



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY, DECEMBER 6, 2004

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:15 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

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

Council Member Hicks moved to adjourn into Executive Session at 7:05 p.m. Second by Council Member Wilcox.

Edward Kelley, presiding

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

Council Members absent: None

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

Topic of discussion included litigation.

Executive Session concluded at 7:15 p.m. and adjourned into Committee of the Whole concluding at 7:35 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, Downey, Gibbon, Malone, Niermann O'Neil, Ruane, Tomaro, Wagner, Wong

The minutes of the Regular Council Meeting held Monday, November 15, 2004 were signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

The minutes of the public hearing held Monday, November 29, 2004 were signed by Vice Mayor Montlack.

Mayor Kelley stated, "Now, we usually move to the personal communications from our citizens, but prior to that we are honored to have Pack 11 Cub Scouts, who meet at the Church of the Saviour, here with us tonight. We are going to ask the pack leader to come up to the podium, introduce himself to us, and tell us why you are here tonight."

"Thank you Mayor Kelley, Council Members. My name is Rick Brown. I am the den leader for the Webelos. This is their second year as Webelos. This is the last month and a half before they become boy scouts. They've been cub scouts since first grade. These are all fifth graders. They're here as part of earning their citizen badge, which is one of the important badges that they earn to get the Webelo rank and as part of that they need to see how local government works and see how someone who holds the position in local government conducts their job. We're honored to be here this evening. Thank you."

Mayor Kelley added, "Thank you, Rick, and thank you for all you do as a den leader. You guys are not going to earn that patch too easy tonight. You're not going to be able to sit back and relax. I am going to ask you to come up one by one to the podium and tell us your name, where you live and where you go to school and a little bit about what you're doing as a Webelo. Who is the leader of the pack, sort of to speak? Anyone? Come on up tell us your name, where you live, where you go to school and just a little bit about yourself."

"My name is Zachary Zippert. I live on Eaton Road and I go to St. Ann School."

Mayor Kelley asked, "Fifth grade, right?"

Zachary continued, "Yes."

Mayor Kelley asked, "What's been your most favorite thing about being a Webelo? The camp-outs, the grand prix derby?"

Zachary answered, "Camp-outs."

Mayor Kelley asked, "Anything else you want to tell us?"

Zachary replied, "No."

Mayor Kelley added, "Thank you for going first. I'm going to ask the gentleman in the front row who didn't want to come up, come on. I didn't think you were that shy."

"I'm Lee Scales, and I live in East Cleveland on Allandale Road and I go to St. Louis School in Cleveland Heights."

Mayor Kelley asked, "What's been your favorite thing about being a Webelo?"

Lee replied, "It's been a lot of the people I am here with, because they are really nice."

Mayor Kelley said, "It's nice meeting you. That wasn't that bad, was it?"

Lee replied, "No."

Mayor Kelley asked, "Anything else you want to say. You're going to be on tv, as you can tell. Do you want to say hi to anybody?"

Lee replied, "Hello, people."

Mayor Kelley said, "Thank you. Welcome. Whose next?"

"I'm Gabriel Brown. I live on Westwood Road in University Heights. I go to Canterbury Elementary school along with my friend Jameel, who will be next. My favorite activity in the Webelos was probably the camp-outs. They are a lot of fun."

Mayor Kelley said, "Thank you for coming."

Garbriel responded, "Thank you."

"Hello. I'm Jameel Jackson. I live in University Heights, Cedarbrook Road. I go to Canterbury School and what I like about Webelos too, I like the camp-outs and the Pinewood Derby."

Mayor Kelley asked, "How did you do in the last Pinewood Derby?"

Jameel replied, "I came in third place."

Mayor Kelley asked, "Did the top two go on?"

Jamiel asked, "What?"

Mayor Kelley continued, "Did you move on in the competition or only the top two move on?"

Jameel answered, "Wait, we go to like different places, like Richmond Mall and - -."

Mayor Kelley continued, "Where did you go after you finished third? Did you go onto a competition?"

Jameel said, "Then we continued in other races."

Mayor Kelley said, "Okay. We'll talk to your den leader about that. Welcome, guys. That's everybody? Let's give them a hand and welcome them here. It's Pack 11, the cub scouts that meet at the Church of the Saviour, again. Thank you for coming. Sit back and relax. We seem to have a lot of people in the audience tonight so if we go too long and you need to leave, you can quietly leave. But, sit back and relax and enjoy our meeting."

"Good evening. Scott Easter, 2959 Meadowbrook Boulevard. Mayor Kelley, City Council. The reason I actually came this evening was from a really disturbing article in the Plain Dealer which - the fact of having a lot of disturbing articles, recently, for our city. I'm here this evening for a few reasons, all

of which I'm sure that you've heard from concerned friends and neighbors and rightly so. Over the past few months, one hasn't had to look hard for the extremely negative publicity about our city. For a long time we've discounted much of what we have heard to the changing times, but it hits home when we're making the front page of the metro section of the Plain Dealer for rapes and shootings at our high school. Due to our schools, and extremely high taxes, thanks to an extremely high tax levy, I have been informed by a very good friend of mine who works for a major real estate company here in the Heights, that we've never in our history had so many homes for sale, quote, "Like rats abandoning a ship". I work on the west side of our city and I'm now subjected to listening to negative comments about our beloved Heights. I recently - am looking to try to open and try to get financing for a business somewhere on Lee, but the people who were going to invest with me are now saying, "Not in Cleveland Heights", and certainly not near the high school. About a week ago I was at the intersection of Cedar and Lee at the infamous 3:00 hour, when our school lets out. I find it ironic that our police department can pursue visitors to our city for a night out about jaywalking on Coventry and on Lee, but I can be flipped off by a group of kids crossing against the light with nobody saying a thing. Let me tell you something, all of the hundreds of thousands of dollars spent in lighting and storefront renovations are all swept away in one instant by a kid on Lee flipping people off. If I were visiting, from say Aurora, I would think twice about coming here after dark for any kind of a nightlife. Remember, these are the people that moved out there because they thought we were going downhill. So now, when they come back to our city and see this kind of activity, it just confirms their thoughts. I would like - now - to know where our marketing department is and why we haven't seen any positive press about our city? My partner and I have renovated ten homes here in Cleveland Heights and now for the first time ever, thinking of leaving. I need to hear some positive press and so does the rest of Cleveland.

Now, as far as more negative press is concerned, a few weeks ago it was brought to my attention that one of our council people, Mr. Hicks, was cited for being in arrears for his property taxes. This is a man that's costing the city thousands of dollars in legal fees by fighting a domestic partner registry. A registry, I might add, that he claims would be bad to the city due to its expense.

At our last council meeting, Mr. Redhed had berated a council member on the view of the November election, citing, "Like it or not it was the democratic process". That is all good, but does the democratic process only work when it is your issues that win? The democratic process has gone forward and a domestic partner registry won, like it or not, Mr. Hicks. That is what has kept Cleveland Heights an open and accepting community. I find it ironic that you have the audacity to be prejudiced against a group of people when it wasn't so long ago that you would not have been allowed a seat on this city council. So my question to you is, do you or do you not believe in the democratic process? If you do, then it has spoken. If you do not, continue your legal fight, but step down from council. If you are fighting our city and costing us, as taxpayers, thousands of dollars and are not paying your taxes, which we are all expected to do, you do not represent the people of Cleveland Heights. I am asking that the Council re-evaluate Mr. Hicks, if at all possible. He holds an office with esteem, but is acting irresponsibly and is a poor example of what a council member should be. Thank you."

Council Member Hicks stated, "Just for the record, if anyone would like to go down to the county offices and check those taxes they will find that they were paid and they were not for my home, they were for a piece of land that my wife and I bought. So, the home that we live in, where our property is on - that we built a home in this community - the taxes have always been paid on time, but some vacant land that we purchased for our own pleasure, was behind. It was about 500 - 600 dollars and has since been paid, just for the record. The other information, if you'd like to speak with me afterwards about my views, I'd be more than happy to speak with you about my views on the domestic partner registry and where I stand."

"My name is Justine Vaughan Carter and my address is 1658 Compton Road. I'm here to put something out on the table which I feel is an issue that is being handled very poorly by your housing department. My property is south of the house that was set on fire, it was an arson and the date of that fire was July 14, 2003. There has been nothing done on that house. We have gotten the biggest run-around from the housing inspector, from the head of the housing department, who doesn't call back and return calls very well. We've had block meetings with neighbors that are adjacent to the property. In the beginning, we even offered to buy the property, if it was for sale, but we don't know all the legal ramifications and apparently this property is totally paid off. The mortgage was held by Ohio Savings and the insurance paid off the property, but there has been nothing done. You can't tell from the street as much as you can from our back properties because it's a brick house in the front and in the back it was clapboard and all of the clapboard is totally destroyed. The roof has a giant hole in it. I've been reading these articles about John Hay and their standing water in the pool, well, this house has standing water from the fire. I don't think it was ever cleaned out. Nothing has ever been done. We had to call to get the house secured because we found that there were beer cans and things being trashed in the house. A lock was put on the door, but there is an attached garage with two garage doors that can be opened. Anybody could go in there, just by opening the garage door and going in. It's just a disgrace and it's been that way for almost 18 months and we haven't gotten any satisfaction from the housing department and I'm just tired of it. I don't see why we have to put up with this with the amount of taxes that we pay. It needs to be out on the table for everybody to look at and find out why there can't be a resolution to this problem."

Mayor Kelley responded, "Thank you for bringing this to our attention. Kathleen Ruane is the Assistant City Manager, if you give your name and address to her we will have a meeting with you this week to see what we can do and where it is at, whether it is a court issue, whether it's an insurance issue or whatever. Give your name and address to her and we will get with you. This is the house on the west side of the street, up by Euclid Heights Boulevard. Am I correct?"

Ms. Carter replied, "Yes. The correct address is 1654."

Mayor Kelley continued, "It's probably about five or six houses from Euclid Heights Boulevard?"

Ms. Carter answered, "No, actually, it's the second house."

Mayor Kelley reiterated, "Okay. The second house, but it's very close to Euclid Heights Boulevard. See Kathleen Ruane. We'll have a meeting with you this week and we'll see where it's at and tell you exactly what we can or cannot do, either legally or whatever, but you'll get some action this week. See Kathleen and we'll get to work on it for you. Thank you for bringing this to our attention. Sorry, it came to this."

"I'm Paul Springstubb. I live at 1816 Wilton Road. I hadn't planned to speak, but the gentleman raised some - -."

Mayor Kelley interjected, "Welcome."

Mr. Springstubb continued, "Thank you. Happy to be here. I am a high school teacher at Shaker Heights for twenty years and Shaker, too, has had some bad press involving young people as you may well know. I have recently written to the Mayor and the Police Chief and the Superintendent and I'll alert Heights to this as well. After twenty years in the business, I really think our two cities share a kind of complexity that has not been addressed. Westlake enjoys homogeneity, quote, "homogenate". Rocky River the same and our communities are both diverse racially, culturally, and socioeconomically and

frankly, I don't think we've ever really found a way to completely handle that and in an informative way and I'm going to be short here and simply say, that what I've suggested to Shaker is that only, perhaps, a youth position, someone who is working to coordinate events with city police and school might be helpful. At Shaker, just one brief scenario, our present administration tends to drive the young people out of the building at 3:00. You talk to a cop in Shaker and they'll tell you, here comes our problem. Instead of the schools having an alternative, they, for their own reasons, feel that they need to get the kids out of the school and it then falls into the police hands. The library system has tried to handle this and libraries are turning more and more into sort of card-playing, you know, trash-talking to a degree, again offending citizens, again for no fault of the teenagers themselves. The truth is, I think, Heights has done a lot more for youth than Shaker has. We haven't really picked up the ball yet, but my thought is that somehow of coordinating efforts between city, police and school might be valuable. I guess I'll add one last thing since you seem to be paying attention to this, I also propose this, that a lot of our kids at Shaker Heights High School would really like to work and do everyday jobs and so some kids carry rakes and shovels around the city and the wary citizen often says no to a service that he really needs. I propose that the school create a list of capable teens for purposes of hauling, raking, shoveling and that the citizens might call the city for help and that through a city/school coordination we might get some more interaction between generations to break down some of these fears. Despite the fact that I think we love our diverse towns I still think there is a lot of wariness and uncertainty and that through some process we've got to realize that we are in complicated places here in many ways. Thank you."

Mayor Kelley said, "Thank you, Paul. Scott, I want to thank you for your comments and I just want to tell you a few things that are going on and it's certainly not an answer to everything and to try to answer Paul's questions, I may fumble a little bit, but I will make some points that will start to begin the dialogue that's already begun. As far as the city perspective, we do have two individuals that work at the high school and they were outside of the high school for many years in our programs, but they are actually at the high school working with some of the kids, younger kids in different programs; Mary Brewer and Gloria Cottingham. They have been doing that for a number of years. They are now, actually at the high school. We do have, with our senior citizens, we do have a chore program where we match up some of our younger kids to work for some of our senior citizens; to rake leaves, to shovel snow, to do general chores, even something as simple as to take the garbage out on garbage days. Some of our seniors just simply aren't capable to move a bag or two of garbage out on that Thursday afternoon due to various reasons. Maybe it will be the spouse has passed away and has left an elderly spouse in charge of the home, still yet, whether it be in any area of town. We also have stepped up the police. You probably didn't see it today, you were at Cedar and Lee, but I've seen it the few days I've passed by there at 3:00 - 3:30 or 4:00. We have stepped up a police presence in that neighbor, issuing jaywalking tickets, moving kids along and doing things. We did that immediately after the September 30th incident that happened at the CVS and we will continue to do that and we are coordinating that with the schools, with the full knowledge of the schools and we're looking to move that, I believe, it's no secret, even at the middle schools - not on a consistent basis but the behavior starts at an earlier age and moves on and maybe a little bit further. These are not exactly everything that's going to solve all the problems or the issues but we're moving in that direction. We are also very fortunate, the Vice Mayor Montlack and Councilwoman Dietrich attended a program last Tuesday that Heights Community Congress put on, beginning a dialogue and looking for solutions to some of these issues that you brought up at the schools. Now, do we solve all the problems or find out all the answers? No, but we began the dialogue. It's going to have to be a bigger community dialogue and bigger sessions.

Scott, since you and I have talked before about a variety of issues in this town, I want to keep you aware what's going on and probably sometime in January or February there will be a bigger dialogue and some more people will be invited and I'd like you to come. I know you've gone to the school board before. I saw you on tv and you discussed many of the issues you discussed tonight. I would encour-

age you to keep that dialogue going and keep your commitment to Cleveland Heights wherever you are at on this issue or that issue. I know you participated in our visioning process on one of the committees. There is no silver bullet to these issues or right answers. We're working together. In Cleveland Heights we have a history of tackling these tough issues and we will get through this together as a community. We will solve it. It is just one of those issues. Are things better than they were at the high school a month and a half ago? I certainly think so. We're working hand and hand with the school administrators. I know, I've met with the school superintendent and a number of board members and talked to them. We will work together. We will come up with solutions and believe it or not when it's over and done with, I think the community will be better off. Unfortunately, these things happen and we will get through it and we will do it together as a community and that's why Cleveland Heights is the diverse community it is and hopefully you can bear with us and we'll get through it together. Thank you."

Vice Mayor Montlack commented, "I, first of all, thank you, Mayor. I think Mayor Kelley handled that well in terms of some of the remedial kinds of efforts that are going on and I thank him. I would also like to mention that year-in and year-out both at our staff and council level we have committees that work specifically with the public school system on problems such as this. But, I will say, that in my opinion, Mr. Springstubb, in some of the issues that you mentioned and some of your analysis you were right on point. One of the points of consensus that I noticed at the Heights Community Congress sponsored meeting last week was a recognition that we've got to get back to basics in regard to school and community discipline. I think it was a good outcome. I think you can be rest assured on one thing, we recognize that this is a problem and when Cleveland Heights recognizes that they have a problem we don't try and smooth it over in some public relations blitz, we confront that problem. Every decade there is always somebody or somebodies announcing that Cleveland Heights is toast and you hope it doesn't happen. Actually, we get a little better every decade. We hear from our police chief, for example, that in relation to the 1970's our serious crime, our police blotter in general is a mere fraction of what it was and that actually the crime enforcement situation is far better. Never good enough, but far better. It was mentioned that there are a tremendous number of houses for sale. Now, I don't have any data on this, but frankly being in a real estate related business, I have to say I haven't seen that. I've seen some increase over the past few years which is related mostly to low interest rates and I've seen in the rental area a substantially higher number of vacancies all over the greater Cleveland area and these are related to a number of factors and are not specifically Cleveland Heights related. I'd want to see some real data on that as opposed to someone's antidote. Finally, I would just say that in terms of school discipline and school-related matters, we know that with changing school populations every year - and by definition schools are changing because every year you have a new class and that means that we have to redouble our efforts and rest assure that is happening and not just here on City Council but all across this community. We stakeholders, which means every one of our citizens, are working hard on that. Thank you."

Council Member Dietrich stated, "I attended that meeting also that Heights Community Congress sponsored. I hope I can explain this well. I've been noticing a growing consensus that it's time for us to address some things that we're going to have trouble addressing, just in terms of people who move here from other places, maybe parents who don't have the same expectations of their children's behavior - that sort of thing. For us, in Cleveland Heights, who tout ourselves and are proud of being accepting, tolerant, etc., it's very hard to get to a point where you're sort of saying, we've got to start expecting more people to have similar behaviors with each other, that we have to - almost like community standards. You know that sounds like intolerance. I don't know where the line is that something like that becomes intolerance and where it becomes creating a good positive community, but there are a lot of people talking about the fact that we really are going to have to address that. Now, I don't know how we're going to do it, but if anyone wants to help, anybody has any good ideas because it's a hard

subject to talk about. That's what I came away with."

Council Member Caplan stated, "I'm glad that you brought up the subject about the schools, Paul. Actually, it's courageous of people to come up before us and bring up issues because it doesn't just happen in this room, because it is on television. I think there is some courage about that and I thank you for bringing up the issues. The thing that's interesting about Cleveland Heights is that when somebody brings up a subject we try to talk about it. I chair a committee called the Youth Task Force and it is a group that meets. It's the library's administration, the school's administration, representatives from University Heights, sometimes from South Euclid, sometimes even from East Cleveland and police representatives from each of those cities. It looks at what's going on with the children in our school system and the children do of course come from University Heights as well as Cleveland Heights. At our last meeting, which was a few weeks ago, the principal of Heights High was there and there was a very candid discussion about what was going on within the high school and there was a discussion about similarities between Heights High and Shaker Heights this year. This seems to be a particularly difficult fall in terms of student behavior and the high school now has instituted, since the end of September, a zero tolerance for misbehavior. There is zero tolerance for any kind of fighting. Zero tolerance for any kind of aggressive behavior and so it's a beginning. Also, what has happened at the school is that conversations are going on with the adults and that's what needs to happen in this community and in Shaker too, about what can we as a community do, what needs to be done, how do we coordinate what's happening in the schools and what's happening in the rest of the community with the police, with store owners who are concerned and somebody else brought up that issue about how it affects the perception of outsiders to our city. So, we are talking about it. There are no easy solutions, but talking about it out in the open is one of the positives that we do have and lots of people are talking about in lots of different venues, trying to find little/small solutions because there isn't one big one. There is another piece to that. Some of the children have some difficulties with social behavior and the schools did just recently get a grant that's well over a million dollars a year called, Healthy Schools/Safe Schools, Healthy Schools/Safe Neighborhoods or Safe Cities/Healthy Schools, something like that. They are doing an enormous amount of social work, special attention to children who are falling through the cracks, doing some kind of special programming after school with junior high students. So there are a lot of activities that are going on within the school community, that most of the community doesn't know about. The only reason I mention it is so that you know you're not just crying out in the wilderness. There are lots of people who are paying attention. Some things are being done and there are lots of people looking for other kinds of solutions.

I can't resist commenting about the comment about people selling houses and it's been a mad sale. I will say that a couple of months ago we did a number of how many houses were for sale. This was at the end of August and the number was essentially the same as it's been for the past several years. Perhaps that agent sees more with their agency, but the numbers are the same and besides the fact that the houses are selling, people are buying them. People are buying them for a lot of money, some of those houses. Houses do turn over. People move for a lot of reasons. I'm sorry if the antidotal information is that some people are leaving because they're afraid. Other people are moving here because they see the advantage of living in the kind of community that we are and it's why we're all here. I think that information is not accurate and we can get the exact information because we do know how many houses are on the market and how many houses have sold. If you look around at all the development you'd be amazed to see how much development is going for a very lot of money and people are buying these new properties. That's my comment. Thank you."

Council Member Evans stated, "I would just like to remind our residents that they should take it as a responsibility and obligation to respond to this very negative press that we've been seeing lately. Writers have the perception that most of us are ready to throw the towel in and throw our hands up and

say it's all for naught, it's over for our city. You can speak out and tell them it's nothing like that, there are many, many wonderful people doing a lot of positive things here. There are still many great students that are graduating from the high school that are going onto bigger and better things. I think we have to take it as a responsibility to let the press know that you're upset about this.

The other thing to keep in mind when we talk about an increase in homes that are on the market for sale, you have to remind yourself that there was a time that we never knew when a home was for sale because we didn't have for sale signs in yards. Although, it may seem like there are more because we do see these signs, the numbers that we have been acquainted with show that the numbers are pretty consistent with previous years. Thank you."

Council Member Wilcox added, "Don't mean to delay our business agenda any longer but I thought I should speak up as well. I would just like to address the school situation. Obviously, I think the Mayor's right and others who have spoken here that it's going to take an effort by the community, by the city, by the schools, by the parents and the kids working together to try to address some problems that we recognize exist in the last couple of months. But, I did want to emphasize a couple positive things and one of those is from all the reports that I've heard, the behavior problems really are relatively a few number of children compared to the vast number of children that go to the Heights' system. I think we have to remember that there are a lot of good things happening in our school system and at Heights High. From personal experience, my youngest graduated 2 1/2 years ago. I remember, I've had a child in the Heights' system for seventeen straight years and through that period of time and during that time, I heard similar stories about the Heights' system and so forth. Our experience was a good one. Both of my children benefitted from the experience of going through the Heights' system. I fail to think that in the last 2 1/2 years that the schools have just changed that much that our schools are a place where we don't want to send our kids any more. I think we have to listen to the parents that are having good experiences at the schools and listen to what they say just as much as we hear some of the complaints and find out as a community how we communicate that and how we make our schools what we want them to be."

Council Member Hicks added, "I want to address the comments on the schools, since last time I just addressed the comments that were directed at me. In terms of the school system, having grown up in this community, having attended an elementary, a middle school and high school here in Cleveland Heights and being in the high school, being there in the 70's at a time when children were still children, I think, at this particular point in time, if a chicken had its head cut off in the courtyard and was allowed to run around, I think, that would be getting a lot more press now then it did back in the 70's when it actually happened. There's always, as the decades go on and as the kids change from the 70's to the 80's to the 90's, kids are kids. The thing that we're dealing with right now is that the moral values in each home is not the same, and that's the big buzz word right now and I think that's one of the things that Councilwoman Dietrich - and she can correct me if I'm wrong - people are trying to come with - how can we impose values, a set of values on the children that we want you to behave in a certain way at school, when there's a variety of ways that people act at home. Parents act at home - discipline happens at home, and so those are a lot of things that the community has to come together on and again, as a lot of my colleagues have said, that's something that will not happen over night.

I'm proud, though, I was going to save this for later on but it fits right now in terms of our housing department, in terms of Rick Wagner, who - as Councilwoman Caplan said, we have a lot of people that are buying homes, 600,000 - 500,000 - 400,000 [dollars], that are purchasing those homes in this community right now and we're continuing to have projects where those type of homes are developed. What Mr. Springstubb was saying is that there is an economic situation happening. There is an economic gap. We also have, what a lot of people don't want to talk about because they don't want to

offend anyone, we have a number of Section 8 residents in the community also. Again, when we say that word, Section 8, there's a negative connotation to it but the reality of the program and the design of the program is a good thing. The design is basically to take families out of a situation that is deemed to be a negative situation and give them an opportunity to live in a community and experience the good things of a Cleveland Heights. But what has happened in Cleveland Heights is that basically there's been re-segregation on certain streets, they have become all Section 8, which in terms of the people who it was meant to help can't live next door to or haven't been able to live next door to the residents who have been here for 20 years and 30 years and so that they could see what happens and what's supposed to happen in this community. And to Rick Wagner's credit and the whole housing department of Cleveland Heights we've been looking at that and we've had a zero tolerance. This program is for you to come into this community and benefit and not to harm us, and so his program has been to identify those residents who have benefitted from the Section 8 program- and come into Cleveland Heights and have disrupted our neighborhood and have disrupted our school system and get their certificates taken away so that they don't have the opportunity to live here if they are not going to take advantage of the positiveness of this community. There are some things happening. There are some good things happening and it's just not all a negative.

We've met with CMHA. They have a home ownership program. If they're spending hundreds of thousands of dollars in this community to benefit landlords, then we want them to spend some of that money to buy houses because if they buy the house and then the person who is in the Section 8 program is buying this home, then they will take care of it. They will make sure that their children, not only will they buy it, but they'll be in the neighborhood next to the person who has been here 30 years or 20 years and so that they can begin to know this is right and this is what you do and you set your garbage out like this and no we don't play the noise like this and our kids don't do this. But, if they don't have that availability, if they are just put in on a street next to another Section 8 person, next to another Section 8 person, then the learning is not there. Yes, we are looking at all those things. Yes, we do know that we have a problem. No, our head is not in the sand. We are trying to work on this problem. Will it happen over night? No. But have we been doing things? Have we been working on it? Yes."

Mayor Kelley added, "Just one last thing and I didn't want to snub you, Mr. Springstubb. I also want to invite you to the next meeting and I'll keep you in the loop. I realize you have a school schedule but I don't want to snub you when I invited Mr. Easter. I'd love you to be part of the solution also. I think we've kind of worked this just a little bit. Obviously, you see the passion Council has for this issue. We're never going to let go of our children in the community. We're dedicated to them and I really want to say on the record, I really feel strongly that 95 to 90 percent of the kids at the high school are good, solid kids that come from great families and we're not going to give up on them and we're not going to give up on the 3 to 5 percent of the kids that need better direction, better discipline."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have several items this evening. The first of which would be to request authority to advertise for bids for printing services for the Focus Magazine and the printing of the Parks and Recreation Brochure."

Mayor Kelley made them a matter of record and referred them to the Community Relations and Recreation Committee of Council.

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

Second by Council Member Hicks.

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

Nays: None

Motion passed

Mr. Downey continued, "Thank you very much, your Honor. In Council's packet you received a copy of Bid Document No. 2004-30, also known as the installation of an above-ground fuel storage tank at Fire Station No. 1. Your Honor, the lowest and best bidder is Lawhon & Associates, in the amount of \$32,500. Also, Your Honor, as you know, Chapter 911 of the Codified Ordinances and Chapter 743 of the Ohio Revised Code provides for the City Manager to act as the Director of Public Service in the City of Cleveland Heights and enact the laws and regulations that are necessary for the safe economical and efficient management of our water and sewer systems, including assessing and collecting water rates as are necessary. Therefore, the City's water rate for the year 2005 will be \$41.73 per thousand and the Homestead Rate will be \$29.76. That remains unchanged from last year. Your Honor, I would request that the bid tabulation and the notice of the water rate be made a matter of record."

Mayor Kelley made the bid tabulation and the water rates for the calendar year 2005 a matter of record.

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that six 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. 3044 Zachariha Cohen, 1552 Oakwood Drive, minimum yard requirements for principle uses; BZA Calendar No. 3061 Ari Nessel, owner, 1900- 1946 South Taylor Road, projecting-sign regulations; BZA Calendar No. 3062 Jacob Jerin and Robert Bartulovic, owners of a two-family dwelling at 1376-78 Edendale Street, dwelling unit requirements and off-street parking regulations; BZA Calendar No. 3064 Abigail Bole and David Watson, 3300 East Fairfax Road, minimum yard requirements for principle uses; BZA Calendar No. 3065 Linds Adams, 2945 Essex Road, accessory use regulations; and BZA Calendar No. 3066 Stephanie Griffin, 3590 Hartwood Road, temporary variance from the family definition. Your Honor, 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 PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is one piece of legislation and several Board of Zoning Appeals calendars on this agenda tonight. The legislation is Ordinance No. 176-2004(PD), ratifying and approving a settlement agreement entered into by the City's Law Director in Case No. CV-04-523299 involving a foreclosure at 1975 Lee Road, and authorizing the City Manager to execute mortgage releases and any other documents necessary to effectuate said agreement; and declaring an emergency.

Under Section 1 in this legislation it relates to the parcels of land on which the world famous diners rest. Just by way of background, the original ownership and management of those diners experienced difficulties and with a great deal of assistance - I would think - I know from the city staff, a transition has been made to a new group of owners and that required not only the efforts to secure those owners but discussions and agreements amongst various creditors of the original set of owners.

Pursuant to that and the foreclosure action that had been filed, the Council ratifies and approves the settlement agreement that was entered into in the case that I just cited on that foreclosure and authorizes the City Manager to execute mortgage and lien releases and take all other actions necessary for the settlement. The bottom line being that we're going to facilitate the new ownership, taking rapid control and reopening those diners very, very soon. Ordinance No. 176- 2004(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 176-2004(PD) for passage.

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Thank you. There are a number of resolutions from the Board of Zoning Appeals hearing that was conducted on November 17, 2004 starting at 7:30 p.m. All of the BZA resolutions relate to that particular hearing. In the first one, Calendar No. 3044 Zachariha Cohen, 1552 Oakwood Drive, in an AA single-family district, the applicant is requesting a variance from the minimum yard requirements for principle uses under the Zoning Code, to permit a pool enclosure.

I would hope that each of the cub scouts would go home tonight and perhaps see if their families would like to consider a pool enclosure at their residence and then report back anything you think would be okay on prime time. Actually, that's a joke. Don't do that.

The whole reason this came before the Board of Zoning Appeals or BZA was that the variance was already granted and approved by Council sometime ago but the construction didn't take place in a timely manner which is always one of the requirements under a BZA calendar item. Now, it's simply presented again for the same kind of approval and once again the Board of Zoning Appeals approved the variance or granted it because the proposed pool enclosure is only occasionally connected to the house; the rear yard is enormous and buffered from neighboring properties by trees and bushes. On this chair's motion, Calendar No. 3044 is presented for approval and adoption."

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack continued, "BZA Calendar No. 3061 is an application by Ari Nessel, owner of the mixed-use building at 1900-1946 South Taylor Road, in a C-2 local retail district. The applicant wants a variance from the projecting-sign regulations of the Zoning Code, to permit building identification signs without meeting all requirements of the projecting sign plan. This property is a Tudor facade. It is on South Taylor, north of Superior Parkway. The signage plan would involve one sign for a group of buildings that represents at least six contiguous properties. The applicant will suffer practical difficulty, so finds the BZA, if the variance is not granted because the property is unique, the building's design does not provide a location for a building identification sign, and the projecting style of the sign allows for contrast between it and the commercial identification signs which are on the building and are on each of the stores of the building. The issuance of such a permit would be as shown on plans submitted to the Board with a modification made by the BZA that the words "retail space available" where there are leasing opportunities not be included in that sign. Therefore, they are making sure that the

sign stays with the identification mode only. Of course, the Architectural Board of Review is to give its okay on the final design and with the construction to be completed within six months. Calendar No. 3061 of the BZA is presented on motion for approval and adoption.”

Second by Council Member Dietrich.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack continued, “In BZA Calendar No. 3062 the applicants are Jacob Jerin and Robert Bartulovic, owners of a two-family dwelling at 1376-78 Edendale Street, in an ‘A’ single-family district. The variance is from the dwelling unit requirements and off-street parking regulations of the Zoning Code. They are seeking to replace a two-car garage with another two-car garage where strict interpretation of the Zoning Code would require four enclosed parking spaces. The Board found practical difficulty on this request if the variance was not granted because construction of a four-car garage would require the removal of three large oak trees; there is a limited amount of space in the rear yard for a four-car garage; and the applicants’ predicament cannot be resolved without a variance. The other unusual conditions of construction within the period of time required are part of that. Calendar No. 3062 is presented on motion for approval and adoption.”

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack continued, “BZA Calendar No. 3064 Abigail Bole and David Watson, 3300 East Fairfax Road, in an ‘A’ single-family district, requesting a variance from the Zoning Code’s minimum yard requirements for principle uses. Principle uses meaning the dwelling residence - the house. This is to permit enclosure of an existing screened porch, which would result in the porch’s becoming, by definition, a part of the house. An unscreened open porch is not considered part of the house for the purpose of setback and other kinds of zoning requirements. It would thus cause the house to have a 3.5-foot setback from one of the side property lines [east property line]. This would be in violation of the strict interpretation of the Zoning Code. The Board of Zoning Appeals found practical difficulty because the setback would required altering the porch’s structure; the house’s footprint will not change; the enclosure will be unimposing and typical for this neighborhood; the variance is not substantial; and the applicant’s predicament cannot be resolved without a variance. Again, approval by the Architectural Board of Review is required here. Calendar No. 3064 is presented by motion for approval and adoption.”

Second by Council Member Wilcox.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack continued, “For those of you who have become bored with unanimous approvals of legislation and variances we now present BZA Calendar No. 3065 Linds Adams, 2945 Essex Road, in an ‘A’ single-family district, making application from the accessory use regulations of

the Zoning Code, to permit construction of a six-foot-tall fence in his corner side yard. The house being on two streets that form an intersection. The Board of Zoning Appeals found that there was practical difficulty in support of a variance because the applicant's property is on a high traffic corner. The fence is needed for security reasons, and the fence, as proposed, would be well-integrated into the applicant's property and would not adversely affect the neighborhood. The issuance of this special variance permit would be authorized to permit the applicant to construct this six-foot tall fence within a minimum setback from the right-of-way of 15 feet in his corner side-yard at 2945 Essex Road, as shown in plans submitted to the Board. I believe that's actually along Westminster at that corner. As other conditions, the applicant is required to obtain a fence permit and approval of the Architectural Board of Review and to submit for approval, to the Planning Director, a screening landscaping plan that would cover from public view, with construction to be within 180 days of approval by City Council, if that happens. Calendar No. 3065 is presented on motion for approval and adoption."

Second by Council Member Hicks.

Council Member Dietrich said, "You know I'll say something about this. I'm becoming the grinch when it comes to stockade fences in corner side-yards and I will be voting no on this as I have been recently. I've explained my little song and dance about it so many times that I don't really want to go into the whole litany again and bore people, but in a nutshell I think it changes the character of a whole corner to have stockade-type fences that are six feet tall at any one of the houses. I think that it does not say that this is a neighborhood, it says 'keep out' and I just don't think that we should become the kind of place that is sending that 'keep out' kind-of-message. As it happens, this is a house that I lived in for twelve years in the 70's and the 80's and I witnessed first hand the opportunities for neighborliness that living on a corner can give you. Believe me, it was a joy to live on a corner where there was not a major fence, keeping away that opportunity. I have to say that I know and I like the applicant but it's not going to sway me and I wish that people who decide that they need a fence would look at some of the other options instead of just thinking, "stockade fence - six feet tall", that people would think about something a little bit more transparent, that just gives a little bit more neighborly look. That is my two cents on that topic, again."

Council Member Caplan added, "I'm part of that same chorus. I think that building six-foot-high fences on corners or on front yards gives a message that isn't the message that I think Cleveland Heights is about. I think there are lots of ways to protect your property with more open kind of fences, with vegetation, with shorter fences and actually the argument has been that homeowners should be allowed to do whatever it is they want, but our job both on BZA and I think on Council is to look at the whole community. We don't allow people to do whatever it is they want. We don't let them grow their grass to three feet tall. We don't let them keep rubbish in the front yard. We don't let people make too much noise and disturb their neighbors, that what we're looking for is both individuality but also being responsive and responsible to your whole community. I think six-foot- high closed fences that don't allow some visibility and just gives the message, 'stay away' is not good for the community at-large, so I also will be voting no. I sing the same song every time these come before us."

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

Nays: Caplan, Dietrich

Resolution confirmed

Vice Mayor Montlack continued, "Now back to peace and tranquility with BZA Calendar No. 3066, Stephanie Griffin, 3590 Hartwood Road, requesting a temporary variance from the family definition of the Zoning Code, to permit the applicant's three nieces to reside with her until June, 2005. This situation, because of certain family circumstances, obviously some nieces are residing with her tempo-

rarily. The BZA found practical difficulty in that the children are related to the applicant and have no other place to reside at this time; the children need to stay in school until their mother finds a permanent residence, and the applicant's predicament cannot be resolved without a variance. The variance is being proposed only until June, 2005. Calendar No. 3066 is presented on motion for approval and adoption."

Second by Council Member Dietrich.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack commented, "I did have some comments on developments at the National League of Cities Annual Conference that I attended last week and despite what will be disappointing to the group here and at home, because of the length of other discussion I will wait until our next meeting to go over those. With that, that completes this report."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Ordinance No. 177-2004(PSH), authorizing the City Manager to enter into an agreement with Burgess Hearse & Ambulance Sales, Inc. for two new ambulances for the Fire Department; providing compensation therefor; and declaring an emergency. The Fire Department has determined to purchase two new ambulances to replace aging units. Ohio Revised Code Section 125.04 authorizes municipal corporations and other governmental entities to purchase supplies, equipment and services through the Ohio Department of Administrative Services Cooperative Purchasing Program without obtaining competitive bids. About sixteen years ago we made this possible by Resolution No. 115-1988. The City Manager has determined that the selected vehicles may be purchased through this State Cooperative Purchasing Program at a lower price than could be obtained through bidding, and that it would be in the City's best interests to purchase said vehicles by this means. Section 1 states that no more than Three Hundred Three Thousand One Hundred Four Dollars (\$303,104.00) should be spent for both of the ambulances and the purchase of the vehicles shall be financed by municipal lease by an appropriate financial institution. I'd like to submit Ordinance No. 177-2004(PSH), for passage."

Mayor Kelley accepted Ordinance No. 177-2004(PSH).

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

Nays: None

Ordinance passed

Council Member Evans continued, "Next, is Ordinance No. 178-2004(PSH), amending Section 355.07, "Fees and Rental Periods," of Part Three, "Traffic Code," of the Codified Ordinances of the City of Cleveland Heights to raise the fees for parking permits and replacement permits; and declaring an emergency. Whereas, the City has not increased its general fee for parking permits since 1999. The City's costs with respect to the maintenance and repair of public parking lots have increased substantially since that time. It is necessary to raise the fees for original and replacement permits to more adequately cover said costs. In Section 1, Subsection (a) of Section 355.07, "Fees and Rental Periods," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended so that henceforth said subsection shall read as follows:

355.07 FEES AND RENTAL PERIODS.

(a) Except as provided in subsection (b) hereof, the fee for each permit issued under the provisions of this chapter and for each renewal thereof shall be ninety dollars (\$90.00) for each rental period. Rental periods for all permit spaces shall be for three months, expiring on March 31, June 30, September 30, and December 31 in any year. When a permit is issued after the first day of any rental period, the amount of the fee shall be prorated for the unexpired days remaining in such period.

Section 2 reads Subsection (c) of Section 355.07:

(c) The fee for each transfer or replacement permit shall be five dollars (\$5.00).

Section 3 which is Subsection (d) of Section 355.07, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is repealed. Section 4, the effective date of this Ordinance shall be January 1, 2005. I'd like to submit Ordinance No. 178-2004(PSH) for passage this evening."

Mayor Kelley accepted Ordinance No. 178-2004(PSH) and stated, "I just want to correct one thing. In the first whereas, it was 1993, was the last time the general fee for parking permits were raised, much before Councilwoman Caplan and I came on City Council. I remember the lively discussion in the later part of that year. I know the media's here, it was 1993, so it has not been raised in almost 12 years or 11 years, which calendar - you can figure it out. It's been a while. The whereas is incorrect as stated on the legislation."

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

Nays: None

Ordinance passed

Council Member Evans continued, "Next is Resolution No. 179-2004(PSH), declaring the property at 1122 Cleveland Heights Boulevard to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency. The City Manager and the Certified Building Official have reported to this Council that the residential property known as 1122 Cleveland Heights Boulevard owned by Douglas K. Burden and Francoise McCall Burden has not been maintained for a number of years and is in a state of severe disrepair. The City Manager and Certified Building Official have further reported that the owners of the subject property have been cited by the Housing Inspection Department for numerous housing code violations on the property over the past several years and that no progress has been made toward correction of the violations. It has been further reported that the property has deteriorated over the years to the point that it is a hazard to the health, safety and welfare of potential occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property.

As you know, we probably present approximately twenty of these nuisance abatement resolutions a year. I'm sorry that a couple of our resident speakers left for the evening, because this has been a good way for us to clean up the exterior of some properties that have really been in very, very pool conditions. This particular property - we're going to need about a little over 3,000 dollars to make these exterior repairs and it includes scraping and painting the house, scraping and painting the garage, remove a side door, repairing a shutter and some yard cleanup, which has already taken place to be truthful. These things really, really are beneficial for any neighborhood and it's a technique that we will continue to use. Many of you complain about your systematic inspections, which you know are every five years, but there are still some that continue to fall through the cracks in between those five years. So, this is one of the techniques that can be employed. I have the displeasure of living next to a house

that had fallen into a condition like this for about a year and a half. My heart really goes out to people who have to live with these conditions, but keep in mind that we move as quickly as we can with these. Certainly, if you have a house next door to you that you feel that has not been dealt with then you can certainly give us a call and we will check out all of the parameters for you and get back to you about it. I'd like to present Resolution No. 179-2004(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 179-2004(PSH).

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

Nays: None

Ordinance passed

Council Member Evans stated, "I, too, had planned on making some comments or reading portions of letters that our police department had received from residents commending them about the wonderful job they've done and maybe I'll read them at a later time. That concludes my report for the evening."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. There is no legislation but I do have two appointments to make. The terms of two of our seven current Planning Commission members will expire on December 31, 2004. Both Russell Baron and Ezekiel Burrows are eligible for reappointment and have indicated that they would like to serve for another six years, which I know sounds long, but that is the term for Planning Commission specified in our Charter. I would like to offer Russell Baron and Ezekiel Burrows for reappointment to the Planning Commission for six year terms beginning January 1, 2005 and ending December 31, 2010."

Second by Council Member Hicks.

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

Nays: None

Reappointments passed

Council Member Dietrich continued, "We need applicants from the Millikin neighborhood. On our boards and commissions we do like to keep it all balanced out in terms of neighborhoods, male/female. Millikin is a neighborhood that isn't well represented on our boards and commissions, so if you are person that lives in the Millikin neighborhood and you would like to serve on a board or a commission, particularly the Citizens Advisory Committee is what we're looking for at the moment, call City Hall for an application and if you are a person who has applied for a board or commission and you happen to be from the Coventry or Roxboro neighborhoods and we haven't called you and asked you to take a position it's because we are awash in people from Roxboro and Coventry and there's just too many applicants from those neighbors. So, I'm sorry if some of those people have to kind of sit tight."

Mayor Kelley asked, "Do you want to mention the Cable opening?"

Council Member Dietrich replied, "No, I don't need to because if somebody applies they could be for that too."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. I have one piece of legislation. I have Resolution No. 180-2004(CRR), authorizing the City Manager to accept a grant from the Western Reserve Area Agency on Aging on behalf of the City of Cleveland Heights Office on Aging, and to execute the grant agreement; and declaring an emergency. In past years the City's Office on Aging has received grants from the Western Reserve Area Agency on Aging ("WRAAA") for the provision of transportation, socialization and other support services to older persons in the community. This year the grant is in the amount of Twenty-six Thousand Seven Hundred Thirty-five Dollars (\$26,735.00) has been awarded by the WRAAA to the City's Office on Aging for transportation services. Acceptance of the aforesaid grant requires the City to execute an agreement with the WRAAA to continue the provision of transportation services to older persons by the City's Office on Aging, upon substantially the same terms and conditions as the City's prior agreements with the WRAAA. Acceptance of this grant will facilitate the delivery of necessary services to the City's older citizens without interruption or delay, and is in the best interests of the City and its residents. Therefore, be it resolved by this Council that the City Manager be authorized and directed to accept a grant award from the Western Reserve Area Agency on Aging in the amount of Twenty-six Thousand Seven Hundred Thirty-five Dollars (\$26,735.00) on behalf of the City of Cleveland Heights Office on Aging, as described in the Notice of Award from that agency to the City's Office on Aging, a copy of which is on file with the Clerk of Council. The City Manager is authorized and directed to execute any and all documents necessary for acceptance of the grant. Notice of passage shall be given. I offer Resolution No. 180-2004(CRR) for passage tonight."

Mayor Kelley accepted Resolution No. 180-2004(CRR).

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

Nays: None

Resolution passed

Mayor Kelley commented, "We certainly want to thank the Western Reserve Area Agency on Aging for their generosity on behalf of our seniors."

Council Member Caplan continued, "Thank you. I second that thank you. It's wonderful to see what our senior residents can do by being able to be taken to our Community Recreation Center and the services that having transportation provides is really quite wonderful. So thank you, also.

The only other comment or announcement I have is tomorrow night is the first night of Hanukkah and so I wish all of our Jewish residents a very happy joyful holiday. Thank you. That's all."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. I have two year-end budget ordinances that I need to introduce on first reading only tonight that's an amendment to our 2004 appropriation ordinance and an ordinance authorizing the 2005 appropriations. I just wanted to make a comment before I review the legislation. It should come as no surprise that our 2004 and 2005 budgets continue to require a great deal of attention because the economic recovery has been relatively weak in Ohio, including northeast Ohio, we have not seen the kind of growth and revenue we would expect, particularly when it comes to funds that cities have traditionally received from the State of Ohio. Although Cleveland Heights has done well in the growth of our income tax and other local revenue sources, we have not received any increase in the share of taxes our residents pay to the state that are returned to local government through the Local Government Fund. In fact, the share of revenues in this category has fallen by almost two million dollars from what the city received just four years ago. While most of this is attributable to the reduction of estate tax in Ohio, the amount the city receives from other taxes

that our residents pay to the state has been frozen to the levels of past years. For example, we have actually seen less revenue in this category than we did four years ago despite the state raising the sales tax by one penny last year. On the positive note, the City Manager and his staff have worked diligently with the Council to insure that we have the sufficient revenues to deliver excellent city services in a cost effective way. Both the 2004 and 2005 budget ordinances reflect these efforts.

I want to thank the City Manager and the staff for their constant attention and effort to these issues. I also want to again thank the voters for their support for Issues 27 and 28, which contribute to our balanced budget in 2005. We feel confident going into 2005 about the city's financial situation. However, we will continue to face challenges, especially if the State of Ohio decides to further cut local government funding or the amount of taxes that they return to cities to balance its next budget beginning July 1st. The City will do its part to keep our local economy strong by continuing efforts to revitalize our neighborhoods with new housing and our commercial districts with new development. We will continue to look for ways to deliver services as efficiently as possible. I know with the cooperative efforts of Council and our City Manager and staff we will be successful in meeting our goals.

I have Ordinance No. 181-2004(F), to amend certain subparagraphs of Ordinance No. 175- 2003(F), as amended relating to appropriations and expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2004; and declaring an emergency. Section 1 of this Ordinance provides for all the appropriations for current expenses and other expenditures of the City for fiscal year ending December 31, 2004. It also increases, decreases, transfers various amounts as set forth in the Ordinance. There are approximately ten pages of these transfers, both in their general funds and our special funds of the city, and I'm not going to go through those, but they are on file and available at City Hall through the Clerk of Council. Section 2 of this Ordinance (I will say that the General Fund expenditures for 2004 will not exceed \$41,131,508) also provides for monies to be transferred from various funds as set forth in Section 2. Section 3 of this Ordinance authorizes the City Manager to make temporary advances from any unrestricted fund to any other fund in amounts sufficient to cover a deficit balance. I present Ordinance No. 181-2004(F), first reading only for tonight."

Mayor Kelley accepted Ordinance No. 181-2004(F), First Reading.

Council Member Wilcox continued, "Next, I have Ordinance No. 182-2004(F), to make appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio, for the period of January 1, 2005, through December 31, 2005; and declaring an emergency. Section 1 in this Ordinance also sets forth the current expenditures for the City for the fiscal year ending December 31, 2005 and includes our general fund and our special funds. The General Fund number for 2005 is \$40,620,751. Section 2 lists the expected transfers for 2005 and Section 3 also authorizes the City Manager to make temporary advances to cover deficit balances. I present Ordinance No. 182-2004(F) on first reading tonight."

Mayor Kelley accepted Ordinance No. 182-2004(F), First Reading.

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have two pieces of legislation this evening, but first I want to say that I was not here at the last Council meeting but I would have voted for Ordinance No. 164 and 165 that Councilwoman Caplan so aptly did in my absence. I didn't want anyone thinking I was ducking the sewer rate increases or the fees established for the solid waste collection. Actually, I was out-of-town on business.

I have Ordinance No. 183-2004(MS), authorizing the City Manager to enter into an agreement

with the Buckingham Condominium Association for a utility easement; and declaring an emergency. The City Manager is authorized to enter into an agreement with the Buckingham Condominium Association for a utility easement across a portion of City-owned property fronting on Cedar Road and identified as Permanent Parcels No. 685-18-018 and 685-18-019. The easement shall be for the placement of a new underground electric line and associated equipment. The agreement shall provide for the relocation of the electric line at Grantor's request in the event the City determines to utilize the property for development or other public purposes. The agreement shall further require the Grantee to hold harmless and indemnify the City for any claims arising from the Grantee's use of easement area, and shall be approved as to form by the Director of Law. Your Honor, I offer Ordinance No. 183-2004(MS) for passage this evening."

Mayor Kelley accepted Ordinance No. 183-2004(MS).

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

Nays: None

Ordinance passed

Council Member Hicks continued, "I have Resolution No. 184-2004(MS), authorizing the City Manager to enter into an agreement with the Ohio Department of Natural Resources for the purpose of obtaining grant monies pursuant to Chapter 1502 of the Ohio Revised Code for recycling and litter prevention programs; and declaring an emergency. Whereas, the City of Cleveland Heights recognizes the need to address recycling and litter prevention concerns within the boundaries of this City and to deal with these issues at the local level; and whereas, the Ohio Department of Natural Resources, Division of Recycling and Litter Prevention, under the authority of Chapter 1502 of the Ohio Revised Code, allocates funding in the form of grants to supplement local recycling and litter prevention programs; and whereas, it would be in the City's best interest to obtain a grant from the Ohio Department of Natural Resources to help augment and defray the costs of the City's recycling and litter prevention programs; and whereas, the Ohio Department of Natural Resources, Division of Recycling and Litter Prevention, has notified the City that it has been awarded a grant in the sum of Fifty-six Thousand Six Hundred Dollars (\$56,600.00). Now, therefore, be it resolved by the Council of the City of Cleveland Heights, Ohio, that: This Council hereby endorses and supports a 2005 Recycle, Ohio! Grant Program for the City of Cleveland Heights, and authorizes the necessary in-kind contributions or matching funds to implement said program as indicated in its application, a copy of which is on file with the Clerk of Council. The City Manager be, and he is hereby, authorized to enter into and execute an agreement with the Department of Natural Resources to implement the grant program. The City of Cleveland Heights hereby requests the Department of Natural Resources, Division of Recycling and Litter Prevention, to fund its program as described in the application. Section 4, the Mayor is hereby designated as the Authorized Official and is thereby the official signatory for all grant documents. Section 5 is the notice of passage and Section 6 is declaring this to be an emergency measure. Your Honor, I offer Resolution No. 184-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 184-2004(MS).

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

Nays: None

Resolution passed

Mayor Kelley stated, "I want to thank the Ohio Department of Natural Resources for their generosity."

Council Member Hicks added, "So do I, and before I forget I want to ask the City Manager to add to our meeting next week, an overview of the expected uses and an overview of the program from 2004 from the grant from last year. I just need to take a look at that. That concludes our legislation, just a couple comments.

Just as Councilwoman Evans had some positive letters about the police department, we have some positive letters about our municipal services department, who have been doing an outstanding job on leaf pickup. I won't read the letter, but the complaints this year have been nil to none and we just want to thank them for getting those leaves picked up very quickly.

Just mark your calendars. The Martin Luther King ceremony will be held Monday, January 17th at 7:00 p.m. at the Community Center. The theme this year is 'The self cannot be self, without other selves' and the reason I want to mention that today is because there is a section for a resident, an adult essay contest. A lot of times we don't get the adult participation. We get the participation from the schools but we would like adults to submit essays about what that statement means to them. The self cannot be self without other selves. I want to thank Ronald Williams, a resident for writing a letter to the editor of the Plain Dealer and in the Sun Press that said, "Heights kids need home training." It was a very good article. You can get last week's Sun Press and it was in there, but very informative.

Last thing. I just want to thank - - and those kids [who] left from Canterbury, but I went to Canterbury School for Career Day, but I just wanted to thank these young kids who submitted thank you letters to me. I told them if they sent me anything I would thank them on tv so I'm going to do this. Paris Hicks, thank you for your letter. Jolin Sakas, thank you for your letter. Cris Howell, Michael Warren from Canterbury. Tiyanina Price, Ronald Flowers III, Gwen Donnelly. Thank you very much. They did very nice letters and they all drew pictures. It was very nice and I really appreciated it. I didn't even think they were listening to me, but their letters showed me that I did say something that stuck with them.

The last thing that I want to say, because I don't know if I'll get another chance, well, we do have another meeting, but I was given this quote today and I wanted to say it today and maybe I'll say it next year too. It says, 'I distinguish between 2 kinds of politicians. There are those who view politics as a tactical game. A game in which they do not reveal any individuality and which they lose their own face. There are, however, leaders for whom politics is a means of defending and furthering values. For them it is a moral pursuit. They do so because the values they cherish are endangered. They are convinced that there are values worth living for and there are values that are even worth dying for. Otherwise these politicians would consider their life and their work to be pointless. Only such politicians are great politicians.' That was Lech Walesa, July of 2004. I don't know where history would have me, in terms of being a politician, but I do know this quote speaks to me and that as I go into 2005 and into the last year of my second term on City Council, I want everyone to know that I will be working toward a third term on City Council. Thank you. That concludes my comments."

REPORT OF THE MAYOR

Mayor Kelley stated, "I do have a very small Mayor's Report. I have a notice of a public hearing. It's too bad our cable representative left early. Actually, it wasn't early, it was probably late in the meeting. They have been here the last few meetings, so we'll let her know anyway. I'm sure we'll notify them. It's a notice of a public hearing as part of the City of Cleveland Heights' Cable Television Franchise renewal process with Adelphia. A public hearing will be held on the 20th day of December which is two weeks from tonight, December 20th commencing at 7:00 p.m., here at City Hall which is located at 40 Severance Circle, beautiful Cleveland Heights, Ohio. The zip is 44118. The purpose of this hearing

is to offer the public, which is our great citizens of Cleveland Heights, an opportunity to comment on the following subject: 1) The performance of Adelphia during the term of the current franchise; 2) The community's future cable-related needs and interest. Because the purpose of this public hearing is to hear from the City's residents, Adelphia will not be permitted to respond during the hearing, but we certainly welcome any and all Adelphia folks who periodically come to our meetings and that's been a lot lately, to come and sit in the audience and anyone from our public to come to the meeting. Again, that is two weeks from tonight on Monday, December 20, 2004 at 7:00 p.m. here in Council Chambers.

One other very small thing, due to the Christmas/New Years holiday, on Friday, December 24 and Friday, December 31, to celebrate the holidays, the Community Center will also be closed. Mr. Downey, I believe we will be doing trash pick up those days?"

Mr. Downey affirmed such.

Mayor Kelley continued, "Our municipal service workers will be working on those two days, faithfully picking up your garbage at the crack of dawn to get home with their families to enjoy those two holidays. But, again, City Hall offices, the Community Center will be closed on Friday, December 24th and Friday, December 31st to celebrate the Christmas holiday which falls on a Saturday and New Year's Day which also falls on a Saturday.

I want to thank you for coming. Our last Council meeting of the year will be held on Monday, December 20, 2004 at 7:30 p.m. and again, the public hearing as far as the Cable issues, will be at 7:00 p.m. Thank you for coming to this very long meeting, but it was a very beneficial meeting. We got a lot accomplished and we heard a lot from our residents. Thank you for coming. We are adjourned at 9:27 p.m."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc