



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY, DECEMBER 18, 2006

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:23 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:25 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:35 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, December 4, 2006 were approved and signed by Mayor Kelley along with the ordinances and resolution passed at that meeting.

Mayor Kelley added, "Now we usually move to the personal communications from our citizens, but before we begin this, I have a special night here tonight, we have a proclamation for one of our special young men in the area of scouting. Phil, I'm going to ask you to come up and tell us about yourself before I read all this good stuff about you. Why don't you come to the podium, state your name and address and tell us a little bit about what you've been up to for about the last ten or eleven years."

“My name is Phil Torres. I live at 3553 Cummings, here in Cleveland Heights, Ohio. I come out of Troop 361 which is in Garfield Heights and my Eagle Scout project was cleaning up the local creek here at Cleveland Heights, Dugway Creek, and basically I’ve organized, planned and followed through with this project for removing some of the garbage there. We got it cleared there actually. I was able to, again, had it here in the local Focus magazine [publicized] and I was always able to get some help from locals here in Cleveland Heights and my own boy scout troop.”

Mayor Kelley asked, “Why don’t you tell us some of the activities you are involved in at high school.”

Phil continued, “I’m a junior at Heights High and I’m not only on the hockey team, which is unfortunately having a not so good season, but –”

Mayor Kelley interjected, “Beautiful rink to play at though?”

Phil replied, “Yes. It’s a great rink.”

Mayor Kelley added, “Good answer, Phil.”

Phil continued, “I’m also on our school paper, the Black & Gold.”

Mayor Kelley said, “Your mother is here. Do you want to say a few words about your son? Come on, come up to the podium, we talked a long time on the phone.”

Mrs. Torres said, “He’s been a scout since he was pretty small. He was a cub scout since first or second grade and he really enjoyed it and did quite a few merit badges along the way. Some of them are required, some of them not. I don’t know, which one was your favorite?”

Phil responded the Law Merit Badge.

Mayor Kelley asked, “He already had the induction at Garfield Heights at [unclear] Church last week?”

Mrs. Torres responded yes.

Mayor Kelley continued, “Are you the only one in your troop receiving the status of Eagle Scout?”

Phil responded, “No, I haven’t actually. Our troop has a lot of Eagle Scouts throughout the year - we had seven in [the] recent couple years.”

Mrs. Torres said, “We actually got seven of them together and took pictures. It’s kind of a rare thing to have seven young ones all together in one place like that.”

Mayor Kelley said, “I’d like to read part of the proclamation to you if you don’t mind standing there for a minute or two longer and we’ll take a picture up here and if your mom would like to be in the picture that would be fine. Whatever is convenient, but you’ve got a great story and I talked to your mom on the phone and you were sick the day I called. Are you feeling a little better now?”

Phil responded he was.

Mayor Kelley continued, "Just stand back and relax for a minute. I'll just read a little bit of the proclamation to you. You certainly deserve it. It is a great honor for us to have you here tonight. We're proud of your accomplishments in the community and, Mom, you're great to be proud of your son and I'm glad we had the opportunity to talk just a little bit about him on the phone, but he sounds like a great young man and he is destined for even greater things in the future when you move out of Heights High school and move onto college. We're very proud of you and Councilman Tumeo himself is an Eagle Scout and I know when I get done he's going to want to pipe up and say a word or two. Let me just read some of the proclamation to you, Phil.

Whereas, Philip Torres began his career in Scouting as a Cub Scout at Solomon Schechter and then transferred to the Garfield Heights Troop #36, joining a good friend that he met playing hockey at the Recreation Pavilion; and

Whereas, Philip, currently a junior at Cleveland Heights High School, is a reporter for the Black and Gold newspaper, and is a member of the Heights High Hockey and Baseball Teams; and

Whereas, in addition to journalism and sports, Philip has a strong interest in environmental issues and believes everyone should do their part to protect our world; and (now you are hitting on Councilwoman Caplan's favorite things, one of her many things that she talks about)

Whereas, Philip's Eagle Scout project occurred on Earth Day 2006 in our very own Forest Hill Park and on that day, he organized a group of volunteers to clean out the area north of the Community Center; and (we certainly thank you for that, Philip)

Whereas, Philip was resourceful in making the project successful by obtaining donations from the Cleveland Browns to use as incentives to recruit volunteers; and

Whereas, Philip has attained the rank of Eagle Scout, Boy Scouting's highest honor; and

Therefore, on behalf of the Council of the City of Cleveland Heights, I hereby issue this Proclamation of Congratulations and Appreciation to Phil Torres on his significant achievement. We thank him for his efforts – the effects of his project continue to benefit the Park and the environment of our community.

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*Edward J. Kelley, Mayor
December 18, 2006*

*Cleveland Heights Council
Kenneth Montlack, Vice Mayor
Bonita W. Caplan, Nancy J. Dietrich, Phyllis L. Evans,
Mark A. Tumeo, Dennis R. Wilcox
Robert C. Downey, City Manager*

I'm proud to give this to you today, Phil. Would you like to come up here to receive this? I think Councilman Tumeo would love to say a few words."

Council Member Tumeo said, "First of all, let me say, congratulations. As Mayor Kelley said I'm also an Eagle Scout. I earned my Eagle Scout more years ago than I want to admit in Troop 313 in Central Ohio. This is a wonderful achievement for you. Many, many congratulations. I know how hard it is and how long you worked to do that. It is also a great honor to your family and congratulations to your parents who have supported you and set the model for you to follow this. The Boy Scouts is a wonderful organization that helps form people into great citizens. I want you to carry this forward. You've done great things. Continue your commitment to the environment and most importantly to the community. It's led me down a great path, the Law Merit Badge wasn't available when I was a Boy

Scout so it probably would have been my favorite, subsequently becoming a lawyer and now being on council and I hope you have as much success as much great, great fulfilment as I have received from that. So, congratulations.”

Phil and Mrs Torres along with council had their pictures taken.

“My name is Susie Kaeser. I live at 1554 Compton Road in Cleveland Heights where I’ve lived for twenty-five years. I am the director of Reaching Heights and we are in our 18th year as a support organization for the Cleveland Heights-University Heights schools. We mobilize our community as a resource for successful schools and in many of our projects we strengthen our community by bringing people together around our youth and their education. Music, as you know, is one of our special interests and I wanted to take this opportunity to bring you up to date on two big things happening in music for us right now. I want to step back a minute to explain a little bit about how we got into this. In 1995, thanks to you, we were able to organize a concert at Cain Park - for more than 150 alumni of our school district came back from across the country. They had all been musicians at Heights High and the music program had shaped them for their lives. They wanted to come back and perform together in this alumni concert. It was a magnificent evening, that I think most of you were there for and it was a major lesson for us because we had not really realized how powerful music is and how important music is. From then on, we have really tried to pay much more attention to music and to make sure that this incredible tradition that we have of excellence in our music program gets the attention it deserves and the special support it needs in order to make sure that kids get to get all the benefits that you can get from music. We’ve done a number of projects and concerts since then that have both been entertaining, have helped us raise funds to be able to do stuff and then we’ve implemented a number of things. We make grants to support a music program. We now support our middle-school honor orchestra and honor band, so that about seventy-five middle-school kids a year are selected by their teachers to participate in a community-wide middle-school orchestra and band. It is seven or eight extra weeks of instructions and then they put on a performance. When you’re studying music what you need to do is perform music. We’ve been able to create extra opportunities and for the last two summers we have organized the summer music camp, so for a week in partnership with the school district - they provide the space and we run a music camp. The last year we had ninety-five kids and we were at capacity and it’s just had a profound effect on their motivation and their skill level and it’s really, really exciting.

This summer we had another opportunity, thanks to you, we had another concert at Cain Park which was put on in honor of Vince Pattie who had been a music teacher in the district between ’56 and ’76 and he was both a vocal and instrumental teacher and upon his death his family wanted to pay tribute to him in some lasting way. So, they decided to create a fund with us to support private music lessons for our students who are in our music program. That is such a keystone to being able to really excel. So, in order to make our music program as accessible and inclusive as possible we are thrilled to be able to announce that as of today, the Pattie Family Music Scholarship Fund is in place. We have sent out invitations to all fifth through eighth graders who are in our school district music program to apply if they have need for music lesson scholarships. So I am really excited that today is the day and a lot of that was possible because we’ve been able to bring people together through music and three times it has been at Cain Park which is of course is the best place in the world to have a great event.

The other thing that we are working on is Reaching Musical Heights Encore and I am happy to say that you’ll be reading about it in Focus on the Heights and we have a lot of goals for this. It is a concert that we are organizing in partnership with the music teachers across our school district and it will be at Severance Hall. This is such an inspiring location and we think that it communicates this expectation of excellence that we think is what our school district is about. It is a great event. The music directors for it are Tom Sperl, who is a Cleveland Orchestra member and a parent of students in our

school district and a totally energetic wonderful person who thinks that making the connection between Severance Hall and our community is his job. Also Tamara Gray who is also a Cleveland Heights resident and is a local music teacher in the school district and who is just this wonderful source of bringing people together. We are fortunate that Richard Bogolmony who is an alumni of our school district and in 1953 was the concert master in the symphony at Heights High has agreed to be our honorary chair for the evening. Dr. Beth Sursig and Betty Nelson who are long time friends of ours in our community are the co-chairs of the benefit party that we will be putting on at the restaurant at Severance before the concert. We hope you'll come to that. We'll be sending you invitations so that you can come to a party and a concert. Now, this concert isn't like any other school concert. First of all, we will have an elementary honor choir with about twenty kids from each of the eight elementary schools. So we'll have a 160 voice school district choir for elementary kids. We will have an honor middle-school choir, again, kids selected to represent their school at this event as a united set of voices and similarly we'll have an honor orchestra from middle-school kids. The high school will be represented by the full range of our great musical choices there; the Jazz Band, the Gospel Choir, the Singers and Acappella choir, and the symphony. A very exciting thing is that the Singers Choir and Symphony will be performing a couple pieces together. So we are getting some really neat interaction, so it is a very special concert. Finally, we will have a brass choir which will be made of professional musicians and alumni who reside in the community. We have one Cleveland Orchestra member who is a Heights graduate and several other - you know our community is Home to the Arts. It is a natural habitat for musicians. We have musicians all over the place here. Many members of the Cleveland Orchestra and the Cleveland Institute of Music and the Cleveland State University Music faculty live here. Who else could do a concert like this? I mean it's the appropriate thing for us to do, so we're doing it. It's called an encore because in 2003 we did this before. More than 2,000 people came to Severance Hall. It ignited community pride. It was a magical evening. It was fantastic for the kids to have the recognition and to appreciate - I think it was very motivating to their commitment to music. It was a wonderful opportunity for our parents to share their children with our whole community. It helped us raise funds for some of our music and other programs to support the schools. So we're expecting it to do all those things because music has this incredible power to do all those things. It will be a great evening and I am looking forward to seeing you all there. I hope you'll join us."

Mayor Kelley responded, "Thank you, Susie. Thank you for the invitation. You'll be happy to know that we have canceled our council meeting for that night and moved it to the following night so our seven schedules are free as can be. The other thing I want to say on behalf on everyone on this council and our staff, we really want to thank you for the time and effort you do in the work you put in the community with Reaching Heights. Time and time again you go over and above the call of duty, trumpeting for our schools and doing this musical event and doing the newspapers that you put out for these different schools. I know you are sometimes delivering in the dead of winter or the heat of summer or fall or whatever, but we really appreciate what you do and you've been doing it for a number of years. There is no other community that has a Reaching Heights like you do and we appreciate it and who else as you said but our community to do it, but who else like you to chair it and make sure it gets through and everything. I so much enjoyed the 2003 event. When I left there it was such a great feeling and everybody who left that event in 2003 and didn't get it, our children were so far into this and such a nice night and to see everybody there - I mean it's just such a great opportunity for our children and our community to shine and our schools to shine. I liked the way you talked about the twenty different kids from the eight elementary schools and the middle-schools. You get it, we got it, we had a great event at Cain Park this summer. We just continue doing it and just continue hammering home, what a special place this is to live in and thank you for doing this and taking on this exceptional challenge again and again."

Vice Mayor Montlack added, "I can't improve on what the Mayor said, but listening to you

speak so eloquently without notes basically, I just thought to myself the power of one, because you created your entire organization. I know you had helped, but that's because you inspire help. I can't think of any one person, anywhere, that has had more of an impact in a community than you have in what everyone recognizes is a major challenge, education. We all talk about it, and I just say congratulations."

Council Member Evans added, "I'm just going to say, it's hard to believe that it was almost twenty years ago that all this came about after our couple of hard years' work on the school's consensus project and so it is a great program. It is nice to hear you talk with such an enthusiasm. Everything has been so appreciated by the schools and the youngsters that have benefitted from the many programs and the many little scholarships and everything that the group has provided. Thank you. Thank you for being here. Thank you for the enthusiasm."

Council Member Caplan added, "I think we should give Susie a round of applause, no kidding. You're fabulous."

Such was done.

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor, I have just one item this evening. In your packets Council received a copy of Bid Document No. 2007-02 for the composting of yard-waste. The lowest and best bidder is Boyas Excavating Company. Your Honor, I would request that the bid tabulation and the award of contract be made a matter of record."

Mayor Kelley made it 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 one (1) notice has been received from the Ohio Department of Liquor Control advising that application has been made by the following: Dave's Supermarket, Inc., transfer C1, C2, and D6 permits from Tops Markets LLC, d.b.a. Tops, premises 3628 Mayfield Road, 44118. Your Honor, I need to make this a matter of record."

Mayor Kelley made it a matter of record and referred it to the Public Safety and Health Committee of Council, the City Manager, and the Director of Law.

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "Thank you, Mayor Kelley. I have one piece of legislation tonight. It is Resolution No. 142-2006(AS), authorizing an agreement with Arthur J. Gallagher & Co. for continuation of its protected liability self-insurance program for the City; providing compensation therefor; and declaring an emergency. The City self-insured, and after nineteen years' experience with this program it's been determined that it is in the best interests of the City to continue it. We have in the past contracted Arthur J. Gallagher & Co., for its professional services for which bidding is not required, and after informal evaluation of other alternatives, it has been determined that the fees proposed are competitive and reasonable. What this involves is that we have a self-insurance that we pay up to \$100,000 of a claim against the City, \$50,000 if damage is only to City property is involved and then we have liability insurance that we purchase from outside for up to \$11,000,000 in liability. Arthur J. Gallagher & Co., reviews the market. It's a relatively complex market and determines the best price for this liability

coverage for the City above that \$100,000 per claim limit. After that review it has been determined that St. Paul Fire & Marine Insurance Company is the best insurance to fill this for us. We've been doing pretty good with the price increases and we know that cost is always an issue. In this instance we paid Three Hundred Sixty-three Thousand Eight Hundred Seventy-two Dollars (\$363,872.00), in 2006. We only have a 1.03 % increase which is very, very reasonable to Three Hundred Sixty-seven Thousand Two Hundred Sixty-seven Dollars (\$367,267.00). This Resolution would authorize the City Manager to enter into all necessary agreements with Arthur J. Gallagher & Co., and all other necessary entities for the continuation of the City's protected liability self-insurance program for the period from January 1, 2007 through December 31, 2007, at a cost not to exceed Three Hundred Sixty-seven Thousand Two Hundred Sixty-seven Dollars (\$367,267.00), in accordance with the terms and conditions set forth in the proposal set forth from Arthur J. Gallagher & Co. I'd like to introduce Resolution No. 142-2006(AS) for passage tonight."

Mayor Kelley accepted Resolution No. 142-2006(AS).

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

Nays: None

Resolution passed

Council Member Tumeo continued, "That's all for the legislation. I'd like to note that the holiday season is upon us for tonight in the middle of Hanukkah and Christmas is just around the corner and we will not be meeting publicly until next year, so I would like to wish everyone happy Holidays, Happy New Year and it's been a wonderful first year on council."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, "Thank you. I have two pieces of legislation. They are a little bit like holiday gifts in a way because they are both pieces of legislation that declare that we're not raising any recreation fees or rates this year. I'll start with Ordinance No. 137-2006(CRR), Second Reading, authorizing and approving the presentation of entertainment and recreation programs in Cain Park and other locations for the year 2007, providing for use regulations, and establishing rates for the described activities; and repealing Ordinance No. 167-2005. I was more specific in reading this two weeks ago. It is a 13 page piece of legislation, so you don't want me to read the whole thing, but this Ordinance basically covers Cain Park, summer programs which includes summer basketball, softball, baseball, spring soccer, our week-long sports camp, adult sports leagues, daycare and field and shelter rental. The basic jest of this 13 pages is that none of the fees will change this year for all the Cain Park and summer programming. On second reading for passage tonight I offer Ordinance No. 137-2006(CRR)."

Mayor Kelley accepted Ordinance No. 137-2006(CRR), Second Reading.

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

Nays: None

Ordinance passed

Council Member Dietrich stated, "In it's companion is Ordinance No. 138-2006(CRR), Second Reading, establishing use regulations and rates for admission and other services for Cumberland Swimming Pool, Denison Swimming Pool and the Cain Park Wading Pool for the year 2007; and repealing Ordinance No. 168-2005. This Ordinance covers the things like pool admissions, group rental of the pools, swim lessons, water aerobics, and once again, without reading the whole thing, this Ordinance makes no changes in any of the fees from last year. On second reading, for passage tonight, I offer

Ordinance No. 138-2006(CRR).”

Mayor Kelley accepted Ordinance No. 138-2006(CRR), Second Reading.

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

Nays: None

Ordinance passed

Council Member Dietrich continued, “Something on the day after Christmas is the Annual Barden-Benner-Carter Memorial Alumni Hockey Game. You may remember back in February of 2001, three of the Heights High varsity hockey players were killed in an automobile accident and there are a couple of events every year that memorialize them. There is always a golf outing in the summer and then the alumni hockey game in the winter and so it is on Tuesday, December 26 at the ice rink and it starts at 5:15. It will support the scholarship programs and the hockey program and also any further establishment of memorials to the hockey players that were killed. That is a fun event the day after Christmas.

I also want to tell you if you still have some stocking stuffers to buy, civility tee-shirts make a great stocking stuffer and they are only five dollars. You may remember our royal blue tee-shirts that say Civility is a Heart of a Caring Community. They are on sale here at City Hall or at Big Fun, the toy store at Coventry, well it’s more than a toy store, Zagara’s Grocery Store and at the Heights Arts on Lee Road. I want to say stuff a stocking with civility, but I know that’s hokey but I just said it.

I also need to say just a few words as we go into the holiday season or we’re in the holiday season and as we start the new year a few words about the civility project and just about how easy I notice it is to be civil here because there are so many people in Cleveland Heights who are sort of ready for outreach, people who are open to being greeted and that sort of thing. I wondered how many people who are watching or listening tonight, greet a group of teens that they see on the street, if you just happen to be walking down the street and you pass by a group of teenagers hanging out or walking and I bet not many people just say hello to them. The response that you get from them if you say hello to them is usually surprising and wonderful, they usually sound happy that an adult would actually say hello to them. I find a lot of times they answer the same, they say, ‘how you doing?’ I just thought it would be something that people might want to try to encourage to being civil to somebody who might not be the easiest person for you to approach. I read a little article about, it said, ‘the moments that we feel happiness that we call happiness are very, very fleeting and that they are not discovered but created by the choices made and the relationships built day by day and hour by hour.’ So, civility really is a gift that costs nothing and it gives you great benefit in terms of your own well being. I wish everybody a very civil holiday and a civil 2007. That’s all that I have.”

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, “Thank you, your Honor. There are two pieces of legislation, both on second reading and passage tonight, as happens at this time each year. The first is Ordinance No. 139-2006(F), Second Reading, to amend certain subparagraphs of Ordinance No. 163-2006(F), as amended, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2006; and declaring an emergency.

In short Ordinance No. 139-2006(F) is in all likelihood the final version of the 2006 budget or a recap of the actual expenses made from the general fund and the various special funds. Without going through all of the probably hundreds of line items in this budget, I will tell you that for the general fund the final figure is \$42,021,588 and to arrive at that from the time that the original guestimate for this

budget was passed, there were some adjustments made. Not surprisingly, mostly in the area of increases, but recognizing the necessary increases in expenses. We adjusted for a 27th pay period which based on accounting requirements, the city is responsible for on an accrued basis and that added a substantial dollar amount. Because of the collective bargaining agreements entered into this year, the safety forces went from a two percent (2%) to a three percent (3%) annual increase. Many of you will not be surprised to hear that gasoline expenses increased unexpectedly during the course of the year before beginning to return hopefully to a more sane level. Of course, natural gas underwent a similar increase and because of the cold weather last winter, usage increased and there were some other factors. Against these increases here at the end of the year as often happens, the city has taken from some of the special funds that are maintained exactly for the purposes for which some of those portions of those funds are allocated. So that in the end, from the original guestimate a total of \$745,241 was added. My own opinion on this is that although having to increase the budget is not a particularly pleasant task, it is not unexpected and the bottom line is that the city because of really sacrifices and belt tightening appears to have made it through yet another year and we will look forward to the end of the year tally on actual payout expenses and surplus. Ordinance No. 139-2006(F) is presented on second reading for passage tonight."

Mayor Kelley accepted Ordinance No. 139-2006(F), Second Reading.

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

Nays: None

Ordinance passed

Vice Mayor Montlack continued, "Thank you. Ordinance No. 140-2006(F), Second Reading, to make appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio, for the period of January 1, 2007 through December 31, 2007; and declaring an emergency.

This starts off another annual guestimate and again without going through the individual lines, the bottom line of this guestimate is \$42,129,217 in terms of the general fund. Most of the expenses, of course, in each budget relate to personal costs and the greater part of that or at least more than in any other department relates to the police and fire departments in the safety forces. Ordinance No. 140-2006(F), Second Reading is presented for passage tonight."

Mayor Kelley accepted Ordinance No. 140-2006(F), Second Reading.

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

Nays: None

Ordinance passed

Vice Mayor Montlack continued, "Thank you. Happy holidays to everyone and I hope that 2007 for you and yours and for all of us in this United States will be a better year. That completes this report."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have no legislation this evening, but I do want to focus your attention on our Focus. If you have not gotten it, you will be getting it in the next day or so in the mail and on Page Ten and which is really why I wanted to bring this to your attention is a whole page about recycling and I would like to paraphrase our Eagle Scout Philip who wants to make the world a better world and I also want to comment that he is so - the reason he got the Eagle Scout award because he is quite tenacious. Not only has he received an award but he is now doing double-duty in

taking notes at our meeting for the Black & Gold, the school newspaper. It's very impressive actually.

But, I want to talk about recycling for a minute because we can all make our world a better world and it's not really hard to do. On Page Ten it tells you all the things that we recycle. We recycle all kinds of material; plastic from number one to number seven and sometimes you can see those numbers and the article will explain what those are. It's really easy and if you really want to give a gift to our community and to the world, tell one other person, your next door neighbor, the person across the street that they could really make a difference by recycling. I'm not kidding. I recycle and I'm not even believe it or not, I'm not even compulsive about it and I have more recycling materials than I have really garbage that has to go into a landfill. So, I encourage you to try and make the world a better world by doing your part in an easy way.

The only other thing I wanted to say before my good greetings to everyone and that is I would like to say a special thank you to the staff of Cleveland Heights. You have no idea how hard they work, really in making this city look good, function well, they are behind the scenes, the seven of us sit up here, we get our pictures taken, but it is those people behind the scenes who really make this city work and keep us in the black, keep our city clean, keep the streets clean, keep the leaves picked up and I would really like to say a real bid thank you to each and everyone of you. It really makes a difference for what you do for us. Thank you very much. And like my colleagues I wish everyone a happy holiday, a safe, happy new year and maybe we could have a little peace in this new year. That's all I have. Thank you."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are two pieces of legislation from this committee tonight. First is an amendment to our Zoning ordinance. It is Ordinance No. 111-2006(PD), Second Reading, amending Sections 1103.03, "Definition of General Terms", 1121.05, "Accessory Uses", and 1165.02, "Supplemental Accessory Use Regulations", of Part Eleven, Zoning Code, of the City of Cleveland Heights to enact regulations regarding the usage of portable on-demand storage structures.

This legislation was introduced on first reading several months ago and we had a public hearing on this in council chambers thereafter and last Wednesday the Planning Commission reviewed this as well. So we are now prepared to consider this for adoption tonight. Section 1 of this Ordinance simply defines what we are regulating here for the first time and that is defined in

1103.03 (76A) "Portable On-Demand Storage Structure" means any container, storage unit, shed-like container or other portable storage structure with a volume equal to or exceeding 50 cubic feet other than an accessory building or shed complying with Code requirements that can be or is used for the storage of personal property of any kind and which is located for such purpose outside a building.

Section 2, just simply incorporates

Portable On-Demand Storage Structures as an Accessory Use"

and then Section 3 of the Ordinance adopts the new

Section 1165.02 (f) which regulates these storage structures and indicates that they may be utilized as a temporary structure when in compliance with the following standards: (1) A portable on-demand storage structure may be located as a temporary structure on property for a period not

exceeding ten (10) days in duration from the time of delivery to the time of removal;

(2) No More than two (2) portable on-demand storage structures may be located on any premises at any one time;

(3) Portable on-demand storage structures shall not be located on any premises for more than ten (10) days during any given thirty (30) day calendar period and not more than six (6) times in any given year (and I will come back and offer an amendment on this particular provision);

(4) Portable-on-demand storage structures shall be located only on a driveway or other private parking area and shall not be located in a front yard or corner-side yard unless there is no access to other yards;

(5) Portable-on-demand structures shall be securely locked at all times other than during actual loading or unloading.

At the Planning Commission meeting last week there was some discussion about the number of times in any given year that these should be located so based on the comments at the Planning Commission and the recommendation of the Planning Commission and also on our discussion I am going to offer an amendment to 1165.02 (f) (3) provided that it should read that *they be placed not more than three (3) times during any twelve (12) month period* as opposed to six (6) times in any given year. I am requesting an amendment in that section to three times during any twelve month period."

Second by Council Member Tumeo.

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

Nays: None

Amendment passed

Mayor Kelley accepted Ordinance No. 141-2006(PD), As Amended, Second Reading.

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

Nays: None

Ordinance passed

Council Member Wilcox continued, "Now I have Resolution No. 143-2006(PD), authorizing an agreement with One Cleveland d.b.a. One Community for a WiFi pilot project within the City; providing compensation therefor; and declaring an emergency.

This is our last piece of legislation for 2006 and actually it is something that council has been working on with our law department and the City Manager and the staff for several years now so I am very happy to be able to introduce this resolution tonight. This is going to be a pilot project to introduce WiFi into our city in a specific geographic area and hopefully after a year of this pilot project we'll be able to analyze and see if this can be expanded or taken through the entire city. This certainly will have the support of the neighborhood. We discussed this with the Coventry merchants and the Coventry SID many times in the past. This will be in the Coventry area, so I am sure they'll be pleased with this as well.

This Resolution then provides that Cleveland Heights is interested in exploring the possible benefits of wireless fidelity service being offered in Cleveland Heights. One Cleveland, a not for profit

corporation, d.b.a. One Community has offered to join with the City to provide wireless fidelity services within the Coventry commercial area and vicinity as a pilot project for a period of eighteen months at no cost to users. The purpose of the pilot project is to determine the viability and advisability of providing WiFi service in the Coventry area and other areas of the City on a longer basis. I should indicate that this area comes up Mayfield Road from Little Italy to the Coventry Business District and it is bounded roughly by the Coventry Library and then North Coventry to the city line and will be extended all the way up to the community center. So, it will be available at the community center as well. The Ordinance provides that the City Manager is authorized to enter into an agreement with One Cleveland, a not for profit corporation, d.b.a. One Community for the purpose of providing a one-year pilot project to deploy wireless fidelity service within the Coventry business area and the vicinity including the Cleveland Heights Community Center. It will be substantially in the form on file with the Clerk and provide that the total cost to the City not exceed the sum of Twenty Thousand Dollars (\$20,000.00) although we expect it not to exceed Seventeen Thousand Dollars (\$17,000.00). The wireless fidelity service shall be available no later than June 1, 2007 and be accessible to users at no cost. I offer Resolution No. 143-2006(PD) for passage on first reading tonight."

Mayor Kelley accepted Resolution No. 143-2006(PD).

Council Member Tumeo stated, "Your Honor, at the risk of seeming to be a common occurrence, I'm asking to be recused from voting on this. Cleveland State University is a member of One Cleveland and may receive benefits from this contract and as an employee of CSU voting on this would present a conflict of interest to me in my opinion."

Mayor Kelley thank Councilman Tumeo and asked for a motion to recuse Council Member Tumeo from voting on Resolution No. 143-2006(PD).

So moved by Council Member Wilcox.

Second by Council Member Caplan.

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

Nays: None

Motion to abstain passed

Mayor Kelley added, "I just want to thank our Law Director John Gibbon for really keeping up and searching and really attacking this issue. We've been at the plate sort of to speak many times trying to get this for our community and for our residents. It has been a long hard journey to get to this point. I want to thank you, John, for really taking the time and being the cable guru that you are to make this happen. I think it is a great opportunity for the Coventry Merchants, for the North Coventry area, for the whole Mayfield corridor there, certainly for our community center and I think one of the things that we may not forget about was a while ago and I think Councilwoman Caplan was one of the people that insisted on this, that we lay some of the fiber underneath on Mayfield Road, that may come into play at a later date that will really service beneficial for our community and for communities further east. So I think we were set up to do this awhile and we always thought we wanted to do this and it in the true Cleveland Heights fashion that we will be a pilot program. I think if everything works out we will be more of a pilot program in another year and a half if not sooner because this is the wave of the future. This is something our residents expect to happen here in Cleveland Heights and as many people have said to me why not Cleveland Heights or why aren't we ahead of the curve. Well, ladies and gentlemen, we've been working on this for a long time. It's always been on the agenda. We wanted it a long time ago. We've been very close with a number of companies that somehow have vanished or gone out of

business or were unable to meet our needs, but we feel what we have here is someone that can do it and do the pilot project and possibly move in the future or maybe our cable company, Time Warner, will get off their tails and figure out how to do this for our residents in a more global matter and maybe this will be something to spur them on - what we call competition. I will certainly be voting yes with the rest of my colleagues.”

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

Nays: None

Resolution passed

Council Member Wilcox continued, “That concludes the legislation. I just want to wish everybody a happy and health holiday season. That concludes my report.”

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, “Thank you, your Honor. There is no legislation this evening. I would like to remind our residents that we have an ordinance on the books that requires that we all remove snow and ice from our sidewalks within twenty-four hours of a snowfall. It’s very distressing to see people walking in the street when it’s more dangerous to do so because the sidewalks are so hard to navigate. I would like to encourage all of us to do a better job of clearing snow when it’s snows again and I’m sure it will. In addition to that, when it snows our public works department would really appreciate it if we would not park on the streets so that the streets can be cleared better. Also to remind our residents, that if they have a snow plowing business keeping their driveways clear, that they should be registered with the city. We have to remind them that the snow is not to be plowed into the street and on our neighbor’s property, that it is supposed to be plowed on the property that they are removing the snow from. Those little things would be helpful. I’m not looking forward to the next snowfall but I know that we’re going to have more snow sometime this winter.

I, too, would like to wish everyone a health, happy holiday, but I also want to remind us to shop in Cleveland Heights. We have some new businesses here that need our support. This is the time of year that so many of us are in and out of the stores. Think about our shopping areas and think of how pleased it would make our business owners if their profit was increased during this season. So, I certainly wish everyone a Happy Hanukkah, a Merry Christmas, Happy Kwanza, and certainly a healthy and prosperous new year. That concludes my report.”

REPORT OF THE MAYOR

Mayor Kelley stated, “I just want to say one thing about our school board. Last Monday night they hired Jeff Rotsky as their new head football coach and I had the opportunity to talk to him over the weekend via the telephone. Mr. Rotsky has a very excellent record not just of coaching football but forming good futures for the young men he comes in contact to, whether it be at St. Peter’s Channel, Cleveland South or most recently Maple Heights. I think this was one of the most positive moves made in our school history in the last few years. I think he’ll be a positive influence on these young men and the families he touches. He’s already met with the football players, their parents, he’s changing some things around. He’s bringing back the study tables to our footballs, workouts, had the parents involved and promises to get more involved with the kids on a daily basis. He thinks he’s going to go undefeated next year and beat Mentor and some of the other schools. I wish him the best of luck doing that, but I think it is a positive move in the right direction. Somebody who cares this much about our young student athletes, who really believes in discipline, who believes in academics first and believes in football on the field, he will be an interesting character on the sidelines at Lee Road. He’s already been

nicknamed the legend on Lee Road has come home. He really wanted to be here. He really cares about the kids and the families by the graduation rate, about sending kids to college. Working for the kids is almost a full time job. I first met him eight years ago when he gave a speech to St. Ann's to their football team at their community dinner. I think this is the right choice. He said that he would solve our Coventry issue by using football as a means to do it. I don't think that's the answer, but it was a very interesting meeting he came to last week and I had a great phone conversation. I look for great things to happen for him, and he also promised me that he would beat Shaker this year, so I will hold him to that thing.

I, too, want to mention our staff. Some of the people that you don't see behind the scenes, the person that teaches your young child how to swim or the coaches that we have in various programs or the life guards or the people that pick up your leaves or your garbage at seven o'clock in the morning who get there at four or five o'clock. These are the real unsung heroes, so if you ever have to call 911, the dispatcher that properly puts you through to the right fire department or a 911 call to the policeman that shows up to your house when you think you may have a prowler or the right person on staff when you first call in here gets to the right person - those are unsung heroes here at city hall, that do the job day in an day out. I want to thank them for what they do and especially the other 300 or 400 people that certainly do their jobs. That's why year in and year out you don't have an I Team Investigation here in Cleveland Heights of some of the city workers that are taking the afternoon off and frequent places they shouldn't be and that is a testament to our administrative staff led by Mr. Downey. So, I want to thank these city workers who will be out no doubt before we see you again in sub-zero weather plowing your streets or doing what they need to do or picking up your garbage in sub-zero weather - so I want to thank them.

I also want to wish everybody a Happy and Healthy New Year, a prosperous new year, hopefully this new year for me will be better than the last new year. I want to thank everyone for coming. Our next meeting will be Tuesday, January 2, 2007. I want to thank everyone for coming tonight."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc