starting to disappear and the Euclid Heights project is done and Meadowbrook project is done and we will be finishing up on our Fairmount project for this year, but I will guarantee you that we will be pushing very hard to have a lot of orange barrels back in our town next year and many years in town, because that is progress and we want to get our tax dollars back in the city. There will be a major change in the 821 circulator route which I will have more to say about at our next meeting. We will be vacating the area of Shaker Square and coming up here to Severance Town Center to try to maximize some ridership on the route much to the chagrin of some people that are involved with the route now, but it had been discussed for the last six to eight months. It will be a good move for the city. Hopefully, it will be used more and we are working on that, but I'll have more to say at our next meeting when we iron out the details. Look for a change sometime in December. Unfortunately, you don't like to change things in December, but we'll work on that one.

I do want to announce for those of you - I think this meeting does air at midnight tonight and starts the cycle off that way for those of you that are up. There will be a Joint Boards meeting at the Board of Education on Thursday, November 9th at 7:30 p.m. So those of you who would like to come to an interesting meeting, I think that probably will be an interesting meeting and as far as the politics of tomorrow, may all our candidates win so we will be able to move forward with a new clean slate and get a lot of things done that we've been bellyaching about here on this council for the last few years, and I think there will be some new people and some new places and hopefully they'll be all the ones that we want in the right places. But vote early and often and make sure you vote - oh, wait a minute, this isn't Chicago - it's Cleveland. Vote on time and vote for all the candidates and hopefully, we aren't here two weeks from now talking about our Board of Elections not being able to count the votes properly. I was a little disappointed yesterday when one of the board members, three out of the thirty counters on the absentee didn't work right and he didn't think that was a big deal. Let's make sure that not one vote isn't counted right in this county. You know how I feel about the executive director. I still have that plane ticket ready for him, it's \$515.10 to go one-way to Salt Lake, Utah. I'd be more than happy to pay for it and drive him to the airport.

That concludes my report. Our next meeting will be Monday, November 20, 2006 at 7:30 p.m. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc