



CLEVELAND HEIGHTS

MINUTES OF THE COUNCIL MEETING OF MONDAY, NOVEMBER 17, 2003

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, Hicks, Kelley, Montlack, Wilcox

Council Members absent: None

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

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 7:45 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, November 3, 2003 were approved and signed by Mayor Kelley after one correction was noted, along with the ordinances and resolutions passed at that meeting.

"Good evening. My name is Bill Hebert. My wife and I are here tonight as 47 year residents of Cleveland Heights."

Mayor Kelley requested he give his address.

"3064 Lincoln Boulevard, 44118. We are here to speak on behalf of an artistic pedestrian overpass on Lee Road, connecting the Cleveland Heights main library to the former YMCA building immediately across the street. As a retired member of the Cleveland Orchestra with a long history of regular library use, I am concerned, always, about our local, cultural organizations. Since we are also regular subscription members to the Dobama Theater on Coventry Road, whose plans include a possible move

to the former YMCA on Lee Road, I cannot understand any objection to such an overpass whose refusal might threaten an additional cultural loss to Cleveland Heights. The Halle Theater at JCC has left us. The Ensemble Theater has been forced to move to the Playhouse in Cleveland. Are we placing a roadblock to Dobama by curtailing access from the library's parking facilities on Saturday and Sunday evenings to performances at 8:00 p.m. when the library is closed by forcing patrons to cross Lee Road in the dark when a pedestrian bridge would facilitate this problem? I can understand an objection to the bridge if the cost of such a structure was overwhelming or the present architectural design was not in keeping with the surrounding area but to object to the concept of the needs of a bridge is completely beyond my understanding as a Cleveland Heights citizen. Thank you for listening."

"My name is Katherine Heylman. I live at 1590 Compton Road in Cleveland Heights. I'm just going to be very, very brief. I want to thank City Council for not putting up any further roadblocks and not appealing the judges judgment on the BZA and thank you very much for going ahead. I think you've heard me talk about this before, so you know how I feel. It is at least going to come to fruition. Thank you."

"Jim O'Brien, 1130 Haselton Road. My inquiry this evening is we haven't had our leaves picked up since the very first of October. It's a very strange situation and I'm wondering why they don't get picked up?"

Mayor Kelley said, "Mr. O'Brien, I believe you are on a Friday pickup. Your trash pickup is on Fridays? I believe I can speak for the City Manger. I can guarantee you that your leaves will be picked up this Friday."

Mr. O'Brien said, "Okay."

Mayor Kelley added, "Right, Mr. Downey?"

Mr. Downey replied, "Yes, Sir."

Mayor Kelley continued, "I apologize, Mr. O'Brien. I apologize for any inconvenience, but the men will be there this Friday to pick up your leaves. ALL right?"

Mr. O'Brien replied, "Thank you."

"Good evening. I'll be brief also. My name is Moshe Mann. I live at 3509 Severn Road. I've made a map quite a few times about something that we've been promised in Cleveland Heights and that is a fence behind the Severance Athletic Club and the Kaiser building and previously Wal-Mart and we've been promised, I'm told, by these seasoned citizens many years ago when Severance was built and what woke me up was I was sitting on my deck two weeks ago Friday, when it was still warm and I see this flash across my back yard and then I hear a commotion. I dialed 9-1-1 and there were two security guards from Wal-Mart that caught a shoplifter stealing two pairs of pants (I don't know what else he had on) and another security guard from Severance Athletic Club - he happens to be the director of security at the Rock n Roll Hall of Fame and he saw the commotion and the police came promptly - which we are always assured of that - and they arrested the fellow and this is repeated - the shoplifters that come and deposit their wares and run [in] the backyards until they're caught or attempted being apprehended. I don't think it's anything major. We've asked many times for the fence to be put behind these two buildings from Taylor to the Milliken School so they do not use *-[sic]*. If you go in the back and you can see all the packing and everything, whether it's Wal- Mart or Finast or what - they steal and that is on the recent multi- break-ins that have happened in the communities, specifically on Severn

Road. We had three. One was successful. Two were attempted. My children are afraid to sleep on the first floor, even though I told them they caught the guy, but then they heard there was another break-in so now for sure they don't believe me. All we ask for is this fence to prevent all the criminals from running from all these shopping areas through our backyards to get away. What will be done? And will we be promised again or will this be the race from promise to be done?"

Mayor Kelley replied, "Well, first off, as you know as far as the security issues and the break-ins we are working very vigorously - the police department is working very vigorously, 24 hours a day, 7 days a week and hopefully there will be some study and fast conclusion to that issue. As far as the promised fence, on your way out, whether you stay for the whole meeting or whether you decide to leave very shortly that's your option. If you see Mr. Downey and give him your name and phone number, I'm sure he'll meet with you this week and discuss the parameters or the promise of the fence. I'm not really sure where that is. That's the first time - I've heard of a fence during the negotiations way back when, when it was a Target, right before I got on Council and then when the Kaiser building got in there. You could really have this discussion with Mr. Downey, our City Manager."

Mr. Mann said, "We do not have any complaints against the police department. We appreciate everything that they are doing. We understand this is something that's beyond their hands and I hope they catch the perpetrators. Thank you."

Mayor Kelley said, "Thank you for coming tonight. Thank you for your commitment to Cleveland Heights, but if you see Mr. Downey he has your name, obviously, but give him your phone number on the way out and you are free to go if you want. Otherwise, you can stay. Certainly, we have a nice crowd here tonight."

"I'm Marianna Stein, 2727 Lancashire. I have a couple things in mind. The first one is I certainly, although, I don't live on Severn, my nephews grew up there and [I] visited there often and at that time it was very safe and my sister-in-law used to lift them over the fence to go to school. I can understand your concern, but also the other thing is that I think we did great in elections and I'm glad that the Issue 35 went through. My people worked really hard and so did I. I'm sorry that the school issue didn't go through even though the school board did not do a wonderful job, I'm concerned about the fact that lack of money is not going to help it and that the children are going to get hurt. That's pretty much my concern. Congratulations to everybody who won."

"My name is Marlene Tighe. I'm a resident on the Heights. My address is 2193 Briarwood Road. It's good to be here and on such a happy occasion because three people won an election and they are three of the finest. Congratulation, Phyllis. Ken, I saw you in Zagara's early Sunday morning and I hadn't combed my hair yet, but we had a nice conversation and congratulations to you and to Mr. Wilcox, congratulation to you. I'm very happy to be here tonight. I'm glad Kay called me. I want to again thank the city for their support of the library and the over-pass. Is that what it's called - the overpass and standing behind the will of the people and again Cleveland Heights has something unique to offer and the future of the Doboma. I also am here to say thank you for all you do. Thank the police department for having the wonderful, wonderful lowest crime rate in the eastern suburbs. I think we'll stay. Thank you."

"Good evening. My name is Andrew Gross, 2165 Chatfield Drive, Cleveland Heights. I've been a resident for 35 years. Three points very briefly. First, I'd like to thank Council for their wisdom in allowing the library setback zoning issue to be settled, I think. Second, I'd like to congratulate you for not being on a list, that list being the e-check people - government and other agencies who violated the air pollution laws and I was happy to see my city not being on that list. I think the year is coming, that

this decade of accountability and things are being examined. My main reason for being here is to speak very briefly about two things regarding traffic. One is traffic signs and the second is traffic fines. I tried to resolve this with particular officials within the city for the past two/three years. I did not get the ticket recently so that's not about it. But traffic signs, specifically speed limits. I think they are inconsistent as are stop signs, but I'll leave the stop signs aside - just mentioning that Fairmount which is divided has no cross stop signs, whereas Washington Boulevard has. But the major point is regarding speed. Between Cedar and Euclid Heights Boulevard, Coventry is 25. Then you turn right and you pick up Euclid Heights going east, it is 35, then you turn and once again, Superior is 25 and I would say it's pretty easy for police to catch people who have to adjust and yet Coventry at that location, Euclid Heights at that location, and Superior at that location are all of them two lanes, one in each direction. So, I wonder why the inconsistency in speed limit. I could not get an answer from the official with whom I pursued that over several months. With regard to traffic fines, all I want to know and I checked this with [the] police, I thought, years ago when I ran a stop sign, is that the City of Cleveland Heights seems to be much higher than neighborhood sister city of Shaker Heights in regard to traffic fines. I could be wrong, but if somebody would be able and willing to check that out I would be grateful. I want to thank you for your time and patience."

Mayor Kelley said, "Thank you, Dr. Gross. We're happy not to be on the e-check list either. Always nice not to be on the other side of the Sun Press' panel, sort of to speak."

"David Caldwell, 3406 Bradford Road. This year I've been burdened with a spokesperson tag for quite a while. Tonight I wanted to talk a little bit more personally about what happened in Cleveland Heights this year from my perspective. Now that the election is over it's been a strange year for me and the holidays are still coming which are always interesting. This year I got to know my neighbors, finally. All of a sudden I'm this familiar face. 'Didn't you come by my door back in March' or 'were you standing out in back of the library one day' or my personal favorite is, 'I've already signed it'. I got to know a bunch of other neighbors much better than that. A group of us, as you know, worked together throughout this year to write a new ordinance for the city which is something that hadn't been done in 25 years. I know that for all of you writing ordinances may not always be the most exhilarating work but it was pretty breathtaking for me to participate in it along with Doug and Brian, Nancy and Fran, Kelie and Deb. It was really a very special group of people that I got to work with and got to know over the past year. Throughout this year we added more and more. Katie Alex, a graduate student at Case who had never voted before but helped lead our petition drive and Kara Fuller, who had never worked on a campaign before, but saw an opportunity to change the world and seized it one post-it-note at a time. I could go on forever. There are a bunch of folks here, but you get the idea. Government and politics really still do have the capacity to engage people even in this time of political cynicism but you have to do it the right way. You have to be honest and idealistic, not cynical. You've got to show people that anyone can participate not just lobbyists.

So all of us together passed the first successful pro-gay ballot initiative in American history right here in the heart of the mid-west. I've been hearing from people around the country who are in a state of shock about what happened here. They want to know how we did it, especially here in a part of the country that they ordinarily only fly over and I've told them we did it one voter at a time and that Drew Carey did not volunteer - not even once.

Throughout the year, I heard from some people that this issue wasn't that important. Some people offered that people of Cleveland Heights, gingerly, the proposition that we really ought to be worried about other issues. Now that the votes are in I think we confirm that this was a vital important issue to the people of this community. Hundreds of volunteers spent thousands of hours making the domestic partnership registry a reality. 1,092, two-hour door-to-door shifts, we walked over a thousand

miles, had over 10,000 conversations with voters before election day - 200 more volunteers had 10,000 conversations with voters on election day. As most of you know, most of you who voted that day, we outnumbered all the other campaigns in the city combined about 4 to 1. So, this issue was very, very important to those hundreds of people, but not just to them. Seventy-six hundred voters cast yes votes for Issue 35 on election day, so Issue 35 got more votes from our residents than any candidate on the ballot for any office except one and I'll get to that. We also got more votes than any candidate on the ballot in 2001 so it is clear that the protection of all families, gay and straight is an issue that's very important to the voters and residents of Cleveland Heights. Opinion leaders may wish that Cleveland Heights would focus on other issues for whatever reasons but one of the things I learned this year is that tough things about voters is they have their own opinions. Voters have really sent a clear message that equality issues are important to them and I heard that message loud and clear.

There was another message that was sent which is being heard loud and clear around the country as we move to address all these other challenges that we face. It certainly won't hurt that our community and in fact all of northeast Ohio is seen as a place where everybody is welcomed. Cincinnati bashing is always popular around here. You might compare our situations, the one in Cincinnati - it's racked by racial division, battling a boycott. They have a unique provision in their city charter that prevents the city from passing laws that protect their gay and lesbian citizens and that image of intolerance has poisoned Cincinnati's reputation around the country to the point where Cincinnati's corporate community is actually leading the charge to repeal Article XII, so that those corporations can attract the best and brightest employees and so that the city can compete with locations like ours in attracting new businesses. It's unmistakable that the businesses and people that drive the 21st century economy pay attention to things like what happened here. My phone has been ringing off the hook, literally, with people who have taken notice.

I have a lot of people that I could thank for what happened, starting with seventy six hundred voters but that would take a while. Seventy five hundred ninety-nine, I voted for it too. This isn't the time and place for that, but I did want to thank two really very special public servants. Last year, Nancy Dietrich was instrumental in addressing the inequalities in our city's policies towards its employees. She realized that it was the ethical and right thing to do to make an equal employees benefits available to gay and lesbian workers and to create a policy that would enlarge the full potential of city employees to include gays and lesbians by enabling them to work for the city and obtain those vital life and death protections, like health insurance for their families. Moving courageously to make Cleveland Heights an Ohio leader in addressing this inequality showed, I thought, an admirable commitment to serving all of our residents and employees even those whose lives and relationships are rejected by some. This year Nancy did not have the privilege of authoring the law that was just passed. Nancy, I know that you and I discussed our differences on some of the particulars, sometimes at great length. But what struck me about those discussions were two things. First, that Nancy, I thought, had an overwhelming commitment to doing the right thing. I know that she and I prioritized different things differently but she approached this issue with an open mind and really thought about it. Secondly, she took for-granted that we had an overwhelming commitment to doing the right thing too and so we we're able to discuss the issue in an atmosphere of mutual respect and in the end (and I'm really proud of this) she decided that our differences were far outweighed by what it was that we had in common. So, Nancy, I wanted to personally thank you and let you know how proud I was to have your support on this."

Council Member Dietrich responded, "Thank you."

Mr. Caldwell continued, "I first met Phyllis Evans late last year and I think by the time the poles had closed on election day I think I had met every single member of your extended family as well. Phyllis arguably faced a greater backlash because of what happened last year than any member of

council who supported the benefits' ordinance and then the very next year she had a reelection battle against an opponent of that ordinance. On top of that there was an unprecedented orange- shirted army of volunteers chasing down any voter who would listen and talking to them about gays and then there was a council challenger along with the sitting council member referring to her and us as a tool of the homosexual agenda. It must have felt very lonely to be Phyllis Evans this year. Having talked with her on behalf the registry of Cleveland Heights as we had - I mean we knew that it was not as lonely as it felt but I can imagine that mathematics is cold comfort when you're enduring personal criticism on a day-to-day basis from people who you once thought were your friends. What pressure Phyllis must have felt to sit this issue out and how easy it would have been for her to ignore the courage of her convictions but Phyllis showed me (I think showed all of us) that her conception of public service transcends self-interest. She told me I hope I'm not speaking -"

Council Member Evans interjected, "What did I tell you? Go ahead."

Mr. Caldwell continued, "I hope I'm not speaking out of turn here. Back in February, over coffee, that if called upon, of course she would do the right thing. I wouldn't run for office for any other reason, she told me. And she recognized this as an issue of human rights. I don't think I can express to you how proud that the only candidate for any office who got more votes in Cleveland Heights than we did on election day was Phyllis. It turns out that Cleveland Heights' voters recognize leadership when they see it and they reward it in very large numbers. Phyllis, I'm really sorry that this was such a tough year for you, but I hope that you feel at least a little bit less lonely today."

Council Member Evans responded, "For sure."

Mr. Caldwell continued, "I can personally say that you made at least one new friend, so thanks."

Council Member Evans added, "Thank you for those kind comments. Very nice!"

Mr. Caldwell stated, "I can say that I understand at least a little bit what it was like for you. There were an awfully lot of things that were said to me this year that were a little bit less than kind. There were a lot of things that were said about me that were pretty unfriendly. We really faced a dizzying array of opposition arguments during the campaign and some of them were quite contradictory. We faced everything from, 'These families don't deserve protection', to, 'This ordinance doesn't give them enough', often times coming from the same person. One flyer - well - locusts were mentioned. But sometimes it was just name calling. I am a homosexual agenda lobbyist, I've learned, which is something I'm definitely planning to put on my resume. Sometimes it was just pure lying. There was a letter to the editor in the Sun Press sent by a candidate of city council that casually and as a matter-of-fact attributed a quote to me that I had never said all in an effort to scare voters. Then there was the attempt to tie the domestic partnership registry to the idea that we would make the world safer for child molesters by lowering the age of consent laws. Then the same folks piled on with the false accusation we were running a deceptive campaign. I was too busy talking with Cleveland Heights' voters to respond to any of this stuff during the campaign, but more importantly I realized that social change can be quite wrenching. It can be quite a tough business. Countless people before me have gone much farther than I have and heard much worse and suffered much, much more. So I knew and accepted the lightning-rod aspect of spokesperson before I started. It really didn't bug me. One thing did bug me though. It really struck at my core. On August 4th, Reverend Hicks told the City of Cleveland Heights and all of us in this room and this is a quote, 'In terms of Kelie, when she brought her very gorgeous young baby up, they may love that baby as much as anyone in the world, but that relationship did not produce that baby.' These are, you know, my neighbors, obviously, and my friends - an eight month old child. It reminded me of another eight month old baby, this baby was born to a 16 year old girl named Connie. Connie had a

drug problem and wasn't really equipped to raise a child and pretty soon she ended up taking her own life with her brother's hand gun and so 32 years ago I was alone. I was thrown into the government system, a ward of the state and so I ended up in what was essentially what we would have called, in the past, my parents would have called an orphanage. Then there were foster parents, but then one day a young couple that really, really was desperately yearning to love and raise a child came for me and took me home. I can't imagine the pain that would have been inflicted on my parents if someone had said to them, pointed at them and said, 'That relationship did not produce that baby'. I can't imagine how it's possible that someone could say something like that. I mean not to think of the hurt being done to that family, not to think of the harm being done to the defenseless child but rather to think about one-liners scoring points in a political campaign. I was eight months old and I had no parents. I didn't care how I was produced. I cared about having parents that loved me. I certainly know how lucky Audrey is. My parents are really proud of me at this point and really proud of what we accomplished in Cleveland Heights. My mom, she taught me that sometimes people of the same gender love one another with all their hearts and that there's really nothing wrong with those people. My dad taught me that it's really important to fight for people who have less than you. So 32 years after all of that, I'm definitely a product of my parent's relationship. They loved each other, they loved me, they nurtured me and they taught me above all else that family is not defined by reproductive cells, it's defined by love and carrying and commitment. There was one thing though that made me feel better, I think it's a joy watching these children grow up and I feel really confident that 32 years from now, if we're all here or if any of us are here, we'll have the opportunity to be proud of them like my parents are proud of me.

There's one thing said on July 7th here at Council that gives me great comfort, at the point Reverend Hicks told the people of Cleveland Heights and all of us here, and here he was referring to the registry petition. This is also a quote, 'We don't know how many signed because they wanted it. We don't know how many signed because they didn't want it, but what we do know is that what you did will allow you to be on the November election and again I commend you for the hard work that you did do that will allow the residents of this community to vote on the issue and send a message to Council about how this community felt about last April and what Council passed.' And then this part is the important part, 'It will let the community speak loudly and at that point I won't have anything else to say once the residents speak.' Well, the community has spoken loudly and I've been listening since the election and of course there have been several unkind things said about us in the papers, on the radio and perhaps I shouldn't be surprised after some of the things that I heard during the campaign. I'm here to remind you, that you said that once the folks had spoken that you wouldn't have anything else to say and I believe it's time that you started keeping that promise."

"Good evening, Mr. Mayor, Members of Council, City Manager. My name is Eli Mann. I live at 3535 Severn Road. I really did not want to be repetitious, cause someone already mentioned before the problems that I came here for, but I have something to add on the subject. The problem really is with there being many break-ins in the area lately and I want to thank the police and the council and the mayor and city manager and everyone - doesn't have to be in that order exactly - for really going out of their way - we can see - I know it's a few different areas - where they have gone out of their way to make the city a better city to live in. I'm very concerned because there are people who know families who moved in from out of town who moved into the Beachwood area and had a choice moving into Cleveland Heights a few years back. They weren't moving into Cleveland Heights - we'd like to see that change. We'd like to tell them it's a safe community and it's a good community and it has a lot to offer. I come here really also - not that I should care for myself anymore but I was a victim of a break-in and the worse part of it was not what was taken, but to have your privacy compromised is worse than anything else with it happening in the middle of the night. More so, hopefully, I'm an adult that can digest it the right way and understand and take the good and the bad but I have an eight-year old that has a very, very hard time coping with this. She's scared to go up to her room alone. This never

happened before. There is a lot of baggage that has come with this and we're very concerned. Therefore, I'd just like to point out, it's not just little things that happen, there's a lot more that meets the eye that can come out of a simple thing like this and this is why safety is extremely important. I won't belittle raking leaves and all kinds of other issues, but this is extremely important.

Since I'm up here already, I'm not here to preach, I don't think anyone will accept me as a preacher, but I'm very disappointed that even though the majority of voters and this is where we live in a democracy and that's what voting is all about, so we can say more people would vote in what ever direction would change course - but I'm extremely disappointed that there was a compromise on moral issues on a very major moral issue where I myself can say I respect every human being no matter what the background is, does not mean that I agree with what they are doing is right. I can find room in my heart maybe to love someone who does something wrong, doesn't mean I'm agreeing with what they did. To mix this - take the moral issue like this and to say everything is okay 'cause it's human rights and blend it into that and mix it into one pot, it has nothing to do with human rights. I'd like to commend Reverend Hicks for his steadfast support on this issue and others and they understand what it's about and that the world will continue to go on, or if God forbid, it becomes destruction in the world for things that are not proper.[sic] There's a lot more that can be said in the subject, I think I will leave it at that. That's my first subject.

I would like to put on record some pictures of the wall that was spoken about, that was discussed by us. This is the closest mall to Severn which is Richmond Mall, everyone knows was redone, similar to what Severance is doing and they're doing a great job, I think. I think for all the mayor, city manager and the council members to see what it is, and to discuss doing what has been promised for many years."

Mayor Kelley added, "Thank you, Mr. Mann and we'll do our best to make your daughter feel comfortable when you're home. Thank you for your comments."

"Good evening. Mayor Kelley, Council People, in particularly the three of you that won the election. One of the things that struck me listening to everyone tonight is a Yogi Berraism. He's my - Yogi Berra - he's my favorite philosopher these days. What he said was, 'If you don't stand up for what you think is right, you're wrong'. And what I heard tonight is that people are standing up for what they think is right and I think that's terrific. In the meantime, I'm going to stand up for what I think is right and for what PDQ thinks is right - promoting design quality.

I'd like to read a statement and I'm going to seek some help because I've been talking all day today and I'm not going to make it. So let me read at least the first paragraph. *Although both the process and the current outcome have been more disappointing than we expected, we are proud of the efforts to improve the design and planning of the main library renovation. We feel fortunate to live in a community with so many design professionals willing to lend their expertise to an important Cleveland Heights' project for which there is no personal gain except the realization that their efforts have contributed to the greater good of the community. From this experience over the past - it's been two years now - we would like to present a number of design and governance issues with our commentary. Our approach is to salvage them in the spirit of democratic transparency. I'd like to call on Tom Rask to continue. I didn't introduce myself. I'm Phil Hart, 3080 Essex Road, Cleveland Heights, 44118."*

"Hi, I'm Tom Rask, 3125 Corydon. We've got a number of issues that we put together and we'd like the City Council - I have copies so we'll hand them out later. Issue 1. City Council Overruling Decisions made by their Appointed Boards and Commissions. The Zoning Code of Cleveland Heights allows City Council to override Board of Zoning Appeals' approval of a case. Although the Code is not

explicit in defining the rationale for such a decision, City Council should codify its overruling of decisions made by the BZA and any other city board or commission. The Code should state the reasons and criteria that the Council must consider in order to reverse such a decision, just as current zoning codes state the criteria that the BZA must take into account in their decisions. The past history of City Council's considerations have been to overrule a decision based on procedure and precedent and not on the evidence of a case. If Council can rule on evidence it makes no sense to have a Board of Zoning Appeals.

Issue 2. Public Building Hearing Procedures. We urge City Council to recommend that all boards and commissions involved in decisions on major and public building projects have a joint meeting open to the public where the presentation can be made to all and a discussion held so that the whole project is placed into perspective. Each board and commission can then deliberate separately based on their area of concern and criteria. The need to coordinate and make decisions based on an overview is essential in cases such as the library renovation where the public is affected in a long range broad scale. [Issue 3] Pedestrian and Vehicular Movement in Streetscape Design. The library renovation project is a critically important development affecting a major traffic artery and impacting retail, library and school pedestrian movement. Add to that vehicular and pedestrian congestion will occur before and after the projected Dobama Theater performances. Even with the bridge, the safety of children and adults alike should be a consideration for deciding how and where to cross Lee Road. Other planning issues include outdoor space and landscaping around library facilities and street pedestrian lighting - pedestrian movement from parking, to the library, and theater. The approval of these items has been left up to the city staff. In a major project such as the library these decisions should be openly discussed with public input and should be part of the board and commission approval process.

Issue 4. Architectural Board of Review, Preliminary and Final Approvals. Preliminary drawings are a beginning of a design process that does not indicate a depth and detail of a project. By its very nature the project will develop and change. Therefore, the final construction documents will be different from the preliminary submission and should be reviewed for final approval by the ABR (Architectural Board of Review). Preliminary approval by the ABR should be based on preliminary conceptual drawings. Final approval should be based on final construction documents, including structural, mechanical and electrical and landscape drawings and specifications.

Issue 5. Need for Energy Efficiency in Public Buildings. In our time, when energy costs are soaring and attention is being given nationwide to saving energy in our natural resources, the library renovation project as currently presented appears to be energy wasteful. As an example, the vast majority of glass on the main library building faces due west with no apparent shielding device. This means that the air conditioning system will use a lot of energy to overcome the enormous heat gain caused by the blazing summer afternoon's sun. The bridge is encased in glass on both the north and south exposures, again causing a great waste of energy. Day-lighting is important to the feel in the sense of a good library and will save energy at the same time. In fact, the existing library's first floor has day-lighting around its perimeter, much of that is going to be taken away after the remodeling is done. The library has consistently rejected the idea in discipline of day-lighting, and other energy-saving technologies. The library is spending our money to operate the building while creating a rather uninviting and uninspiring interior space with little connection or view to the outside world. Other cities in the Cleveland region; Lakewood, Shaker Heights and Kent have enacted legislation on green energy-saving-initiatives. Cleveland Heights should enact similar or more far-reaching ordinances to save both money and conserve our precious resources.

Issue 6. Quality Architecture for Cleveland Heights. Architecture does matter. Winston Churchill once said, we create our architecture, thereafter it creates us. Architecture tells us how we feel about our institutions and ourselves. We have a quality library program that demands equal quality of architecture both inside and outside. The exterior should be in harmony and add to the surrounding neighborhoods. What happened to the vision statement for the future of Cleveland Heights regarding the development of the library? The library is too much of an integral part of the community not to be included in an overall vision. What the vision statements have to say about the library area and how has that been reflected in considerations of the various boards and commissions?

Issue 7. Conduct of the Board of Zoning Appeals. We

wish to praise the members of the Board of Zoning Appeals for not yielding to undue pressure brought upon them by the law department and therefor Council. The chair, Mr. F. David Gill, kept a firm hand on procedure and was fastidious in not allowing discussion on issues not within the purview of the BZA. One possible council response to decisions not to their liking is not to reappoint certain board members. Ms. Gail Bromley's present term is over in January, 2004. She has displayed keen intelligence and has been balanced in her judgment and should be without question reappointed to the board. Issue 8. Selection of the Members of the Library Board. Of all the major public entities in Cleveland Heights, only the library board members are not elected by the general public. The Cleveland Heights-University Heights School Board presently appoints them. In recent years the school board has relied on the library director to bring forward suggestions of perspective appointees. The result is that the board members have been beholden to and under control of the library director. We have two suggestions that should be under consideration. One would be, two (2) members to be appointed each by Cleveland Heights Council, two (2) by University Heights Council, two (2) by the School Board, and one (1) by the Library Board or all members could be elected by the citizens of Cleveland Heights and University Heights."

Mr. Hart concluded, "In conclusion, we recognize that Cleveland Heights as many communities in this nation is faced with challenges requiring creative approaches to their built environment: A changing economy, the automobile, urban sprawl and dwindling resources that contributed to the challenge. We must recognize that thoughtful planning, attention to human detail, and the continuing desire to uphold the high standards for their community is at the heart of our future. As always, free and open discussion of the issues and problems can lead to creative, supportive and sustainable solutions. We have raised many issues here and they've been extending from the library renovation project, of the value of good design and sound municipal planning and review. As members of the local design committee, we would be pleased to work with the City Council to further discuss any of these issues and to maintain and improve the architectural legacy of our city, and this is being presented by members promoting design quality - PDQ group, which there are several members in the audience. Thank you very much and I hope you would consider this and let us know. We'd be glad to come in and talk with you all."

Mayor Kelley said, "I do just want to briefly respond to you, Mr. Hart, and thank you for coming. I do want to remind you of the fact that, as you know, you and I and Genevieve Ray had breakfast just about a year ago in the summer and we talked about getting together and making it more of a partnership to make this a better project. The city did get involved and we worked with Steve Wood to get a design architect on the project and I think we'd all agree that the design is a lot better today than it was many, many moons ago. Really, and the city did get involved. I think you have some wonderful ideas here. But some of the ideas, I have to be honest with you, and this is not a criticism, are ideas that the library board really should have incorporated into the project at some point and time. My guess is that you did talk to them - some of the energy ideas. [There was some inaudible response from Mr. Hart.] Yes, you've had the dialogue with the library board and some of these ideas I don't think are fair to criticize City Council that we may have influenced the Board of Zoning Appeals at some point in time through our law director. That's certainly not true. We didn't influence the Architectural Board of Review. We didn't do anything with the Planning Commission. We don't do that in this city and I take offense to that. So whether it's indirectly or directly stated in this memorandum I don't think that's fair. That's not called for and I don't think that's appropriate."

[Susan Redhed, 3236 Redwood Road was the next speaker.] "Good evening, Members of Council, Staff. Congratulations to the incumbents who were reelected in the last election. I know you have your work cut out for you for the next four years. I have one long question and one short one tonight. I've come tonight to get clarification about some things about the domestic partner registry which will

now be administered by Cleveland Heights City Hall. At the polls, Cleveland Heights' voters were handed a promise, on this card, that there would be no extra cost to taxpayers for the Domestic Partner Registry Issue 35. Actually, this was a promise that was repeated throughout the campaign. The November 6 issue of the Sun Press quoted Councilwoman Evans saying, 'One of her priorities is to get the registry set up' and that's my question that I have about tonight. As I studied the ordinance I see that Cleveland Heights is put into a Catch 22 situation by the ordinance regarding the rules for termination. Section 3. (B) requires the City to provide two copies of the notice marked filed to the file. However, Section 4. (D) states that no fee shall be charged for the filing of a Notice of Termination. There will clearly be some cost for the city associated with the termination. My question to Councilwoman Evans and to the City Manager's office is how will this be accomplished in accordance with the law, yet not charge the taxpayers for some portion of the work required to keep the records? It is your intention to administrate the registry in a manner consistent with the campaign promises of the so called Heights Families for Equality or will you simply pass on the expenses associated with termination to the taxpayers? You may not have the answer right now as it is quite soon after the election. If that is so, I'd like to know when this will be clarified. One good option that I have thought of is that Heights Families for Equality could contribute some of the tens of thousands of dollars donated for their campaign to cover the cost of that, administrating these terminations. Above all, I know that they would want to be sure that their campaign promises would be fulfilled to the highest degree. Allow me to remind you that 6,290 individuals or 45% of the voters did not agree with Issue 35. It behooves you to be sure that these taxpayers in particular will never have to pay towards setting up or administering any part of this registry. In addition, will there be [a] report available to the public to insure that all the costs associated with the registry are being assumed by those registering as described in the ordinance. We would like to know and we will be watching. I know that a very dramatic presentation has been given to us from our opposition because we did not agree with this ordinance and I guess politics is that way. I don't know if it's perception or if that's what really happened but we experienced equally the feelings of mean-spiritedness towards us and we were carrying out what we thought we felt to be right and what we were convinced of what is right and so it goes both ways. I think that is something that we need to, as a community, be willing to allow each other to believe strongly either way and not to say that one person or one other side isn't as valid as the other.

The other question, the second question is short and I'll be to the point. Residents of Cleveland Heights seem to feel that they can ask my husband and me when their leaves will be picked up. I don't have the answer to that. A lot of people are asking us, for some reason, and maybe you have an answer for them? Thank you."

Council Member Evans responded, "As you well know, the details of the ordinance have not yet been worked out and we will certainly let you and the rest of the community know as soon as that information is available. But, as you know, it is on the agenda and it will be forthcoming. I would assume, you would know some definite information within the next few weeks.

Dr. Gross, it occurred to me that we didn't respond to your issues and concerns and I'd like to let you know that we'll get back to you about that, and for the residents on Severn, I felt very badly that when the two residents speak of their children being traumatized. It is really unfortunate that those burglaries occurred, but you do realize that our police department is very, very skilled and I often say to the chief, 'I don't know why any one would commit a crime in Cleveland Heights because they basically all seem to get caught.' But that's not really the real issue and the fact that people are not comfortable in their homes right now. So I hope that council and I will have an opportunity to talk about that and see if there is anything that we can do to make your families more comfortable in your homes. I do believe that Cleveland Heights is still a very safe place to live and I think we all enjoy living here and that deep down inside we do believe it is as safe as possibly can be in this day and age."

Council Member Dietrich added, "This is just to Mrs. Redhed. Because the Domestic Partner Registry sort of falls between my committee which is Administrative Services and Councilwoman Caplan's committee which is Community Relations and Recreation we've set a joint time, December 8th where we will hear from our staff who has already started gathering information about other communities, especially communities our size that have registries so we can know what kind of volume to expect and so we know what costs are involved. We absolutely intend to have it be a self-supporting registry and I don't think it'll be a problem to figure out how much termination will add to the cost and just include that in the registration fee. I think that we did say that this would not - I know we said that this would not cost the taxpayers any money and we intend for that to happen. It'll be two to three weeks before you hear from us about exactly how it's going to work but staff is gathering information."

Vice Mayor Montlack said, "There would be other comments after we're done".

"Joe Rothenberg, 1621 Rydalmount and I know what you're expecting. No, I'm just wondering, especially since it came up, how you would go about having an opportunity to have input into the design of the application as someone with a personal interest in the registry?"

Mayor Kelley responded, "To be very honest the way the initiative's crafted that really falls under the guidance of the City Manager and probably the law director. So the way the initiative was crafted we have to be consistent with that and it's really going to fall under the staff's hands and really crafted in a positive way. Any favoritism to one side or the other would probably possibly put us in a situation that could be deemed invalid through some kind of a court challenge. So, we are being very careful and following the law very close and dotting our tee's and crossing our i's so if there is some kind of a challenge later on, unfortunately we're in a very litigious society and we want to make sure it's done properly so there's not a start and some kind of a stop or some kind of a legal proceeding. The City Manager as Councilwoman Dietrich said, his staff's collecting various forms from cities and counties around that have it. He's collecting a data base for the fees. He's doing that in a variety of ways. You can go on the net, you can call, you can inquire, you know in the mail for some of these things and he's working on some of the forms as we speak and our Assistant Law Director Laure Wagner, she's looking at. So we're really letting our staff do that which is really what was called for, if you really read the initiative. The City Manager will do that, so unfortunately we're going to really - you know as close to our best, and let our staff do the work. Just the way it is."

Mr. Rothenberg said, "I just wanted to ask. Thank you. Congratulations, Ms. Evans."

Council Member Evans thanked him.

Mayor Kelley jokingly added, "What about the other two? Mrs. Redhed, as far as the leaves, please feel free to have anybody who has a complaint about the leaves or any issues call City Hall at 291-4444 or 291-3737. We'll be more than happy to work through with them or if there's a snow plowing issue in December or January, we'll work it out. Vice Mayor.

Vice Mayor Montlack said, "Yes, I'm glad that the Mayor cleared up the - Mr. Redhed, you don't have to be concerned about folks asking you about which committee you're on or chair, just refer them to City Hall, they'll get a response. Again, I'd like to join with Councilwoman Evans in regard to the folks from Severn. You said it all when you said you have confidence in the police. It is a top priority. We will not quit until every effort has been made to bring the situation back to where it ought to be.

I'd like to really just make a few comments on the BZA and the library issue and I frankly appreciate the comments that were made here in the public session and I'm glad that former Vice Mayor Hart

is in the room because a lot of people often think that I'm Councilman Hart and now that you see us both in the same room let's dispel that altogether. My feeling is this, that the library with its walkway as part of the concept, essentially was ratified by a public vote. Then on numerous occasions when the plans were presented to the Architectural Board of Review as a first step or as a pre Board of Zoning Appeals step, the ABR was consistently underwhelmed by those designs and plans and frankly I think there are some lessons to be learned in that very long process, but I won't go there at this point. Essentially, with the, I think very positive input by Mayor Kelley, moving all the parties to producing better designs, better plans, with some new personnel, those better plans were presented to the ABR and approved. Conditioned upon, as shown in the later drafts, conditioned upon the addition of two accompanying arches. Now that was the status as the matter was presented to the Board of Zoning Appeals. The mandate of the BZA at that point was to determine whether under the ordinances, the applicant, the library, had demonstrated a practical difficulty that justified the granting of a variance. Now, the Board of Zoning Appeals determined no. That is how the appeal based on among other things, error of law, went to the Common Pleas Court. Our law director determined that they were good and valid reasons to enter into a settlement that effectively reversed the decision of the BZA. I would say reversed the results, let's put it that way. I personally agree with that view. I think that as the proposal went before the BZA knowing that the Architectural Board of Review had in effect at that point approved and mandated the placement of the structures, to me it seems like the library at that point was between a rock and a hard place. I understand that there was a lot of history and I've only summarily reviewed that history and so I think there were good reasons for the decisions that were made as it stands now. Frankly, I think it's in the community's interest now to move ahead and build it according to the plans and designs that have been approved by the ABR. Frankly, those are my thoughts on that."

Council Member Dietrich said, "Well actually, I'm really glad to finally get a chance for us to comment on the library. We've listened a lot for the past couple years and as Council we haven't really gotten to have much of an opinion on this. Our decision to settle the court case is being called a precedent-setting subversion of our system of boards and commissions, which is a huge accusation - that's big. To the contrary, I really feel like our decision to settle upholds the way the boards and commissions are designed to work. The boards have separation of powers. It is sort of reiterating what Vice Mayor Montlack said. The ABR had ruled on the bridges and the arches which was in their jurisdiction to do and then the BZA was to rule on the setback, for really where the arches would meet the ground - how close to the street it could be. My opinion is that in this case the BZA did in fact base their decision on some aesthetic architectural ideas and that for us to defend that decision would actually have been to encourage one board to sort of cross the line into the jurisdiction of the other and I think that would have been a subversion of the system of boards and commissions. I want to say I think very, very highly of the Board of Zoning Appeals. I admire watching them make their determinations and I think that they know that I do. They try to be helpful to people who want a variance and yet at the same time to uphold the spirit of the Zoning Code. But I think this was a very easy case for one board to cross the line into the jurisdiction of another and I think this was clearly an ABR decision to make and probably through no real conscious decision to do so, this was one of the cases where it was just very easy for the BZA to kind of get into the territory of the ABR. I got out notes from a meeting we had about three years ago. It was a meeting with the ABR, the BZA, and the Planning Commission at which our Law Director John Gibbon, reviewed where the jurisdiction of each board begins and ends. One thing that was clearly emphasized that night and actually four of the five BZA members were BZA members at that time so they were part of this, is that an ABR decision on an architectural issues supercedes the decision by the BZA or Planning Commission. To me, that was the answer. I think to defend the BZA in this court challenge would have been a losing proposition because ABR decision in this case had precedence. It's also being said that we overturned their decision in order to appease the library board and that it was a

cave-in. Honestly, I would have felt like I was caving in if I did the opposite. I would have felt like I was caving in to pressure from the other group of architects. I feel like what we did was the right thing. We never really did get to express our opinion on how we wanted the library to be. I have definite opinions on how I would like the library to look and they are not like what the ABR came up with, they're not like what the BZA (well, I don't know what the BZA wants) - they're not like what PDQ (I don't even know what PDQ wants) - cause they haven't really told us. But, the separation of powers don't give me the right to make that decision and so I'm very happy to respect the ABR's decision in this case because they have jurisdiction and I really feel like we need to move on and let them go ahead and build it."

Council Member Caplan stated, "Yes. I'm changing the subject and I'm coming back to the domestic partner registry and I want to be real clear that on this meeting that Councilwoman Dietrich talked about, we will not be discussing how the system is going to work. The City Manager and his staff will work it out, much like we don't have anything really to do with how we give out death certificates or birth certificates. The staff figures it out, they figure out the cost, and they will follow the rules of the ordinance. So, it is not a discussion on how to do it, it will be to let us know. It's always nice for us to know about something before we make it public, and that's really kind of what's going to happen.

The other thing I do want to do is thank David Caldwell for his candid remarks and for his leadership. It was painful I think for you to have said what you said and I appreciate the openness that you shared some of your feelings with us. You've been sort of leading this march and we've just been kind of watching it and applauding you actually, but I also do want to thank the people on both sides. It is only in a democracy and only in a community like ours that we can have relatively civil conversation even when people make faces or say not nice things, it has not, I don't think come to blows and that everyone really does practice what free speech is about. So I do hope that on this issue, everybody can continue to feel what it is they feel, but maybe now that the voters have spoken, we can move forward and not talk about it so much anymore and just kind of do it and move on to the next thing, because I have great faith in all of us that there will be another issue that we're all going to have feelings about and that we have continued to pave the way that people can talk about what it is they really feel about which ever side - just as with the library and the walkway. These are feelings. It is very hard to define what is good architecture within certain parameters - there are some definitions of that, but most of it is opinion and opinion is not necessarily fact and it is based on what one feels and all of their upbringing has brought them to whatever point that is. So, I applaud everybody who really can stand up and say whatever it is, it is really a joy to live in this community and I applaud all of us for being able to continue to do this in the way that we do it. Thank you."

Council Member Hicks responded, "Thank you. I save most of my comments for my committee report but just on the form that was given to us by PDQ, one concern that I have and it was dealing with Gail Bromley and talking about her term being over in January, 2004. Although, when we review her and anyone else it will not be based upon this one issue and so this sort of is presented to us as though if she is not reappointed it will be as though it was some vendetta by the Council and I sort of resent that because it is our purview to choose who we want on the boards and commissions and not appoint or reappoint or appoint someone new as we see fit. To put this on here is sort of as a *get out of jail free or pass go card* for Ms. Bromley and we can't look at it like that. We have to be fair to all members of all boards and commission and consider them for reappointment like we always do and that's what will happen. But if Ms. Bromley is not on the BZA at the beginning of next term it will not be because we were out to get her."

Council Member Wilcox stated, "I just wanted to add a few comments on the library issue and I appreciate your comments tonight. I know they are made with the right intent but I would point out that all decisions of our boards and commissions are subject to review at some level. If the city, by ordinance, decides as in the case of the BZA, we review decisions of the BZA that are granted so this

Council retains the right to deny variances that are granted by the BZA. But all boards and commissions are subject to review by way of an appeal to court if the parties so chooses. I would point out in this case, not only did the voter approve this (not maybe the design but at least the concept) but our ABR approved and our Planning Commission approved unanimously. This Council unanimously approved the air rights, though the only body of the City that did not approve it and it was not a unanimous decision was the BZA. So, I think it's improper to praise the BZA since they were the one agency that didn't vote that way. By that theory then we should not praise the Planning Commission or the ABR members, but I felt that they were looking at this as to what they felt was in the best interest of the city and the best design and voted in that manner. I felt the ABR and the Planning Commission both voted in that way and supported the library in that way. Finally, the fact that it was appealed to court puts it in a legal manner and into the law director's court and when we get into that situation we look at the law and the facts and I think that's what happened in this case and I think the law director's recommendation and the Council's decision was the correct one. I don't believe any precedent adverse to the city has been created here. I served on the BZA at a time when I think the city overturned something we had voted for and I don't remember there being a big crowd here at Council that night or any objection to that so I think the outcome was the proper one and as others have said I think it's time to move on and make this the best project we can."

Mayor Kelley stated, "We do have a little business but I do want to make a few comments tonight so bear with me. I know a lot of you have other things to do but tonight is the time to move on. The voters have spoken on a lot of matters. It's time to let City Council and the City staff get on with the business. It's time to let the library do what they need. In November of 2001, 10,231 people voted for this project. Only 4,003 voted against. It's been debated, it's been through various ABR meetings (preliminary or otherwise), it's been through the Planning Commission twice. It's been through the BZA. It was turned down. The library board filed an appeal which got our law director and the Council involved and why I think we did the right thing instead of dragging it on, incurring all kinds of legal expenses and tying it up another year or two to be found that they would have prevailed in court. We did the right thing. It's time to move the project on. I thank the PDQ folks for making this a better project. It is a better project and Steve Wood would agree with me. It was not a good project a year and a half ago. It's that simple. So, in the end, we will have a better project. We will have something that people from all over the country will come here and look for. And in deference to Chas Kikel who wrote us a letter very early on and said there'll be bridges or walkways on everything on Lee Road going from Zagara's across a street, he's simply wrong. That's just not going to happen. We don't give air rights just to give air rights in the city. So, it's time to move on, it's time for Steve Wood and the library board to get the shovel in the ground and build the best damn project on Lee Road that we have voted and move the library project on. Now is the time to do it.

As far as the registry issue. The voters have spoken. Both sides ran great campaigns. We now have to do what we are supposed to do by virtue of the election. We got the message. The vice mayor said it very clear, I think it was back in July or August. We're going to wake up November 5th, it's going to be business as usual as Council. I wish both sides would be able to embrace each other and move on and continue to make this the most diverse city in the United States. That's why I spent all my life here and hope to spend the rest of my life here and raise my children here. We got the message. We're going to create a registry. It'll be alright. Things will happen. People will come here to register. It's going to be what it's going to be. We got the message. I don't care if it passed by one vote or twelve hundred votes or whatever the number is, and guys the numbers are going to change a little bit, because the Board of Election has yet to count a few votes. It might be 7,631 to whatever, it'll change a little bit in the final outcome. We're going to make things happen. Alright, and this nitpicking or whatever - it needs to stop. Let's move on. Let's get about the business of doing what we need to do. The City Manager will figure out what the forms need to say. He'll figure out what the cost is and we're going to get on

with the business. I'm proud to live in a city that we could have this discussion that we had here tonight. We had people from the Orthodox community, we had people here from the gay and straight community, we had seniors here talking about the library, we had esteemed architects telling us that we could have done better and maybe we agree with them or disagree, but the big thing that we have to do tonight when we leave here is we have to pass a school levy. That's the one thing that got left behind on November 4th. So all this rhetoric about libraries and registries and the other stuff - that's great, but if we don't get our act together and help our school board and help our kids and we don't get busy in March when it could be a snow storm (I think it's March 5th) all that we're doing here now won't mean a hill of beans. Alright, we have bigger issues to do than sit here and argue about a walkway or what is it going to say on the registry or how much it's going to cost. Our kids need us now more than ever and I think that says it all."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. Would you like to give them a second."

Council Member Evans, "No. It's short, they can stay."

Mr. Downey added, "It's short. It'll be very quick"

Mayor Kelley added, "We listened to you - you're going to listen to us."

Mr. Downey continued, "This will be quick, I have no formal report, your Honor."

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone added, "Your Honor, I have no report."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "You can't take a good joke (addressing the audience). Now, you can leave, really. You are allowed to leave. There are three pieces of legislation tonight. One is more thrilling than the other. Resolution No. 165-2003(PD), authorizing an agreement with Bonnie Graham for the use of a portion of City Parking Lot No. 25 for the maintenance of a dumpster; and declaring an emergency. The first two pieces of legislation have to do with the city permitting portions of its property in municipal parking lots to be used for dumpsters because - guess what - in our older build out community there just isn't quite enough surface area, so the staff went out in each case and tried to design or look at an area where a dumpster could be maintained and determined in the case Resolution No. 165-2003(PD), that the City Manager is authorized to enter into an agreement with Ms. Graham for the location of the dumpster in an appropriate portion of Municipal Parking Lot #25. The agreement will provide that the City may terminate that agreement at any point where it determines that the use is creating a nuisance or the property is necessary for municipal purposes. Resolution No. 165-2003(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 165-2003(PD).

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

Nays: None

Resolution passed

Vice Mayor Montlack stated, "Resolution No. 166-2003(PD), authorizing an agreement with T.A.O. Ventures, Inc., dba Arabica on Lee and Richard Garbas, dba Doughboy Café for the use of a portion of City Parking Lot No. 23 for the maintenance of a dumpster; and declaring an emergency.

It is essentially the same set of facts relating to some businesses on Lee. These resolutions recognize some movement in what has been called, 'Civic Mercantilism' a little more of an effort to make sure that our commercial districts that are walkable and connected to residential districts, receive more than just an officious kind of reception by the city but in a spirit of cooperation.

Under this Resolution, the City Manager is authorized to execute an agreement with those entities with the same conditions, that is subject to termination if or when the City determines that the use is creating a nuisance or the property is necessary for municipal purposes. Resolution No. 166-2003(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 166-2003(PD).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "And, finally in honor of Mr. Hart, Resolution No. 167-2003(PD), harkens back to a development agreement of sorts, but of sorts, but quite in reality of which he was the only person in this room who was around City Council at this time together with the City Manager, of course. This is a resolution authorizing the City Manager to enter into an agreement with Taylor Commons Associates for a renewal of a lease of property on Taylor Road for municipal off-street parking purposes; and declaring an emergency going back to Resolution No. 77-1988, where this agreement was made in order to encourage redevelopment, revitalization on that portion of Taylor Road between Blanche Avenue and Antisdale Road at Taylor Commons Plaza. Under this resolution the City Manager is authorized to execute an agreement with Taylor Commons Associates for a renewal of a lease of property. The lease extension will be for three years, commencing January 1, 2004, and shall provide for rental fees for 50 parking spaces at a rate of \$25.00 per month per space and will be approved by the City Manager and the Director of Law. Resolution No. 167-2003(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 167-2003(PD).

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

Nays: None

Resolution passed

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Resolution No. 168-2003(PSH), authorizing an agreement among the Cities of Cleveland Heights, Shaker Heights and University Heights for fire protection and communications services; and declaring an emergency. By Resolution No. 96-1981 this Council authorized an agreement with the City of Shaker Heights for fire protection and communications services. Since that time Cleveland Heights and Shaker Heights have oper-

ated a joint fire dispatch system and have provided each other with fire protection services on a mutual aid basis. It would be in the best interest of the Cities of Cleveland Heights and Shaker Heights and their residents to continue such arrangement with the inclusion of the City of University Heights. Section 1, the City Manager is authorized to enter into an agreement with the Mayors of Shaker Heights and University Heights for fire protection and communications services for the three communities. The terms of the agreement shall be substantially as set forth in the draft agreement on file with the Clerk of Council, with the commencement date to be determined by the parties based upon the completion of communication links and data entry. Section 2 is notice of passage and Section 3 declares this to be passed as an emergency measure. I'd like to submit Resolution No. 168-2003(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 168-2003(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Resolution No. 169-2003(PSH), authorizing the City Manager to accept a grant from the Wal-Mart Foundation, on behalf of the City of Cleveland Heights Fire Department; and declaring an emergency. The Wal-Mart Foundation has awarded a grant of Five Hundred Dollars (\$500.00) to the City of Cleveland Heights Fire Department pursuant to the Safe Neighborhood Heroes Program Acceptance of said grant will be of benefit to the City and its residents. Section 1, the City Manager is authorized to accept a grant award from the Wal-Mart Foundation in the amount of Five Hundred Dollars (\$500.00) on behalf of the City of Cleveland Heights Fire Department, pursuant to the Safe Neighborhood Heroes Program. Section 2 is notice of passage and Section 3 declares this to be passed as an emergency measure. I'd like to submit Resolution No. 169-2003(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 169-2003(PSH).

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

Nays: None

Resolution passed

Council Member Evans concluded, "I just have a reminder for residents that live in the Canterbury School District. As in most of our elementary school districts there has been a problem with the flow of traffic with regard to the safety of the children. In this particular instance what was worked out is that we asked parents - the parents are asked to drive north on Princeton and south on Canterbury at drop-off and pick-up times, but to remember that residents need to be able to enter and leave their homes, so people are encouraged not to double park to drop-off or pick-up their children. This allows residents to drive-thru and prevent children from crossing in front of cars to get to their parents or caregivers. Very often, our children do not always look carefully before they dart out to their parent's car. It is something that has been worked out for that area and we certainly hope that our residents will be very cautious so that we can have a safe year for our kids. Other than that I would just like to thank the residents of Cleveland Heights for their support that I received on November 4. That concludes my report."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. I've basically given my Administrative Services

Report. I do want to say that last night I attended the Heights Community Congress annual dinner meeting and that is always a wonderful, warm sort of harmonious event and the speaker was Joan Southgate. The older woman who walked the Underground Railroad route and that was wonderful to listen to her and the community vision's award recipient was Reaching Musical Heights. This was the concert that was given in Severance Hall by the public school students, I don't remember how many months ago, that was the award recipient for that. The Bernice E. Lott award given to Reverend John Lentz of the Forest Hill Presbyterian Church. Just want to offer our congratulations to them for that."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. There is no legislation tonight. I do want to remind you it's time to sign up for the winter programming. You all have received a booklet in the mail and to see all of the wonderful offerings that the City has and we encourage you to sign up and also I hope that you've noticed those wonderful neon signs (I don't know if they're neon) but they're these walking signs in front of the community center that remind you again to sign up and we've had teen nights. We're doing teen nights the first Friday of every month for middle school children. When you're kids claim there is nothing to do, there is something to do - come ice skating and come to the community center. They had a karaoke night last Friday and I understand it was great fun.

The other thing is that this morning I participated in the acceptance of a 9.5 million dollar grant to the Mental Health Board and to Cuyahoga County for children and it is for helping children and their families who are emotionally disturbed. When two people talked about their children this evening as feeling unsafe and uncomfortable in their homes it certainly struck at a place within my heart that I know that we need to deal with this. Telling the children that the police are working on it and I do believe they are and I think we have a fabulous police department, I think we need to go a little further and I hope that we will resolve this fence issue soon, so that there is substantive thing that makes the child feel safe. It is our job to make children feel safe and our job to make them feel safe in our community and lastly but certainly not least, congratulations to my colleagues on their wonderful wins; Councilwoman Evans, Councilman Montlack and Councilman Wilcox, it will be enjoyable to serve with you again. You all did very well. That is all I have tonight. Thank you."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation from the Finance Committee tonight but just a comment on the election. First of all, thanks to the voters of Cleveland Heights for their support. I think we've talked about a lot of the issues that were on the ballot but I wanted to echo something the Mayor said, we didn't talk a lot tonight about the schools and it's really important for us to focus our efforts as a community. We have two new school board members and I want to congratulate Mark Phillips and Wendy Leatherberry who will be joining the school board in January. We really do have some challenges there. We have to restore confidence in the board and we have to see what level of support our community will give us for our public schools. Public schools are critical toward community. There will be no new property tax money coming to the schools in 2004. There will be cuts and the earliest the schools will get any new money is 2005 so we need to work together as a community to understand what funding level our schools really need and to work together because inevitably there will be another levy on next year. It's going to look different than what the last levy did, I'm sure. We all need to work together and support our public schools. That concludes the Finance Report."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have no legislation this evening but I will begin where Councilman Wilcox ended in saying that it is going to be very important that the schools pass a levy. In reading the paper last week, it doesn't seem as though the change in leadership will be something that will change the minds of a lot of voters since one article that was written to the editor reminded Wendy Leatherberry that the last levy was defeated before the Moody fiasco and that the voters don't want to pass another levy. So, we have to work as hard as a community and I would imagine as the folks from Heights Families for Equality did in passing the domestic partner registry and make sure that the levy is not outmanned at any polling place by any person or any other group when it comes up and that it has the support that it needs.

In terms of leaf pickup, the complaints that we heard - we have heard a number of complaints and our City Manager has reassured us that leaf pickup this year is ahead of schedule and is below budget. That would be correct so we have saved money this year and done more in the same amount of time. At our next Municipal Services' meeting we're going to see a chart on exactly how many streets and which streets have been done and how many times. You are more than welcome to call if you're unhappy about your leaf pickup, but we are on top of it and we have heard the complaints.

I, too, am sorry to hear about the incidents that are happening on Severn and the Orthodox community, but I too have confidence in our police department that those people will be apprehended and that the residents will once again feel secure in their neighborhoods.

I am - well I'd like to congratulate my colleagues Ken Montlack, Phyllis Evans, and Dennis Wilcox for returning to being reelected. I also want to congratulate James Redhed for running. I, of anyone on this Council, know how it feels to run against all incumbents having done it three or four times unsuccessfully and having to face defeat and come back and run again. So, Mr. Redhed helped with the democratic process. I commend him on that. It's not an easy thing to do to put yourself out there for someone to vote yes or no to. I commend him on that. If I was a betting person and I wasn't I would have lost a lot of money on the election. I want to congratulate David Caldwell and Heights Families for Equality on the victory of the domestic partner registry. I'm a little confused - I guess I'd like to set the record straight because I left out of town about five in the morning the Wednesday after the election and didn't return until a week later on the church business trip and so I haven't spoken to anyone in the newspaper or I haven't spoken to anyone or given any interviews after the election. I'm not quite sure what he might be speaking to, but they may have old quotes that I have given or old tapes but I just haven't been in town to even do that. I could say that I am disappointed about the passage of Issue 35, but it's not personal, it was just a matter of - and I still don't believe it's the job of a municipal government to legitimize any lifestyle, but the people have spoken. In 2001, I said that I would uphold the laws and I've sworn to uphold the laws of this community and that is now - the domestic partner registry - is now an ordinance of this community and I will uphold it and uphold the right of anyone to register their relationship as long as it exists on the books of the City of Cleveland Heights. I mean that's what I've sworn to do. I do not like it anymore now than before the election, but that doesn't matter. The election is bittersweet. There were seven thousand plus that voted for it, but there were also six thousand plus that voted against. I represented those residents and so I don't have any hard feelings about having represented residents of this community. The residents who campaigned against Issue 35 as well as those who campaigned for it, I think put on an excellent campaign. There was someone who talked about this getting ugly, who thought that there would be fights and that there would be arguments, but it didn't happen. At the polls, those for and those against - people were offering coffee and donuts and we were having civil conversations. It did not get ugly. People who did not like my view,

I did not like other people's views but it wasn't personal and we did not make it personal at the polls when we had contact with each other. That's something that I'm glad did not come true. We may never see eye-to-eye on the issue, but the Mayor was correct, we were able to disagree, agreeably. There is one problem I do have and that's people who have called me after the election to find out what they could do now, to oppose Issue 35 and the answer to that question is nothing. We had our opportunity and we were not successful. Mrs. Redhed is correct about monitoring the tax dollars spent and that will be done to make sure that the taxpayers are not going to be charged anything for the registry as promised and I think Mayor Kelley and everyone on Council, especially our attorneys on Council understand exactly how the legislation was drafted and will make sure that the city adheres to it, especially the City Manager and the law director will make sure that the city adheres to it and that it gives residents exactly what it's supposed to give them. Again, like I said, I'm happy that we were able to do this. There is no one that's been arrested. There is no one that we were in any fights. There was no hate mail. There were no bombings. There were no fires. It was a good campaign. In hindsight I wish I could have contacted a millionaire friend of mine to give me a little bit extra money on the campaign, but that didn't happen. Again, congratulations on all of the victories on the election and that we hope that both sides learn something and that we also learn that if we spend our time on these issues and not helping the schools there won't be enough people to help on the school board campaigns to get those issues passed. That's all I have."

REPORT OF THE MAYOR

Mayor Kelley said, "I think I really said enough for tonight. We will adjourn this meeting at 9:35 p.m. Our next meeting will be Monday, December 1, 2003. Have a Happy Thanksgiving to all of you. Those of you who are traveling, travel safe and come back home to Cleveland Heights and enjoy your time with your family. If you're having family come in, take them around Cleveland Heights and show them our many treasures including the Zagara's, the Diner's, the new look on Coventry and the other great things we have to offer in Cleveland Heights. Thank you for coming and obviously thank you for the true Cleveland Heights fashion of holding a meeting and being able to agree to disagree on a variety of subjects and this certainly was enlightening to me and re-energized me as the mayor, to really be proud to be serving you in Cleveland Heights, to have this kind of meeting. This is one for the books. Thank you."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc