



CLEVELAND HEIGHTS

MINUTES OF THE COUNCIL MEETING OF MONDAY, DECEMBER 1, 2003

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

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Czaga, Downey, 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 7:27 p.m.

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

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Czaga, Downey, Niermann O'Neil, Ruane, L.Wagner, R. Wagner, Wong, Zins

The minutes of the Regular Council Meeting held Monday, November 17, 2003 were approved and signed by Mayor Kelley along with the resolutions passed at that meeting.

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have several items this evening. In your packets, Council received a copy of Bid Document No. 2003-24 for the purchase of a side loading refuse packer truck. The lowest and best bidder was the Best Equipment Company in the amount of \$127,461.00. Also Bid Document No. 2000-33, a one-year extension of our current contract for public works department uniforms with the Cintas Corporation. That bid was \$28,745.20. Your Honor, I request that those bid tabulations and award of contract be made a matter of record."

Mayor Kelley made them a matter of record.

Mr. Downey continued, "I have one other item and I'd like to make a comment or two. Later on in the evening Council will be considering Ordinance No. 175-2003, the appropriation ordinance for next year, 2004. Preparation of that appropriation Ordinance 175-2003 was especially challenging this year. Like most cities around the country, economic challenges have made all of us more aware of the need for cost effective adjustments to our expenditures. To fully study all the aspects in preparing the 2004 budget we convened a task force in the spring of 2003 under the supervision of the Vice City Manager Kathleen Ruane. The task force was comprised of all of our department directors and most of the division supervisors. And the primary directive to them, was to make 2004 budget recommendations that would not effect the excellent essential services that our citizens deserve, but would reflect necessary belt-tightening to achieve a balanced budget. At the initial meeting, each staff person presented their proposed 2004 budget to the task force with an explanation of the reasons behind their expenditure requests. At subsequent meetings, staff questioned and critiqued each others' budgets and discussed how each line item fit into the overall goals and needs of the City of Cleveland Heights. Task force members were then asked to present 2004 budget requests to me that reflected ten and twenty percent reductions in both personnel and operations. Using the task force report as a guide, we began to take measures that are reflected in this 2004 appropriation ordinance. In the area of personnel, thirty staff positions: Twenty-two full-time and eight part-time were eliminated and let me explain how this was accomplished. Fifteen of the thirty staff positions were vacated through attrition. In other words, when an employee resigned or retired and that position was not filled, yet each department was asked to absorb those duties into their existing jobs. In addition, another fifteen positions were fazed out. These personnel adjustments were made after careful analysis by the staff of the operation needs of their departments. At all times, the primary objective was to maintain excellent services for our residents. These changes alone will result in an approximately 1.3 million dollar savings. Operational expenses were also looked at. Every line item, in every budget was reviewed, including overtime, healthcare, travel, etc., and in addition, job sharing was instituted throughout city hall when appropriate and some reorganization of responsibilities was instituted in a number of divisions. I'm very happy and proud to say that no cuts were made in our safety forces, as our community has a strong tradition for excellent response times. Our police and our fire and our EMS are the best. The City of Cleveland Heights always faces its challenges head on, that's why we continue to be a vital inner-ring suburb that we are today. Economic challenges are some of the most difficult that a city can face because people in jobs and the providing of those services are involved. As City Manager I'm very proud to present the 2004 budget to you as well as Ordinance No. 175-2003 for your consideration this evening. As a team, we are all committed to a vital and strong future for our city, including the Council and the staff and although some of the decisions were difficult ones, I am confident they are the right ones. The budget that's presented is a solid one for next year and the changes that I just mentioned have already been put into place and hence we are positioned very well for what lies ahead in 2004. It will provide what our community needs to continue to be a safe, full-service diverse community. Your Honor, those are my comments regarding the appropriation ordinance."

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that five (5) 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. 3025 Daniel and Christine Guggenheim, 1929 Coventry Road, accessory use regulations; BZA Calendar No. 3027(a) Dino Palmieri/Palmieri Builders, 2500 Fairmount Boulevard, minimum yard regulations; BZA Calendar No. 3027(b) Dino Palmieri/Palmieri Builders, 2500 Fairmount Boulevard, minimum yard regulations; BZA Calendar No. 3027(c) Dino Palmieri/Palmieri Builders, 2500 Fairmount Boulevard, accessory use regulations; and BZA Calendar No. 3028 John and Elizabeth Feighan, 2260 Harcourt Drive, accessory use regulations. I wish 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 PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. I'd like to present Resolution No. 170-2003(PSH), supporting the Breast Cancer Patient Protection Act of 2003; and declaring an emergency. Whereas, the Breast Cancer Patient Protection Act of 2003 has proposed to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer. The Breast Cancer Patient Protection Act of 2003 proposes to further amend the Public Health Service Act to prohibit group health plans and health issuers offering group health insurance coverage, with regard to hospital stays in connection with breast cancer treatment, from: (1) covering less than 48 hours after mastectomies or less than 24 hours after lymph node dissections, or (2) requiring plan or issuer authorization for prescribing any length of stay. The Breast Cancer Patient Protection Act of 2003 proposed to further amend the Public Health Service Act to prohibit: (1) the denial of eligibility, enrollment, or renewal to avoid these requirements, (2) the provisions of payments or rebates to women, and (3) the penalization or provision of incentives to providers; and to apply the same requirements to issuers in the individual market. Section 1 reads that the City of Cleveland Heights expresses its strong support to the President of the United States and the United States Congress of the adoption of the Breast Cancer Patient Protection Act of 2003 to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurers and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer. Section 2, the Clerk of Council will forward a certified copy of this Resolution to President George W. Bush, Vice President Richard Cheney, Senate Majority Leader Bill Frist, Speaker Dennis Hastert, United States Senators Mike DeWine and George Voinovich, and Representatives Sherrod Brown, Dennis Kucinich, Steven LaTourette, and Stephanie Tubbs-Jones. I'd like to present Resolution No. 170-2003(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 170-2003(PSH) for passage.

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

Nays: None

Resolution passed

Council Member Evans continued, "Ordinance No. 171-2003(PSH), amending the Appendix of Part Three, "Traffic Code," to recognize the dedication of Severance Circle Drive as a public road; and declaring an emergency. Whereas, by Ordinance No. 55-2002 this Council accepted the dedication of the Severance Town Center Ring Road and its access roads. It is necessary to amend the Appendix of Part Three, "Traffic Code," to recognize the dedication of these roads. Therefore, be it ordained by the Council of the City of Cleveland Heights, Ohio, that: Section 1. Schedule II of the Appendix of Part Three, "Traffic Code," shall be and hereby is amended to include the following stop intersections on Severance Circle Drive: For vehicles driving on Severance Circle the required stops will be at Access Road No. 2 (from Mayfield Road - west entrance) (four-way stop); Access Road No. 3 (from South Taylor Road - north entrance) (three-way stop); Entrance to Kensington Apartments (30 Severance Circle Drive) and Convenience Wing of Severance Town Center (four-way stop); Entrance to Kaiser Building (10 Severance Circle Drive) and portion of Severance Town Center inside Severance Circle Drive (four-way stop); and Entrance to Medical Arts Building (5 Severance Circle Drive) and portion of Severance Town Center inside Severance Circle Drive (four-way stop). Then when driving on Access Road No. 2

from Mayfield Road to Severance Circle Drive the stop will be at Severance Circle Drive and Access Road No. 3 from South Taylor Road to Severance Circle Drive the stop will be at Severance Circle Drive. Section 2 Schedule IV of the Appendix of Part Three, "Traffic Code," shall be and hereby is amended to include the following signal locations on Severance Circle Drive: The designated street is Severance Circle Drive. The signal location will be at Access Road No. 1 (from Mayfield Road - east entrance); and Access Road No. 4 (from South Taylor Road - south entrance). I'd like to present Ordinance No. 171-2003(PSH) for passage."

Mayor Kelley accepted Ordinance No. 171-2003(PSH) for passage.

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

Nays: None

Ordinance passed

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. There is no legislation but I did want to report on something. Last week in our weekly packet we received items that were unrelated to each other but I thought (they were separate from each other) but I sort of thought they were related and I wanted to point out the relationship because it made sense to me. One item was letting us know that our Commission on Aging is focusing for 2004 on the issue of affordable senior housing. Well, obviously they are focusing on it because they see a need for affordable senior housing and they must feel that our new developments are maybe too pricey or maybe too multi-level for them to want. The other item in the packet was a print-out that we get every few months of all the Cleveland Heights homeowners who have borrowed money through the county's - it's called the HELP program - it is the Home Enhancement Loan Program, which is a link deposit program that was initiated about four years ago by the county in conjunction with some of the first ring suburbs. The HELP program allows homeowners to borrow money at 3% below prime interest rate to do home improvements and you don't have to be a certain age or a certain income or live in a certain kind of house to be eligible and what we were receiving was information that in the past four years Cleveland Heights' residents have borrowed over 5 _ million dollars through the HELP program. I started thinking about the HELP program as being a possible really good match for seniors who would like to make their current home more senior friendly or perhaps even sell their current large Cleveland Heights home and buy a new smaller Cleveland Heights home and make it more senior friendly. It seems a shame to me that some Cleveland Heights people feel they have to move out of town to find a small house with a first floor bedroom and a first floor bathroom when there are so many nice lovely smaller homes in Cleveland Heights with a little bit of renovation which could be done maybe pretty easily with the help of HELP. They could do things like first floor bedrooms, first floor bathrooms that would make their own Cleveland Heights home more appropriate for them to live in, in their senior years. I just thought I would remind people, not just seniors but everybody of the existence of the Home Enhancement Loan Program and remind you also that you can get applications at the five participating banks which are Fifth Third, First Merit, Firststar, Huntington and Key Bank. That's all that I have."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. I don't have any legislation tonight and I've sort of a fun announcement. Cleveland Heights is going to be the host of the US National Short Track Championship Skating Event, February 26 through the 29th. Short Track Championships will allow lead skaters from around the country to compete and then get a spot on our Olympic team. If you'd like to go and see them - it's not really hard and it's not terribly expensive because they're coming to what they

call in their brochures, 'Our World Class Venue'. It's really - it's fantastic that it's coming here. They're not terribly expensive and you can either go online to www.usst.com. It's the United States Short Track Championships 2004.com or there's even a phone number 216-621-0600 to find out about tickets. You're going to see the really major skaters and I forgot what the guy's name who won the American skaters--"

Mr. Downey interjected, "Apollo Anton Ohno."

Council Member Caplan continued, "That's who it is and he's going to be here."

Mayor Kelley asked for him to repeat the name.

Mr. Downey said, "Apollo Anton Ohno."

Council Member Caplan said, "He's going to be here and his picture is even right there (pointing to picture in brochure). It might be a fun thing to do. It's a weekend. It's February 26th through the 29th. If you want tickets, think about it soon and don't forget to come ice skating on our world class rink now. It's open. It's wonderful and with your id you can come and skate anytime and we welcome you. That's all I have."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are four pieces of legislation from the Finance Committee tonight. The first one is Resolution No. 172-2003(F), authorizing the City Manager to enter into an agreement with New World Systems for software maintenance; providing compensation therefor; and declaring an emergency. In 1989 the City purchased and installed financial and payroll software systems from ("New World Systems"). The City subsequently entered into agreements with New World for upgrades and maintenance of the systems. The City has received a proposal from New World for a three year maintenance agreement for the systems including enhancements, new releases and telephone support. It would be in the best interest of the City to accept said proposal with price reductions negotiated by the City's Management Information Systems Department. The services are professional services and therefor require no bidding. Section 1 of this Resolution authorizes the City Manger to execute an agreement with New World Systems for software maintenance for the City's financial and payroll software systems. The agreement shall be for a three-year period, commencing January 1, 2004, and shall provide for total fees in the sum of Fifty-Six Thousand, Two Hundred and Fifty Dollars (\$56,250.00). The agreement and all necessary documents shall be approved as to form by the Director of Law. Section 2 is notice of passage and Section 3 declares this to be an emergency measure. I offer Resolution No. 172-2003(F) for passage tonight."

Mayor Kelley accepted Resolution No. 172-2003(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Next, I have Resolution No. 173-2003(F), authorizing designated City employees to be signatories on certain City accounts; and declaring an emergency. This resolution includes banks that have requested that the City, by resolution, approve the signatories to designated accounts. This actually replaces a prior resolution of the City. Section 1 describes the accounts and the various banks and describes the city employees authorized. In each case the bank accounts are authorized to have four signatories, that is Robert Downey, City Manager; Thomas Malone, Finance Director; Sharon McGuire, Assistant Finance Director; and Kathleen Ruane who is the Vice City

Manager. There are five banks that are included in this resolution: US Bank, Fifth Third Bank, Bank One, KeyBank, and Third Federal Savings & Loan. The most significant thing here is that US Bank is added as a new bank under the General Corporate Account and the reason that's significant is because there is a savings to the city by doing that. So, we appreciate the work of the staff of taking advantage of that savings to the city. Section 2 also provides that all General Corporate Accounts Checks, excluding payroll and health benefit checks, shall require the signature of two City employees as follows: 1) The signature of the City Manager or Vice City Manager; and 2) the signature of the Finance Director or Assistant Finance Director. Section 3 repeals the previous resolution that was adopted June 7, 1999. I offer Resolution No. 173-2003(F) for passage tonight."

Mayor Kelley accepted Resolution No. 173-2003(F) for passage.

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

Nays: None

Resolution passed

Council Member Wilcox continued, "Next, I have two resolutions that are going to be offered on first reading only tonight. These are our year-end budget ordinances - appropriation ordinances. The first is the year-end amendment to the 2003 appropriation ordinance and the second one is the 2004 appropriation ordinance. Before I read those on first reading tonight I wanted to just follow up on some of the comments our City Manager made earlier about the budgeting process and to point out the obvious which is the city is not immune from the forces impacting the general economy. That includes government finances and in particular local government finances. When we look at our budget we have to look at the revenue and expense side obviously and there are three major negative impacts on our revenues over the last several years we've had to take into account. The first one is our general economy. Obviously, lack of job and wage growth impacts the municipal income tax, which is the single largest source of revenue to our city. It constitutes approximately half of our general fund budget. The second impact that's been negative on our revenues is the state government. Cuts in local government funding took place from the 2001 to the 2002 budget of approximately 1.3 million dollars to the city that it previously received from the state government funding. That includes the share of taxes that the city receives from the state government and that's the share of taxes that our residents pay the state government. In 2003, state government did not see fit to restore any of those cuts even though it raised the sales tax by one percent (1%). Finally, interest earnings because of the slow economy and the reduced interest rates have obviously declined by about half of what they were two or three years ago. So, with flat or reduced revenues we've by necessity had to reduce our expenditures. The good news is, that strong city finances that were in place and the attention that our City Manager and staff have given to this, have made the budget reductions not as drastic as they would otherwise have to be. First I want to recognize the efforts of our City Manager and our Vice City Manager and the task force and the entire city staff for all their hard work and their efforts to come up with budget reductions in July in the budget that was presented to Council. Since that time they have continued those efforts which include the reductions and the efforts that the City Manager outlined in his report. Again, I'd like to emphasize that the reductions have been made without impacting essential city services even though there have been reductions in personnel and other costs. This has been accomplished without layoffs of safety forces and our basic city services are still being delivered to our residents. As a result of the work of the staff the expenditures being appropriated in the 2004 budget are below the actual expenditures in the 2002 budget and the appropriations projected in the 2003 budget. So I think that shows the extent of the work that's been done here. Having said that, I will first go to Ordinance No. 174-2003(F), which again is on first reading. This is an ordinance to amend certain subparagraphs of Ordinance No. 203-2003(F), as amended relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2003; and declaring an emergency. Section 1 provides that

various subparagraphs of that prior ordinance relating to the appropriations for current expenses and other expenditures of the City, for fiscal year ending December 31, 2003 are hereby, increased, decreased and/or transferred as set forth therein. What follows is about ten pages of various increases, decreases and transfers from the General Fund, Restrictive Funds, and also Restricted Special Revenue Funds and the Trust and Agency Funds. The total General Fund Budget is not to exceed \$40,436,096 for 2003. Section 2 provides for various transfers of monies from funds and they are listed as well. Section 3 authorizes the City Manager to make temporary advances to avoid deficit balances in any account. Again, this Ordinance is on first reading only tonight. It will be available from the Clerk of Council for anyone who wishes to review it. So I present Ordinance No. 174-2003(F), first reading."

Mayor Kelley accepted Ordinance No. 174-2003(F) on first reading.

Council Member Wilcox continued, "Next, I have Ordinance No. 175-2003(F), to make appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio, for the period of January 1, 2004 through December 31, 2004; and declaring an emergency. Section 1 provides for the current expenses and other expenditures of the City during the fiscal year ending December 31, 2004 to be as follows and again there is listed about ten pages of various appropriations in the General Fund, our special funds, and our Trust and Agency Funds. The General Fund total amount is \$39,440,055. Section 2 also authorizes various transfers as well. Again, this will be on file with the Clerk of Council for anyone who wishes to review it. I offer Ordinance No. 175-2003(F), first reading."

Mayor Kelley accepted Ordinance No. 175-2003(F) on first reading.

Vice Mayor Montlack commented, "You've heard some good statements about the processes that have been used here. I would only add that nobody can predict what will happen in 2004 and the more economic or financial news you read the more you will be convinced that no one can predict what's going to happen in 2004. Again, I join with Councilman Wilcox in congratulating - in saying, 'well done' to the City Manager and to all of his staff for taking on what is truly shared sacrifice while at the same time maintaining services in a financially responsible manner and even doing everything we can to keep on revitalizing this city. I would only say that Cleveland Heights, as we read the newspapers and see the woes befalling all manner of cities around us, that Cleveland Heights is fortunate to have such a great team of fiscal watchdogs. It makes me feel better. Thank you."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have no legislation. However, I do have a couple of comments I'd like to make concerning the legislation that was just read by Councilman Wilcox and the comments made by City Manager Bob Downey as it relates to Municipal Services Committee of Council. It is very optimistic and it's the job of the City Manager to be optimistic about cuts that have been made and changes that have been made and there is nothing constant in this world but change. First I do commend City Manager and his staff for putting us in a position of fiscal responsibility heading into 2004 and what I'd like to say is I want the residents to be patient with us with change - change on paper sometimes does not work out - it's change in actual application. We're going into 2004 with a different strategy but the same focus in mind which is community service and the residents receiving the same services as they have received. However, the level of service in terms of municipal services might not be what you have been accustomed to. It might be new programs tried - there might be some different and innovative things that we do with snow plow or leaf pickup as we go into 2004. So, we ask you to be patient as we go into this new year. There has to be a full cycle - it has to be at least one year full cycle using this new system with less people - in talking about the leaf pickup, I think that - and I'm looking at the report - I think that our municipal services department has done an outstanding

job picking up leaves. There are some people who may believe that leaves were not picked up as quickly as they have been picked up in the past, but the key thing to remember is that they have been picked up and so we have to again, be patient with our city staff in trying to keep up ahead of the curve. In trying to keep us in a position where we're not in a critical stage, where we have to let go of a lot of people at one point in time. They have done an excellent job to put us in a position where we're going into 2004 on the offensive and not the defensive and I thank them for that because I would not want to be a part of a city administration who just spends, spends, spends and does not keep the bottom line in view. That's all that I have."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. There is one piece on legislation tonight and it is Resolution No. 176-2003(PD), approving an amendment to the Articles of Incorporation of the Cedar Lee Special Improvement District; and declaring an emergency. The Cedar Lee SID on considering their governance has approved a modest change in the way that they do that and therefore, the City Council under this legislation approves the proposed amendment which is shown in an attachment, Exhibit A and essentially that amendment to the Articles of Incorporation provides that the Board of Trustees of that SID will consist of not more than thirteen (13) persons, one of whom shall be the Chief Executive of the City of Cleveland Heights or his designee and one (1) other person to be appointed by the Cleveland Heights City Council and the remaining eleven (11) to be Members or executive representatives of Members elected by those who are Members of the SID, that is to say the property owners in that district. Resolution No. 176-2003(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 176-2003(F) for passage.

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

Nays: None

Resolution passed

Vice Mayor Montlack added, "Thank you. Just because she can't get enough meetings and community involvement, Councilwoman Nancy Dietrich who is a member of the Planning and Development Committee made sure that she was present during the entire and lengthily most recent meeting of the Board of Zoning Appeals, so I will ask Councilwoman Dietrich to handle the calendar resolutions coming from that meeting."

Council Member Dietrich responded, "Thank you. I love to go to the Board of Zoning Appeals meetings. There were five variances granted last week and having to do with three different addresses. I will start with Board of Zoning Appeals Calendar No. 3025 which has to do with Daniel and Christine Guggenheim, who live at 1929 Coventry Road, in an 'A' single-family district. They requested a variance from the accessory use regulations of the Zoning Code, the requirement that a fence be no higher than its distance from a principal building. In this case the Board of Zoning Appeals granted the variance to permit the installation of 6-foot-tall stretch of fence in the rear yard that would be only 3-feet from the neighboring house. They did this because there was no practical way to achieve the use of the fence in a conforming way and they felt that it enhanced the neighborhood while screening a unique circumstance at the neighboring property, and that their predicament could not be resolved without a variance. I offer first for approval tonight BZA Calendar No. 3025."

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, "I have BZA Calendar No. 3027(a) (b) and (c) and they are all related to the same project which is Dino Palmieri/Palmieri Builders, 2500 Fairmount Boulevard, in an MF-multifamily district. This is a new development that will be called Fairmount Courts. There will be six townhouses that will be right across Fairmount Boulevard from the Cedarmount Condos. What is there now is just an empty gravel lot that is next to the parking lot that is the farthest lot behind the Heights Medical Building at Cedar and Fairmount. The first Calendar which is 3027(a) requests a variance from the minimum yard regulations of the Zoning Code, to permit a front-yard setback of 27' where the requirement is for a 30' front-yard setback. In this case the variance was granted because the curvature of Fairmount Boulevard and the shallowness of the lot makes a conforming building difficult, the variance is minimal with only a small corner of the front yard in the setback area, and the that setback is consistent with that of the townhouse across Fairmount Boulevard. I offer BZA Calendar No. 3027(a) for confirmation."

Second by Council Member Hicks.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, "Then we have BZA Calendar No. 3027(b) which is also with Palmieri Builders at 2800 Fairmount Boulevard and this request was for a variance from the minimum yard regulations of the Zoning Code, to permit a side-yard setback of 7' where the requirement is for a 15' side-yard setback. This variance was granted because the topography of the site requires it in order to accommodate the access drive and also because the thickly-wooded slope buffers against negative impact that it might have on the surrounding properties. I offer BZA Calendar No. 3027(b) for confirmation."

Second by Council Member Wilcox.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, "BZA Calendar No. 3027(c), again, Palmieri Builders, requested a variance from the accessory use regulations of the Zoning Code, to permit a circulation drive to have a setback of 5', where the Zoning Code requires a setback of 10'. In this case the variance was granted because it's the only viable solution for ingress given the topography of the site, and that the drive will have minimal impact on the adjacent property because of the large setback of the home on the adjacent property, and because for safety reasons the new driveway will align with that of the Cedarmount townhomes across the street. I offer BZA Calendar No. 2037(c) for confirmation."

Second by Council Member Caplan.

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

Nays: None

Resolution confirmed

Council Member Dietrich continued, "Finally, BZA Calendar No. 3028, John and Elizabeth Feighan, 2260 Harcourt Drive, in an 'AA' single-family district, requested a variance from the accessory use regulations of the Zoning Code, to permit a 3' to 4'- tall fence (a scalloped - picket fence) in their corner side yard where the Zoning Code permits only a maximum fence heights of 3' in a corner-side yard. The variance was granted because it's a uniquely-shaped corner lot, it will have no negative impact on neighboring properties, and that the location of the fence is necessary where it is because of the existence of a mature tree. I offer BZA Calendar No. 3028 for Council approval."

Second by Council Member Evans.

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

Nays: None

Resolution confirmed

REPORT OF THE MAYOR

Mayor Kelley stated, "There are just two things I want to include. Mr. Malone, in the praise that we've been passing around about our finances, I think we may have skipped over you, but, Tom, I haven't forgotten about you. Thank you for your hard work that you do. I also want to make an announcement that the Council in its wisdom has decided to continue the free parking on Coventry for the Coventry area through January 1st. I couldn't miss including the holiday even though most people will be watching Ohio State and Miami playing in a Fiesta Bowl on that day."

Vice Mayor Montlack interjected, "I think they'll be watching Michigan, actually."

Mayor Kelley added, "Michigan in the Rose Bowl against a team to be determined yet. You ruined my whole plan of thought, but the free parking on Coventry is not allowed in permanent spaces and it is not for overnight - during normal business hours which is for Tommy Fello begins about six in the morning and ends when the BW3 closes in the morning. It's really not for overnight parking.

This concludes the meeting at 8:23 p.m. Our next meeting will be Monday, December 15, 2003. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc