



CITY OF CLEVELAND HEIGHTS, OHIO

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY EVENING, MARCH 19, 2007

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, Kelley, Montlack, Tumeo, Wilcox

Council Members absent: None

Staff present: Carter, Downey, Malone, Mannarino, Niermann O'Neil, Ruane, L. Wager, R. 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 7:43 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, March 5, 2007 were signed by Mayor Kelley with one correction noted along with the resolutions passed at that meeting.

"My name is Ed Kelce and I live at 2933 Coleridge Road in Cleveland Heights. I remember the Tiger Touchdown Club and that's the booster club for the Heights High Football Team. For those of you that don't know, there has been a little bit of a change at Heights High when it comes to student athletes. The accumulation of grade point averages are on the rise significantly. We've started to see some successes in a number of areas. The basketball team had a great season. The track team just won the State Indoor Track Team Championship this past Saturday setting three (I believe) state records in the process.

Back in December, the school board took a step to improve the football program and hired a guy named Jeff Rotsky from Maple Heights. If you know anything about high school football, Rotsky is quite a character. You look at this guy, he doesn't look like a football coach. He's a short scrawny little guy and looks more like a stockbroker, which I believe he actually is. When this guy opens his mouth you realize he is just as competitive as Woody Hayes was and just as committed to the development of

these young men as Woody was. His plans are wide-ranging and they encompass everything from their behavior in their performance in the classroom, their attitude in the community as well as what they do on the football field. He has a lot of plans, and these plans cost money and there is new equipment to be purchased, there are training camps to be run, there are uniforms, there are just a multitude of things and this money is not going to come from the school board. They have a levy battle coming up just to cover operating expenses. So to that end, we have a reverse raffle coming up. A reverse raffle and dinner dance on May 12th at the Greenmont Party Center. The ticket includes an entry on the big board with a \$2,500 grand prize and I'm here just to let everyone know about this and hopefully we can get some support from the community. There are a couple of handouts that I left over there with Mr. Malone about how you can get tickets. It talks a little bit about Rotsky and his plans. You know this guy has a heck of a resume and he is a very enthusiastic speaker. You listen to him talk and it's like an old time revival meeting. It really is. But the most impressive thing about this guy is, in his five years at Maple Heights he had 126 football players graduated, 123 went on to college. So, we're looking for help. It would be a good time and money well-spent. Thank you all. I appreciate it."

Council Member Tumeo asked, "Ed, for the number of people who are going to be watching on television, can you give them a number and a name to contact?"

Mr. Kelce answered, "I'll do better than that. You can contact Athletic Director Tom Hill at the high school, 216-371-7101. You can contact me, Ed Kelce at 216-397-1041 or you can go to www.tigertouchdownclub.org. You can read all about the football program and the plans that Rotsky has and also there is contact information there for how to get tickets."

Mayor Kelley added, "I mentioned it to council at the December meeting, I did have the opportunity to meet Coach Rotsky nine years ago when he was at Chanel and I'm very impressed with him and his resume. I did have an opportunity early in January to come to one of the Saturday morning brunches and he is just what we need here in the community. I'm looking forward to coming to your reverse raffle. I think there is also a Meet and Greet the Coach thing coming up, I think this Thursday night."

Mr. Kelce replied at Jillian's.

Mayor Kelley reiterated, "Jillian's. So he is hitting all the good spots in Cleveland Heights. He's probably a pool shark too, but we'll find out. Really, you are absolutely correct, and I mentioned this to council before, even with our basketball team and your son as one of the many stars on the team and your other son has gone onto University of Cincinnati to make our community proud. There is just a whole different attitude there and starts with the studies by our kids. I talked to a number of referees who have refereed our basketball games this year and they said there is a big difference in the attitude of our kids; the politeness, they foul a guy and they pick him up, there is just a different attitude and it is a great attitude. We've always been proud of our young student athletes and we will be bringing in - Susanna and I haven't had an opportunity to talk to our State Indoor Track Team Championship. They beat Glenville and I think it's the first time Glenville lost something like this in a number of years. I think we'll also be bringing a number of the young female athletes from Beaumont School who were also championships and Beaumont did very well. I think they were in the Division 2 part. But there is a new attitude there and we appreciate what you do, Ed. You've been there with the football team through thick and thin and I think we're going to have some great things happening next year. But the real thing about our football team is Rotsky brought back our study tables, he brought the parents in and said there is going to be a new attitude there. We're going to know these Cleveland Heights's kids, no more of the pants drooping below the knees, the hats are going to be off, the whole thing. And if I'm - correct me if I'm wrong, Ed, the parents got up and gave him a standing ovation."

Mr. Kelce spoke from the floor and some words were unclear, "Each and every time he spoke about the requirements that the boys will have to meet to play football and this is part of their [unclear] on football. The behavior, the attention to academics [unclear]."

Mayor Kelley said, "We do have two young women on the team also. I was the unfortunate one who made a mistake that I thought one of the young women was one of the cheerleaders and she and her mother both took my head off. Hopefully, she'll be playing a little wide receiver and your son might be able to throw her a touchdown pass. We're looking forward to the team. You know you have the support of this council, as you've had in the past. And we're looking forward to working with you again. I know that we really feel proud of our athletes and we will be bringing in the State Indoor Track Team here."

Mr. Kelce said, "We always appreciate the support the city gives us too."

"I'm Sam Richmond and I live at 1519 Crest Road. Thank you for the opportunity to speak to you tonight. It's a great tradition at City Council here that you start off with the citizens' remarks. I'm writing to you regarding the preservation of what remains of the "Woods" around the perimeter of Severance Center, especially that part of the woods on land held by the Board of Education put up recently for bid. I want to say one moment here as to why I've come to you about this. I have gone to the Board of Education and they had promised a public process, but no public process was offered. There wasn't any opportunity to comment on this or consider alternatives. Also, giving you an addition to copies of my letter [*sic*], copies of pictures that I've taken of the playground there at Millikin School. And you know as a neighbor it's a real tragedy to see this. It used to be a very nice playground there. I could walk down with my grandchildren and enjoy it. One day it disappeared. It was ripped out, you know. I couldn't understand. Well, why would they just rip it out without any notice? And you see what's there now, a pile of rocks and one gate that's locked and says, 'dangerous', and the other gate is unlocked and wide open. It's very poor citizenship here on the part of the owners of that property. I was at a Board of Education meeting and where did I see the playground equipment, but at Gearity School. I couldn't understand why the equipment had to be relocated from Millikin to Gearity. It would have been very nice to continue to have a playground here, but my main comments here have to do with the woods.

We are at a turning point in world history with respect to carbon dioxide emission. All must act quickly to conserve wooded areas in order to reduce green house effects. These woods take up carbon dioxide out of the atmosphere and its destruction will put CO₂ into the atmosphere. The woods are also good for reasons of water and other air-quality issues. It is also good as a heat sanctity, as I do, if around Severance Center it gets very hot in the summer, it absorbs all our heat, radiates it out all night long. The wind off Severance is like off of a desert and the woods help to protect against that.

There's life there. Recently I've seen deer there just looking in across the fence from a parking lot there in Severance, three deer browsing. I saw two red hawks up in a tree. They are great for helping us keep the rodents under control in our neighborhood. It's a living place and conserving it as a unique resource makes it available for nature education, but especially for the future citizens of this city. This city is going to be here a long, long time. I certainly hope. I hope the woods will be here a long, long time, too. Once it's gone, it's gone forever. You know, it doesn't come back.

Now, I know you guys don't have a half a million dollars just sitting around just ready to draw on and I don't want to make impossible demands on you. I'd like you to give this your attention though. Windfalls sometimes come along, sometimes there is a budget surplus at the end of a year, sometimes other purchases can be delayed, maybe the property could be leased and held for a period of

time at less expense. But it is also important that the city consider the value of the property when investors come to seek investment from the city for infrastructure, and it's one thing to have a tax abatement that is bright [*sic*] and reconstruction really helps the city, but tax abatement to cut down the woods though, I'll hope you'll consider not doing that. Anybody who is interested in the woods can contact me, Sam Richmond, 381-1372. Thank you very much."

Mayor Kelley stated, "Thank you, Sam. If you'd just stay up there for one minute. Point Number 4, your second sentence, it will cost the city several times that to put in roads and sewers to serve the small population it will occupy the land it develops. The city does not put in the roads and the sewers in the development of this nature. Let me be clear about that."

Mr. Richmond replied, "You know what, I had that impression because of when the Courtyards over here were put in."

Mayor Kelley responded, "We did not put those in. The developer puts those in himself."

Mr. Richmond said, "Maybe I got it confused with the Ring Road. Did you guys put that in?"

Mayor Kelley answered, "We put that in, but we assessed. Mr. Downey, do you want to take that question?"

Mr. Downey replied, "We did the installation of it, Mr. Richmond, but we assessed all the property owners around the Ring Road for that."

Mr. Richmond replied, "Thank you. Excellent call."

Mr. Downey continued, "Just to be clear though, Mayor Kelley is exactly correct on the Courtyard. The developer paid for all of that. When his project is finished, the maintenance of those roads will then be the city's [responsibility]. So you may see us down the road, salt them or plow them, but not yet, not until he is finished, but the installation/the construction of them was done by the developer."

Mr. Richmond replied, "Thanks, for that information."

Mayor Kelley added, "I'm about 100% certain of it, to my colleagues to my left and right, if there is some kind of development at this site and I've said this now at least the third time I've said this, it's probably a long process that any developer would have to go through on this site. There would be a lot of public meetings, a lot of boards and commissions and stuff like that and a lot of votes before anything happens there. But, I think I can rest assured looking right and left, we're not putting anybody's roads or anybody's sewers in here, on this land. So when you go forward and I'm not - let's be clear about that - we are not in the position of doing that and we have not talked to any developer about doing that. We've not done that at the JCC site, Cedar-Fairmount site, Euclid Heights and Lee, we're not in the business of putting in sewers and streets and stuff like that. Once they're dedicated or the projects done and they are paying their taxes (the residents) they get the same service you and I might get. But at this point and time that is not happening and as I look up tonight I don't think any of the seven of us are going to be advocating to put in sewers or streets. Those are multi-million dollar investments and we're certainly not going to do that for a developer and I don't care who the developer is."

Mr. Richmond replied, "Thank you very much."

Vice Mayor Montlack added, "You can stay there, if you'd like. In almost every case when a member of the public comes to address council, I take it as my responsibility simply to listen and consider what's being said, but since you are now for the second time raising this issue about a potential development I have a thought that I'd like to share. When the city undertakes to encourage the development of housing or other improved property that especially where it's in an area that left to the devices of the marketplace would not happen or would not happen in a way that we in Cleveland Heights want to see it happen. The city has in the past used subsidies of various kinds, subsidies as in from us taxpayers. Only a few of the examples of that are the development in the Noble-Nela area (Greyton Courts) the development that is ongoing around the corner at Lee and Euclid Heights Boulevard and there are other examples I could give you, including the Courtyards of Severance. These were areas that were intelligently developed and the city either owns the land or participated because of a near-ownership interest. In each case, we, representing the people that pay taxes did expend dollars to help make those developments happen. I raise all that, because the city doesn't own the Millikin property. However, another public entity does and maybe it's time in the public discussion of these matters to recognize that intelligent upscale development is everyone's responsibility. We know it's responsibility of the city, we've undertaken that. Maybe it's also the responsibility of the Board of Education as a public entity owning that property. Perhaps, a little shared suffering will help accomplish the goals that you're talking about, maybe not keeping the entire area green space, but some intelligent development design that allows both upscale building and green space. But the point that I'm trying to make is that while discussions here at city hall and before a council meeting are helpful, I think that all of the public entities - each public entity - that owns property and wants to see good things happen in Cleveland Heights, perhaps should consider itself - themselves - the contributions that can be made."

Mayor Kelley concluded, "Thank you, Vice Mayor. Thank you, Mr. Richmond. I'd appreciate it if you keep us abreast of any future developments there, you feel necessary - you're obviously more than welcome at any council meeting that you'd like to come to, but also feel free if you'd like to contact me or e-mail any of us or anybody on council that you feel comfortable with. Please keep us in the loop, if you would."

Mr. Richmond added, "Thank you very much. I hope this is one you won't subsidize."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. Just one item this evening. In your packets you received a copy of the bid tabulation for Bid Document No. 2007-06, the labor and material to clean catch basins and inlets in the City of Cleveland Heights. The lowest and best bidder is AAA Pipe Cleaning Corporation, in the amount of \$55,425.00. 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 notice has been received from the Ohio Department of Liquor Control advising that application has been made by the following: Lawrence Greenwood, d.b.a. North Taylor Mini Mart, new C1 and C2 permits, premises 2213 North Taylor Road, 44112. 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 and added, "I also do want to make it a matter

of record that Councilwoman Dietrich, Councilman Tumeo, and myself, as the Mayor, received correspondence from Pastor Don King of the church which is directly across the street objecting to this liquor permit and asks that we pursue that, and the City Manager has been made aware of this as has the Director of Law and our Police Chief. So we will be looking into this a little bit further to see what can or cannot happen here.”

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, “Thank you, your Honor. I’d like to present Ordinance No. 28-2007(PSH), authorizing an agreement with Motorola for the purchase of radios and other emergency communication equipment through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefore; and declaring an emergency. The City was awarded grants, for itself and on behalf of several other neighboring Fire Departments, for the purchase of radios and other emergency communications equipment. Section 1 reads that the City Manager is authorized to enter into an agreement with Motorola for the purchase of radio and other emergency communication equipment, through the Ohio Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements of Ohio Revised Code Section 125.04 and this Council’s Resolution No. 115-1988. The agreement shall provide for the purchase and installation of a synchronization clock, no less than Two Hundred Sixteen (216) mobile and portable radios, at least seven (7) wireless fire alert systems, and various associated accessories, at a cost not to exceed One Million Two Hundred Forty Thousand One Hundred Forty-six Dollars(\$1,240,146.00), all as detailed in a memorandum from the Cleveland Heights Fire Chief dated March 15, 2007. This program is in cooperation with some neighboring cities: Lyndhurst, Mayfield Heights, Shaker Heights, South Euclid and University Heights. I’d like to submit Ordinance No. 28-2007(PSH) for passage this evening.”

Mayor Kelley accepted Ordinance No. 28-2007(PSH) and added, “I just want to make one point, I want to thank our Senator George Voinovich and our Congresswoman Stephanie Tubbs-Jones, who really working with the six cities to make this happen. I also want to thank our county commissioners for coming up with the matching money to make this happen. It’s a two-prong grant and I think this is really a step in the right direction and I really want to thank the mayors and staff in the other cities as Councilwoman Evans has said, Shaker Heights, University Heights, South Euclid, Lyndhurst and Mayfield Heights for making this happen. This will make sure we’re all on the same page and it’s what the county needs to do. There was a scathing article a number of months ago on how basically the 57 or so cities are all on different wave lengths and different frequencies. This will begin the process of getting at least these six cities together so that when we do have issues of importance as far as emergency rescue or god-forbid some kind of a catastrophe in the area, we will all be on the same page and we really all need to be working together - all 57 or so cities and this begins the process again. We could not have done this without the help of Senator Voinovich and Congresswoman Stephanie Tubbs- Jones and our three favorite county commissioners who got the money for us to do this and to begin this process. So I want to thank them publicly for that.”

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

Nays: None

Ordinance passed

Council Member Evans continued, “Resolution No. 29-2007(PSH), amending Resolution No. 23-2007 to provide for on-street overnight permit parking on specified portions of Edgewood Road, Oakdale Road and Rexwood Road; and declaring an emergency. By Resolution No. 23-2007, this Council suspended enforcement of Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights for the period ending December 31, 2007 on specified streets and provided

for on-street overnight permit parking on other streets in areas of inadequate off-street parking. Due to the construction of the Meadowbrook-Lee Parking Deck, it is necessary to provide temporary overnight on-street parking for residents of specified neighboring streets who formerly parked in the Ameritech Lot. Section 1 reads that Resolution No. 32-2007 is amended to add a new Section 3A to said Resolution and shall read as follows:

SECTION 3A. The City Manager is authorized to sell permits to residents and owners of property on Edgewood, Oakdale and Rexwood Roads between Meadowbrook Boulevard and Cedar Road to park overnight on the owner or resident's street in the area between Meadowbrook Boulevard and Cedar Road. Such permits shall be available at a cost of Thirty Dollars (\$30.00) per month.

I'd like to submit Resolution No. 29-2007(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 29-2007(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "Next are three resolutions [and] all are nuisance abatement resolutions. Unfortunately, these properties have reached the state that the condition is so bad that we do believe that it is necessary to take action. The first one is Resolution No. 30-2007(PSH), declaring the property at 932 Brunswick Road 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 932 Brunswick Road was substantially destroyed by a fire on or about November 1, 2006, leaving it in an insecure, unsafe and structurally defective condition. On or about February 15, 2007, the owners of the property were issued a notice of code violation ordering said owners to obtain a building permit and submit plans for rehabilitation or raze the residential structure on or before February 26, 2007. No action has been taken. Therefore, it is found and determined by this Council, pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights, that the premises owned by Cornell Murray and L. C. Tate known as 932 Brunswick Road is in a state of disrepair due to fire damage to the extent that it constitutes a health and safety hazard, an attractive nuisance and a blighting influence and is hereby declared to be a public nuisance. Section 2 reads that the City Manager and Certified Building Official and Director of Law are authorized and directed to cause the nuisance to be abated in accordance with Section 3929.86 of the Ohio Revised Code. I'd like to submit Resolution No. 30-2007(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 30-2007(PSH).

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

Nays: None

Resolution passed

Council Member Evans continued, "It is being recommended that this property be razed for a cost of \$8,500. Next is Resolution No. 31-2007(PSH), declaring the property at 3356 Euclid 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 3356 Euclid Heights Boulevard was substantially destroyed by fire on or about January 18, 2007, leaving it in an insecure, unsafe and structurally defective condition. It has been further re-

ported to Council that no action has been taken to repair, secure or raze the structure. Section 1 reads that it is hereby found and determined by this Council, pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights, that the premises owned by William Fitzgerald known as 3356 Euclid Heights Boulevard is in a state of disrepair due to fire damage to the extent that it constitutes a health and safety hazard, a nuisance and a blighting influence and is hereby declared to be a public nuisance. Section 2, our officials are authorized and directed to cause the nuisance to be abated in accordance with Section 3929.86 of the Ohio Revised Code. I'd like to submit Resolution No. 31-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 31-2007(PSH).

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

Nays: None

Resolution passed

Mayor Kelley added, "I've been reading off the yellow sheet [agenda] and my yellow sheet - everyone that Councilwoman Evans read from 29 on says Ordinance 29, Ordinance 30, and Ordinance No. 31, but to be correct and it has been my fault, sorry Councilwoman Evans, it should have been Resolution No. 29-2007, correctly what Councilwoman Evans read and Resolution No. 30-2007 should be have been the correct language and this one both Councilwoman Evans and I said correctly was Resolution No. 30-2007. So the yellow sheet is wrong, if I am correct, and the way Councilwoman Evans has been reading them is correct as stated on the legislation. I must apologize for going by the yellow sheet and I should have been looking at both the pink and yellow."

Council Member Evans stated, "Unfortunately, the structure is also being recommended to be razed and that cost will be approximately \$9,000. Resolution No. 32-2007(PSH), declaring the property at 1770-1772 Lee Road 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 1770-1772 Lee Road owned by James Heard 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 owner of the subject property and prior owners have been cited by the Housing Inspection Department for numerous housing code violations on the property over the past fourteen (14) years and that little progress has been made toward correction of the violations. Therefore, Section 1 states that it is hereby found and determined by this Council, pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights, that the premises owned by James Heard known as 1770-1772 Lee Road is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and is hereby declared to be a public nuisance. I would like to submit Resolution No. 32-2007(PSH) for passage."

Mayor Kelley accepted Resolution No. 32-2007(PSH).

Council Member Tumeo stated, "I just wanted to make a note so that people would notice, we're declaring three properties a nuisance and in all three cases are looking towards tearing down the buildings and this one, of course, is obvious it's been a long-term problem, but the other two are from fires. Just so people understand, this is not a situation where someone's house has burnt down and they are trying to get it rebuilt and we're intervening. These were not owner-occupied homes. These are problem homes. They've now burnt and they're just standing vacant and deteriorating the neighborhood. So, I think it's important that people understand. We don't take these actions lightly. We think about them in great detail and our Housing Office does a great deal of work to make sure that people who can't get their houses fixed that need to, we have programs to help them with that. This is not the case here. These are properties that are remaining vacant and are now burned and are very, very bad nuisances."

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

Nays: None

Resolution passed

Council Member Evans concluded, "As Mark mentioned, this property is also being recommended to be razed and it is unusual that the recommendations are such. It certainly is a last resort on the part of the city to take this action. These properties are in extremely bad shape.

Annually, our city's fire department sponsors CPR classes. These classes are going to take place in April and the announcement will be in our next Focus Magazine and you will be asked to contact the fire chief's office at 291-2673 after April 2nd. There will be a class of CPR for children as well as two classes for adults. So those of you who are interested please take advantage of the free courses that are being offered in April. That concludes the report this evening."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Tumeo stated, "Thank you, your Honor. I have Ordinance 25-2007(AS), Second Reading, of the City of Cleveland Heights, Ohio, establishing salary schedules, position classifications and other compensation for officers and employees of the City; and declaring an emergency. I read this at our last meeting. What we are doing is adjusting the salary ranges for our various positions. We are adjusting the ranges both minimum and maximum by three percent (3%) even though the raises that are going through on their contract negotiations are less than that. It also adjusts seven positions for the minimum wage that was passed in the last election, establishing the holidays and benefits and other criteria of employment for the City. I read it in detail at the last meeting, so I would like to offer Ordinance No. 25-2007(AS), Second Reading for passage tonight."

Mayor Kelley accepted Ordinance No. 25-2007(AS), Second Reading.

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

Nays: None

Ordinance passed

Council Member Tumeo continued, "I also have some appointments to committees. First I would like to move to appoint Mr. Michael Wellman to a four-year term as the alternate for the Board of Zoning Appeals. The previous alternate Mr. George Gilliam was appointed to the full membership on the Board last month. Mr. Wellman is an architect and a long-time resident of the city whose experienced in urban design and historic preservation. His expertise and experience will be a great asset to the BZA. The appointment would start immediately and run until January 31, 2011."

Second by Council Member Caplan.

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

Nays: None

Appointment passed

Council Member Tumeo continued, "Next, I would like to move to appoint Mr. David Benson and Dr. Vadim Lvovich to fill vacant four-year terms on the Administrative Services Commission. Mr. Benson is an attorney with experience with employment law, basic estate planning and residential real estate transactions. He has been a resident of Cleveland Heights for over ten years. Dr. Lvovich is a senior scientist at Lubrizol and brings over fifteen years of experience in public and civic volunteer activities. These appointments would both be effective immediately and run until October 31, 2010."

Second by Council Member Dietrich.

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

Nays: None

Appointments passed

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Dietrich stated, "Thank you, your Honor. There is no legislation tonight, but I have two announcements and a comment. The first announcement is, although we'd never know it's today, the Annual Spring Egg Hunt is coming up on March 31. That is a Saturday at 11:00. It takes place at Forest Hill Park and it will be on the tennis courts if the weather is bad, if it is too muddy to be on the field. This is an event for the little children accompanied by an adult and it's definitely an event that you want to show up on time to as Councilwoman Caplan used to tell us every year it's over in about five minutes. So as soon as the kids hear the ready set go signal they go after those little chocolate candy eggs and it's over. Saturday, the 31st at 11:00.

The other announcement is about the series of forums that Heights Community Congress held on race, class and diversity. As we told you about, and other people have told you they were very successful and people have asked to have some form of that continued. What Heights Community Congress is going to do is hold discussions on the 4th Wednesday of every month at 7:00 p.m. at the main library. They will continue on this topic of race, class and diversity. They will be much smaller discussions. There won't be guest speakers and things like that. It'll just be a chance for people to come together and dialogue. So if you are interested in doing that, it's the 4th Wednesday of every month at 7:00 p.m.

Finally, my comment is something that I sort of wanted to be talking about for a while. You know we get all sorts of feedbacks from people and very often the feedback is that we're being too restrictive. Then on the other hand we often get feedback from people, for instance, asking us to be more restrictive, to pass more regulations on things. We often hear from people wishing that we would regulate what color people could paint their houses. Recently, if you were watching our programs on tv you would have seen Fran Mentch come to us and talk about her desire for the city to ban security doors that one would use as a front screen or storm door. There are people who think that we shouldn't allow rottweillers for instance or any vicious dog. So in considering all these things, there just comes a time when we feel like there are certain things that we don't want to regulate by law and so we sort of hold off on passing regulations about things like the things I just mentioned. But I think it's worth having people think about the fact that the choices that we make in these areas affect your neighbors sometimes and that something like a security door gives some people the impression that you feel unsafe in your house if you chose a security door. For some of you it would be an esthetic choice, but if you really think about the fact that sometimes it can give the impression that you're trying to sort of fortress your house and just know that when you're making your choices. It's the same when you're choosing paint color. It's the same when you're deciding what kind of a dog to own. It's the same as Councilwoman Caplan and I - now I've mentioned her twice - when you ask for a variance to put up a six-foot board on board fence. These are all things that affect how people view a neighborhood, so that if every person on your street painted their house like bright turquoise and everybody got a rottweiler, everybody got a security door, put up a six foot board on board fence, your neighborhood would suddenly stop looking like a friendly Cleveland Heights neighborhood. So while we have stopped short of regulating any of these things, I just think it's worth talking about and making sure that as you make your choices that you are aware of the kind of effect that your choice has on other people. That's all that I have."

REPORT OF THE FINANCE COMMITTEE

Vice Mayor Montlack stated, "There is no report tonight."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "I have one piece of legislation and it is Ordinance No. 33-2007(MS), authorizing a non-exclusive easement to AT&T for relocation of utility lines on a portion of the City-owned property identified as Permanent Parcels No. 687-06-103, 687-06-104, 687-06-155 and 687-06-154 and on Cedarbrook Road; and declaring an emergency. AT&T currently has overhead utility lines on public rights-of-way at the site of the new Meadowbrook/Lee Parking Garage; and, the City has requested that said lines be relocated by AT&T in underground conduits being constructed by the City in order to facilitate construction of the Garage. The City Manager is authorized to execute a non-exclusive easement to AT&T for relocation of utility lines to an underground conduit. The easement area shall be located on Permanent Parcels No. 687-06-103, 687-06-104, 687-06-155 and 687-06-154 and over Cedarbrook Road, as identified in the maps attached hereto as Exhibits "A" and "B" and incorporated herein by reference. The easement and all related documents shall be approved as to form by the Director of Law.

This will all go toward making the new garage esthetic behind the garage on the Tullamore side away from Lee Road. It will be a fair amount of green space that will really be very nicely landscaped and won't have now overhead lines. So that's really great.

Notice of passage shall be given and the Ordinance shall be declared an emergency for passage tonight. So, I offer Ordinance No. 33-2007(MS) for passage tonight."

Mayor Kelley accepted Ordinance No. 33-2007(MS).

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

Nays: None

Ordinance passed

Council Member Caplan continued, "Thank you. Now I want to say thank you to all the citizens in Cleveland Heights, because for the first time ever in all the material that we collect on your garbage day, the city has recycled more than 50% of the material that has been collected. That's really pretty good. I talk about it a lot, but clearly many of you have been listening and it's really fantastic. Yardwaste, logs, wood chips, loose leaves, and used motor oil continue to increase yearly in their collection and we have this new trash - techno-trash - five hundred pounds were collected and processed for secure disposal. That's really fantastic. Not only is it great that we have not had to send 50% of our collection to a landfill that we pay for, we have in the past year received over \$86,000 in revenues from our being able to sell all the things from paper materials, the blue bags, scrap metal, batteries, motor oil, ink cartridges, etc. Everybody has been really doing a good job. We've increased it every year, but I know we could do better and I know you could do better, so I'm hoping that you will and we'll work on that.

The other thing I wanted to tell you, look in your mail, you are going to get a new Focus. It's marvelous, it's bigger than ever, it has wonderful pictures, it has all kinds of information. Even though it snowed this morning, there is a whole discussion about the summer events at Cain Park and if you can believe it, it really is going to come. Of course, I can't resist telling you, there is a part about recycling, reminding you of what you can recycle and there has been a big discussion about (and I don't think it mentions it in here) Styrofoam is not recyclable. People have been interested in the flat trays

that come under meat, if there is not a number on it, it's not recyclable. That's probably true for everything. We recycle one (1) through six (6). If it doesn't have a number, better safe than sorry, don't put it in the recyclable bags, but do think about spraying.

We're home to arts. There are all sorts of wonderful things in here and we're going to look forward to seeing you at all of our outside venues as the summer months keep coming. Summer really is going to be coming here soon and we'll see you next week at the Spring Egg Hunt. It's really a stitch. I think you have to bring a can of food too. Do you not, Councilwoman Dietrich?"

Council Member Dietrich was not sure.

Council Member Caplan continued, "Yes, you do. Not only do you get free candy, but we ask you to think about those people who need our help. So we ask you to bring non-perishable items and we give them to people who need them. That's all I have."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There was one piece of legislation that will be tabled and referred back to committee. I did have one announcement to make and that is on the Home Buying Seminars will be held here at city hall since spring official begins later this week and a lot of people will be looking at opportunities in the housing market and because of a lot of changes that have been happening in the mortgage lending area, this would be a good time to become more educated about what's available out there. So on Wednesday, March 28 and Thursday, April 19, here at City Hall between 7:00 and 9:00 p.m. there will be a Home Buying Seminar that will cover a number of issues including hearing from experts from real estate, banking and mortgage industries. If you are in the market for a new home or downsizing, becoming an empty nester, whatever, this is an opportunity to find out more about what's going on in the home buying market. That concludes my report."

REPORT OF THE MAYOR

Mayor Kelley stated, "One or two things, on April 16 at our council meeting we will be fortunate enough from Heights Arts to have our new poet laureate will be named and will come to us and begin our meeting to continue a three year tradition of reading a new poem. We look forward to that.

The second thing and an important thing for those of you who are aligned on our Cleveland Heights website you'll be able - whether you are a Cleveland Heights resident and obviously you are if you're watching the show - but if you have friends or family elsewhere that are looking for new housing in Cleveland Heights and don't want to deal necessarily with a real estate person right away, if you go online on the Cleveland Heights website www.clevelandheights.com you can access our new housing on there or the real estate companies on there to find out some of the new and exciting housing opportunities in Cleveland Heights or some of the existing houses that are for sale when you're browsing on line. We've been doing this since December. It's been very successful. Some new hits. So there are some great opportunities, great housing on our website, free of charge, so you can do some browsing on a short afternoon or if you're a two o'clock in the morning person just thinking about coming to Cleveland Heights or you're in Cleveland Heights and looking for a new house to move to, you can do it all on our own site and get some information without at this point in time having to deal with a real estate agent or if you're wondering what's going on at the JCC or some of the other sites you can see some of the new opportunities that are here in Cleveland Heights. The links are great. I suggest you do it. We know there are a lot of hits on our sites. This will be a good opportunity to do it, take part in this and see what's happening.

That's all for tonight. This meeting is adjourned at 8:37 p.m. Our next meeting is Wednesday, April 4, 2007. Thank you for coming tonight."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc