



CITY OF CLEVELAND HEIGHTS, OHIO

MINUTES OF THE COUNCIL MEETING

OF TUESDAY, SEPTEMBER 21, 2009

Monday evening
September 21, 2009

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

Edward Kelley, presiding

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

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

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

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

Committee of the Whole adjourned at 7:32 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: Dietrich, Evans, Kelley, Montlack, Tumeo, Wilcox

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

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

The minutes of the Regular Council Meeting held Tuesday, September 8, 2009 were approved and signed by Mayor Kelley along with the ordinance and resolutions passed at that meeting.

"Good evening. My name is Kendra Reddick, 3542 Cummings Road. My main concern is - and I'm just going to describe two situations that occurred on my street. There is an individual walking in the middle of the street, rapping loudly. When I called the police - and he woke me up from my sleep. When I called the police, the police said that he refused to send someone to inform the

individual that it was not appropriate, that it might be disturbing the peace or just a public nuisance. The police said it was his constitutional right to be able to rap loudly. At this point the individual passed my house and continuing - I'm hearing him rapping. I, then insisted that I talk to the police officer in charge. It took her about five - ten minutes to get to the phone. At that point I realized that this police officer had informed her of my complaint and she agreed with him. Only a day later, after the situation not being - I was not able to rest with this situation, I called Chief Lentz and he agreed with me that it was definitely disturbing the peace and just a nuisance. I gave him the two officers involved and he promised me he would talk to them.

Then, another situation happened where on the street that intersects my streets, Cummings Road, there is an individual - a young man on a cell phone in the middle of the street standing. Cars were driving by. I am at my house observing this and again, he is talking loudly, that's what got my attention. I called the police and again it was not a crime at all for him to be standing in the middle of the street talking on his cell phone. And I think he was talking without any exaggeration for maybe ten minutes. I'm observing him and it took every bit of - just every bit of self-control not to go to him and say, "Please don't do that." But, I did call the police and again the police said and I am at this point very frustrated that I'm getting this kind of complacency from the police and again the police said he could do that, it wasn't against the law. I then asked for the officer in charge, but this time the officer agreed with me and decided to send someone, but by then the young man was gone and so it was too late. My concern is that I'm getting more and more of the police saying, "It's okay what he's doing. It's okay." And I was listening to, I think it was, you, Mr. Montlack, I believe a couple of meetings ago, you said, "Sometimes things are not illegal." But, still if it's a nuisance, if it's something that shouldn't be happening, the police or someone needs to step up. I've been a resident of Cleveland Heights for over ten years. I love my community. I don't want to see the decline that I'm looking at and the police not wanting to get involved. The police now saying, "It's their constitutional right." I think the police just don't want to look like their harassing."

Mayor Kelley called on Mr. Downey to explain, "Mr. Downey, do you want to respond? Mr. Downey is our City Manager and he also doubles as the Safety Director for the City."

Mr. Downey replied, "Thank you very much, your Honor. Ms. Reddick, this is the first I've heard of this and it is not really the way we do business. I'm surprised to hear that was the response that those officers gave you."

Ms. Reddick answered, "And, I have their names if you want the names?"

Mr. Downey said, "Yes, we're going to listen to the tapes. Tomorrow morning Chief Lentz and I will be listening to these tapes and hearing what the response was by the officers and then moving on from there. You talked to him on the first issue. The Second one, did you talk with him at all?"

Ms. Reddick replied, "No, I didn't."

Mr. Downey continued, "Just the supervisor at that time?"

Ms. Reddick replied, "He agreed with me and was concerned that an officer would say, "It was okay for him, he had the right to do that."

Mr. Downey continued, "We can do this after we leave. You could give me the approximate dates so we can locate exactly where these tapes are and we can listen to them. That would be great."

Ms. Reddick replied, "Okay."

Mayor Kelley stated, "I just want to say on behalf of this Council, we're very sorry that this type of service was received by you. It's not acceptable. Most - if not all of us on this Council have spent a lot of years living in this community and we pride ourselves on excellent safety forces. So, we will get to the bottom of this. I want to impress upon you to keep on calling."

Ms. Reddick asked, "Can I just ask a question?"

Mayor Kelley answered, "Please."

Ms. Reddick asked, "Is it okay if citizens get the response, "If we get a police officer available we'll send someone?" That seems to be a newer response that I'm hearing from other citizens of the community also."

Mayor Kelley replied, "What I was going to suggest is that you - after Mr. Downey and the Chief review the tapes, maybe you schedule a meeting with them to bring up these issues, including that issue. I can't speak for the Chief or for Mr. Downey. That's really not my role. But, I wanted to impress upon you to keep on calling. Maybe you should just ask for the officer in charge, so that way you don't get frustrated even more than you are now. If you are still not satisfied after you've talked to the Chief and Mr. Downey, please let me know or any member of this Council. We will continue to look at. It is not an acceptable response. I apologize on behalf of this Council to you. We value you for being here for ten years. We want you to be here for another forty or fifty years."

Ms. Reddick replied, "I plan on it."

Mayor Kelley continued, "That will be acceptable and if you're not happy, let us know, please."

Ms. Reddick answered, "Thank you so much."

Mayor Kelley continued, "Just pick up the phone or e-mail us. Whatever works for you. Come back to the meeting. But, hopefully this will be taken care of to your satisfaction and to this council's satisfaction."

Ms. Reddick said. "I trust that. Thank you, Council."

"My name is Patrick Fagan. I live at 918 Ravine. I've lived in Cleveland Heights for most of my life now and I think it's a great city. I would just like to take the time to appreciate the job that Council is doing to run our city and to wish them luck in the coming years as the city goes forward and wishing you all luck - the ones who are running for reelection, your luck to hopefully you will be reelected. If I was old enough to vote I would vote for you all, actually, but sadly I'm only fourteen so I can't vote yet. I just want to compliment that you are doing a great job running our city. I just think this city stands out from the other two Clevelands. The only problem I have is just the spill over effect from East Cleveland coming into Cleveland Heights towards the borders. I think that could be helped, but I just think that the Council is doing a great job running our city and I would like for them to keep up the good work."

Mayor Kelley responded, "Thank you, Patrick, and thank you for your kind words and you are much wiser than your age shows."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have no formal report this evening."

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 an application has been made by the following: Pitt Inc., d.b.a. Mayfield Dollar, new C1 permit, premises 3938 Mayfield Road, 44121. 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.

Mr. Malone continued, I also need to notify Council that two 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. 3195 Mark Gridley, 2208 South Overlook Road, accessory use regulations; and BZA Calendar No. 3196 Belinda F. St. Angelo, 3417 Fairmount Boulevard, accessory use regulations. Your Honor, I also need to make these a matter of record."

Mayor Kelley made them a matter of record and referred them to the Planning and Development Committee of Council.

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Montlack stated, "Thank you, your Honor. There is one piece of legislation from this committee. It is Resolution No. 90-2009(MS), authorizing amendment of the City's gas aggregation supply agreement with Integrys Energy Services, Inc. to reduce the "adder" permitted to be charged by the supplier; and guaranteeing that the rate for the Variable Price Program will be at least 10 cents less than the Dominion East Ohio - Energy Choice Program; and declaring an emergency. The City entered into a two year agreement with Integrys Energy Services, Inc. ("Integrys") to supply natural gas to City residents and businesses on an opt-out basis.

We are now moving to the second year.

To enhance the attractiveness of this program and recognizing that last year was not the greatest bargain for the program. Integrys has agreed to reduce the "adder" which I'll get into in a little bit. Integrys is permitted to charge under the current agreement for its services, and to guarantee that its rate for the City's aggregation Variable Rate Program will at all times during the second year of the contract (November 2009 through October 2010) be at a price at least 10 cents less than the price titled "Quarterly Fixed Rate posted on Integrys website for the Dominion East Ohio - Energy Choice Program". Now I am going to read Section 1, the critical substantive provision that tells the residents in summary what they will be receiving in terms of the opt-out choice given that if they do nothing and they are part of the program now they will be in the program. In other words if you return the card that says I don't want to be in this program then you would chose not to be in the program. The City Manager is authorized to enter into this amended agreement as I said before and that reduces the adder in which Integrys is permitted to charge for its service by 10 cents for the months of service from November 2009 through October 2010 and will guarantee that the Variable Rate Program not the Fixed Rate Program will at all times during the second year of the contract (November 2009 through

October 2010) be at least 10 cents less than the price titled "Quarterly Fixed Rate posted on Integrys website for the Dominion East Ohio – Energy Choice Program". In order to achieve the pricing, the beginning and ending dates of the quarters during the second year of the agreement may be adjusted as required.

This proposed amendment, this Resolution comes about as a result of the Law Director John Gibbon's rather intense negotiations and discussions with Integrys over a period of several months. Resolution No. 90-2009(MS) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 90-2009(MS).

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

Nays: None

Resolution passed

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "Thank you. There are two Board of Zoning Appeals Calendars 3195 and 3196. First BZA Calendar No. 3195, this is a result of a public hearing that was held on Wednesday, September 16, 2009 at 7:30 p.m. in front of our Board of Zoning Appeals. Mark Gridley, 2208 South Overlook Road, in an 'A' single-family district, made an application to request a variance from the accessory use regulations of the Zoning Code, to permit construction of a new home with a 9' x 12' enclosed vestibule projecting 9' into the required front yard setback. The Zoning Code would not allow a projection of an enclosed structure into the required front yard setback. In the opinion of the Board of Zoning Appeals the applicant will suffer practical difficulty if the variance is not granted because the owner's medical condition requires specific requirements in the house's floor plan; that the house's first floor master suite design will meet the multiple needs of others where conventional design is not appropriate; the architecture is in keeping with the neighborhood design; and there is only a single variance and the proposal is further Code-conforming; many other homes in the neighborhood similarly project into the required setback. So, basically this home setback will be equivalent to the other houses on the street. The applicant's predicament cannot be resolved without a variance. The applicant is required to get a building permit and all construction must be completed within 18 months. Any expansion of the porch beyond the 9' x 12' enclosure approved by the Board shall require a new zoning variance. I move to approve BZA Calendar No. 3195."

Second by Council Member Dietrich.

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

Nays: None

Resolution confirmed

Council Member Wilcox continued, "Next, I have BZA Calendar No. 3196 Belinda F. St. Angelo, 3417 Fairmount Boulevard, made an application requesting a variance from the accessory use regulations of the Zoning Code, to permit construction of a 5'-2" ornamental metal driveway gate set back 8" from the Shaker Road right-of-way and within the sight triangle required for visibility at intersections. The Zoning Code requires that any fence or wall in the front yard shall have a maximum height of 3' and require that no material impairment to visibility between a height of three feet and a height of eight feet. This was heard before the Board of Zoning Appeals at the September 16th meeting. The Board of Zoning Appeals found that the applicant would suffer practical difficulty if

the variance was not granted because there is a unique upward slope to the driveway necessitating the bottom of the fence to be raised and thus a fence of code-conforming height would be out of scale; the existing ornate landscaping has caused a lack of privacy for the applicant and has resulted in trespassers onto her property; and the metal semi-transparent gate will not block sight lines; the variance is not substantial and will have no adverse affect on the neighborhood. The applicant is required to complete construction within 6 months of the date of the approval of the resolution. The applicant shall continue to maintain the unique landscape character of her property. I move to approve BZA Calendar No. 3196.”

Second by Council Member Tumeo.

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

Nays: None

Resolution confirmed

Council Member Wilcox stated, “I have an announcement and that is there will be a special meeting of our Planning Commission on September 30th at 7:00 p.m. in Council Chambers. This is a project that involves the Coventry School in a conditional use of the Coventry School for a period of approximately from January to June next year. We’re excited about this opportunity. University Hospitals is looking to use the school as a training center, computer training center, for that period of time and cooperation, obviously, of our school board and working with University Hospitals will have many of their employees using that school over the first part of next year. It’s maybe our first opportunity to work with the University Hospitals on a project in our city and we’re looking forward to this and hopefully many other opportunities to work with University Hospitals in our city.

I also did want to clarify that this in no way interferes with the Music Settlement proposal which is anticipated to be open for next year at this time where the Music Settlement would rent out a large part of the Coventry School or the entirety of the Coventry School location for their planned addition and program.

So, again, we’re looking forward to hearing this in front of our Planning Commission, Wednesday, September 30th and working with University Hospitals. That concludes my report.”

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Tumeo stated, “Thank you, your Honor. I have several pieces of legislation tonight. First, I would like to introduce Ordinance No. 89-2009(PSH), Second Reading, amending Chapter 1351 “Housing Code” of the Cleveland Heights’ Codified Ordinances to enact a new Section 1351.991 Civil Penalty against the owner of property if trash, yard waste, rubbish, garbage or other debris or litter are left on the tree lawn, gutter, street, tree well, planter or sidewalk in front of the owner’s premises at times other than those permitted under section 1351.14; and declaring an emergency. This was read into and discussed at the last Council meeting. What we are doing is adding a Section to our Code that will allow us to ticket and fine individuals who put their trash out significantly earlier than when it should be out to be picked up. There has been more and more of that going on as an anecdotal manner. And so we felt rather than having to get to the criminal procedure which is somewhat onerous and expensive for both the resident and the city, that we would move to an administrative approach and allow a fine. I did receive a lot of calls about this. There was a newspaper article in the Sun Press, so a lot of people saw this. I have to say of all the calls I got, no one thought this was a bad idea. Everyone thought it was a good idea. They have also experienced this in some detail and as you all know, if you put garbage out early, our favorite Cleveland Heights’

animal, the skunk, tends to be very gracious and come a calling, so we're glad that this could be hopefully cutting some of that. There were some concerns expressed. I wanted to make sure that it was clear. If someone gets a ticket under this and they feel that ticket is wrongly given, for example, someone else put their garbage in front of your house or you put your garbage out at the right time and it didn't get picked up for some reasons, there is an appeal process so that people who have valid reasons for what happened, you're not just stuck. You can always appeal this. I know that there are some concerns, especially with multi-family homes and landlords, putting out stuff that the landlords have no control over and I'm sure that there will be some motion to try and help with that, especially with recycling. And as I said two weeks ago, when we read this in, when I lived in Washington DC, the way that the landlords handled that is that they had their own recycling bins and they made sure they went out at the right times. It helps everyone recycle responsibly while making sure the city doesn't have garbage and recycling laying around. So, with that I would like to once again introduce Ordinance No. 89-2009(PSH), Second Reading for passage tonight."

Mayor Kelley accepted Ordinance No. 89-2009(PSH), Second Reading, for passage.

Council Member Montlack commented, "Thank you. I appreciate, what I guess is a Council version of good signing statement. I certainly hope that's so. I went into some detail two weeks ago to the effect that there should be a reference to some standards that provide at least for an owner's affirmative sustaining of a burden of proof to show responsible conduct and show why he, she or it should not be responsible. For that reason I will vote against this ordinance, but I don't want this to overshadow what, frankly, are my very, very strong feelings and beliefs in regard to the need for this city to continue and increase its focus on anti-social conduct. I think the comments of Ms. Reddick, earlier this evening very much brought to mind my ideas in this regard. This legislation comes out of a discussion that the council and the staff have had and is continuing in regard to anti-social conduct and violation of community standards. There is more to be done in terms of noise, other acts that constitute a breach of the peace, nuisances, efforts needed to gain the attention of some parents as to their responsibilities for the conduct of their children and making sure that in all cases that we strive to impress upon all folks that there are consequences for inappropriate conduct. I think, as a final thought, that while there always is room to review and perhaps improve legislation, for example in this area we already have several sections of our code that deal with incorrect adherence to refuse collection rules, but while legislation can be helpful, frankly, I think our greatest challenge, especially in this time of a difficult fiscal situation, is to be able to allocate more city resources - that is to say personnel in all of the areas that I just mentioned. That's not to take anything away from what I heard to be an improper situation where the right kind of response apparently was not given to a resident calling in, but in most cases what we need to be doing is figure out how we can have the boots on the ground to maintain important community standards. These are things, frankly, I have some ideas on them, other folks, I'm sure do on council and we're going to continue to be working on it. That completes my statement."

Council Member Dietrich added, "Thank you, your Honor. I didn't get to comment on this two weeks ago because I was on vacation and I did read the minutes from the meeting and just thought I would add my two cents to my colleagues' comments and tell you that becoming more strict is not our favorite thing to do. We do these things because we feel like we have to. As Councilman Montlack alluded to we had almost a four hour discussion about a month ago about quality of life in our neighborhoods. Quality of life in the neighborhoods is so very dependent on who you live next door to, who you live across the street from and how they behave. So, when we receive complaints from people, like phone calls, e-mails or like Kendra Reddick came tonight, a huge percentage come from people who are having problems with their neighbors. It might be noise, might be foul language, might be pets, children's behavior, but very frequently the calls and e-mails we get

are about trash, litter, messiness and the accompanying odor that goes with that. So, how do we help a resident live the kind of life that people like to live in our neighborhoods? Our only recourse, really, is to get more strict. You know it would be nice if we all lived in a world where everybody was just responsible and considerate enough of their neighbors and put their trash out for the minimum amount of time possible. But, when it doesn't happen, really our only way to try to make it happen is some type of a punishment and that's this fine. So, we feel that the trash situation is getting worse and we're determined to keep Cleveland Heights well-maintained and to keep it a pleasant place to live and so unfortunately this is the kind of thing that we have to do."

Council Member Tumeo added, "As a technical matter, it was called to my attention that I need to ensure that everyone on Council understands that this Ordinance is a second reading, as amended from the last reading. There has been a section added dealing with the civil penalty. It specifies that civil penalty will be \$50.00 per occurrence if paid within thirty days of the notice being issued, and \$100.00 if paid more than thirty days after the notice is issued. The charge for a repeat offense within 30 days of a prior offense shall be \$100.00 if paid within thirty days of notice being issued and \$150.00 if paid more than thirty days after the notice is issued. That is an amendment from the last one, so I wanted to make sure everyone understood this was the second reading, as amended."

Council Member Wilcox stated, "Thank you. When this was first introduced I did have some thoughts about the strict nature of this and strict liability, etc. I have a little bit of a libertarian streak in me from time to time, so I looked at this and I came down on this one and what I really feel this is necessary. Nobody wants to live in a neighborhood that has garbage and trash when it's not supposed to be out and I certainly wouldn't want it in my neighborhood. We do have some laws on the book that deal with this, but obviously this is a problem that needs a new approach and this isn't to raise money, this is hopefully to change behavior. Hopefully, that message will be given loud and clear to the residents that don't want to put out their trash when they're supposed to or just litter in general. Sometimes the trash that we see is out two or three days before a scheduled garbage pickup or just out anytime it happens to be out. This is really something we want to send a message that this city is not going to tolerate garbage and litter. So, I will be voting for this Ordinance."

Vice Mayor Evans added, "The goal of this legislation is to encourage our residents to be more accountable. It does sound like a harsh way - mechanism - to achieve that purpose and I have had some unrest with it as well. So, I went online and tried to get a little more information and we're not the only city that's had to go to this extent to encourage our residents to be more responsible. I'm certainly hopeful that we will get the response that we need. If we don't, I look at it as being a work in progress also. We can re-look at and maybe tweak it in some manner and we want the best for our city and the best for our residents."

Mayor Kelley added, "I weighed in this last time, but to me it's very simple. We've heard people talk to us about this issue. I spent most of Saturday and Sunday putting my political signs out in all neighborhoods in Cleveland Heights and seeing garbage out in different areas of town that did not necessarily have a Monday garbage day. It might have been Tuesday or Wednesday. It's just not acceptable behavior in Cleveland Heights or in any city. It's sad that we have to address it in this form, but we're going to get to the bottom of it. There is a new era in Cleveland Heights, things are getting a little bit better - in the economy in Cleveland Heights - from what I see. Housing is selling very well again. It's kicking in. So in order to do this we don't want people putting garbage on their street and ruining the curb appeal, ruining the neighborhoods or yesterday there were two or three parties going on and the house next door to these parties - not a house that I put a sign on by the way had garbage laying out. So, the new people visiting Cleveland Heights or from Cleveland Heights got to see this and that's their snapshot of Cleveland Heights, not on my watch. And more importantly, I

want to thank the good people who follow the rules and put their garbage out in a timely fashion and take care of it. Our guys are there to pick up. We usually have a supervisor who goes over the route after they're there. Too often or not the question came up, did the guys miss my stop or was it there the day before? The bottom line is, do your duty, put your garbage out when it's supposed to be out and we won't have to worry about Ordinance 89. We won't have to deal with it. We won't have to worry about it. Just do a good neighborly thing, follow the rules, it makes a more pleasant atmosphere for the city and you're going to be seeing some more legislation come out of this Public Safety and Health Committee to deal with some of these neighborhood issues or issues like Kendra talked to us about today. We're not going to tolerate unruly behavior in our streets, in our neighborhoods and we're going to go after it very hard and very tough. It's going to be the way it's going to be."

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

Nays: Montlack

Ordinance passed

Council Member Tumeo continued, "Thank you, your Honor. I am pleased and honored to be bringing forth legislation that brings out such thoughtful and I think varied opinions about how to approach problems in our city. I think it shows everyone that we work hard and talk about stuff a great deal.

Next, I would like to introduce Ordinance No. 91-2009(PSH), authorizing the City Manager to enter into an agreement with the Cuyahoga County Board of Health for the use of the Community Center as a Point of Dispensing ("POD") Site for mass clinics to conduct disease prevention and control activities; and declaring an emergency. The Cuyahoga County Board of Health ("Board of Health") has requested that the City make the Community Center available as a Point of Dispensing ("POD") Site in the event the Board of Health needs to conduct mass inoculations or other disease prevention and control activities. We feel it would be in the best interest of the City, it gives us a really close access and someplace where our residents can get immediate help if there is that kind of emergency. It allows the City Manager to enter into an agreement with the Cuyahoga County Board of Health ("Board of Health") for the use of the Community Center as a Point of Dispensing ("POD") Site for mass clinics to conduct disease prevention and control activities. The agreement shall allow the Board of Health to use the Community Center without charge upon twenty four hour notification and shall require the Board of Health to replace any supplies utilized by the Board. The agreement shall contain such further terms as recommended by the City Manager and Director of Law. I'd like to introduce Ordinance No. 91-2009(PSH) on first reading for passage tonight."

Mayor Kelley accepted Ordinance No. 91-2009(PSH).

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

Nays: None

Ordinance passed

Council Member Tumeo continued, "Thank you. Next is Resolution No. 92-2009(PSH), amending Resolution No. 6-2009 suspending 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, 2009 on specified streets to include Norfolk Road between Cedar Road and Derbyshire Road as a street upon which all-night parking will be permitted; and declaring an emergency.

Every year we go through and we have various streets that for reasons of not enough available parking for the residents we allow for overnight parking that suspends the general rule that we

have is that nowhere can you park between 3:00 a.m. and 6:00 a.m.; except for a physician making an emergency call. These streets are exempted from that rule and allow off-street parking for residents and guests and they have to be named in this resolution. In this we've been contacted by individuals. There is not enough parking in this area. This street was not included in that list and after reviewing the parking availability and the effect on traffic and consulting with the police department, we've determined it would be in the best interest of the City and its residents to include Norfolk Road between Cedar Road and Derbyshire Road as a street on which all-night parking will be permitted. So this Resolution amends the original Resolution listing the streets to add this street. The notice of passage shall be given and I introduce Resolution No. 92-2009(PSH) for passage tonight on first reading."

Mayor Kelley accepted Resolution No. 92-2009(PSH).

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

Nays: None

Resolution passed

Council Member Tumeo concluded, "Just a couple other things. Earlier this evening you heard that there is a liquor permit that has been requested for a business called Mayfield Dollar on 3938 Mayfield Road. That was referred to my committee. I just wanted to let everyone know that we are looking at this very seriously. We're going to study it before we decide whether or not we're going to oppose this permit, so that people understand that we do look at these things when they come forward to us.

I'd also like to wish everyone happy holidays, L'shana Tova, to everyone in Cleveland Heights and around watching this and I hope you have a blessed new year. Thank you."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you, your Honor. There is no legislation. My poor committee has so little legislation, I feel like I start everything, 'there is no legislation from this committee', but there isn't. But, it is time to make sure that you are registered to vote at your current address. We do have an election coming up on November 3rd. There are four Council seats to be voted on, three school board seats, the two county reform proposals or three if you count the other set of people that are running. So, I would think that we would all want to vote this time. Registration is so simple. All you have to do is you can stop in at City Hall, any library branch, if you're a Heights High student you can vote right at school or often at an event like a street fair or something you see people like the League of Women Voters who have booths right there for you to take advantage of. We all think that the last day to register to vote is October 2nd. It's always thirty days before the election and it comes on a Sunday, so we are going with October 2nd which is the Friday.

I have to say I've been reading so many things in the paper - [like] a little moaning by people. And so many people say that when they're dissatisfied with the current state of affairs that is the reason that they're not going to vote. They say, 'So, I'm never going to vote again'. You know, it doesn't make any sense at all. I think that if you're dissatisfied with the way things are, all the more reason for you to vote. If you like the way things are vote for that as well. Now to see and hear all the local candidates you can attend the League of Women Voters Candidates Night which is on Thursday, October 8th at 7:00 p.m. at our Community Center. I attended City Council Candidates Night that was hosted last week by Step It Up and was impressed by a number of candidates. Of course, I'm completely whole heartedly vouching for my three colleagues who are running for reelection, Ed Kelley, Bonnie Caplan, and Mark Tumeo. We'll get to that at some other date. Step It Up that hosted the candidates night also has a website featuring the individual interviews that they conducted ahead of

time with each of the candidates. So, if you can't attend any of that, like the League of Women Voters one, there is a new venue that you can use to inform yourself in addition to the websites for League of Women Voters, Future Heights and the Heights Dem. So, I will remind you once more, get yourself registered to vote by October 2nd. That's my report."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Vice Mayor Evans stated, "Thank you. There is no legislation this evening, but I'd like to add that your polling location may have changed so if you see something that has come from the Board of Elections, open it up and look at it. You don't want to go to the wrong place if you put an effort forth to vote that day.

I would like to just let everyone know that our annual feel good, Community Improvement Award Program is coming up very soon. It's October 1st on Thursday at 7:00 p.m. here at City Hall in the atrium. This is a program where we say thank you to those property owners who have put a lot of time and effort and money into really beautifying their property. It is a wonderful program and we'd like for all of you to come to it. That's Thursday, October 1st at 7:00 p.m. Thank you. That concludes my report."

REPORT OF THE FINANCE COMMITTEE

Council Member Montlack stated, "Thank you, your Honor. There was a piece of legislation from this committee. However, the City Manager and the Law Director feel that they would like to review it more and make sure that it's right. So Ordinance No. 93-2009(F) will be held. That completes this report."

REPORT OF THE MAYOR

Mayor Kelley stated, "I do want to clear up two issues that came up at the Step It Up forum. While it was a great forum and I was glad to participate, a number of questions which came to me after the meeting from a lot of the people that were there. I want to state unequivocally you are living in one of the safest cities in the State of Ohio according to FBI crime statistics of a city approaching 50,000. It's been the case for a number of years and it continues to be the case and god willing it will continue on for many years in the future.

Secondly, an issue of an indoor swimming pool. We continue to have discussions with the City of South Euclid, University Heights, and Richmond Heights if they would ever build their community center, that we would be part of it on a next-come basis after the first three cities are taken care of. But also, more importantly, about three weeks ago today in this very city hall, meeting with the Superintendent Doug Heuer who told me he would be doing everything in his power to get the indoor swimming pool at the high school open to the public. Now, I am going to take him at his word. I'm going to push him a little bit further, push our colleagues on the school board to do that. We've had these discussions for 10- 12- 14- 16 years, but it's time to do it. This is a need in the community. We do not have the nearly six million dollars to build a brand new pool in this community. The reason I say six million, because in 1997 when we looked at it, I believe it was 3.9 million and I'm just figuring a little bit of inflation, etc., and it would also take between 1.5 million and 2 million dollars to run this pool every year. That includes the water, the liability, the lifeguards. If we had eight million dollars we certainly wouldn't be cutting staff and cutting 2 or 3 million dollars out of the budget. I'm really looking forward to work with the superintendent and the school board to make that a reality for our community. It's the one missing link. But, don't think foolishly for one minute that we're able or in

the financial position to build a brand new swimming pool and then pay another million and a half or two million dollars a year to run it. We do not have this money. Maybe Beachwood and Westlake do. Westlake does have indoor pools, Beachwood doesn't. So look around, take a look around, see what's going on, but this is the latest update and hopefully we can move forward in a positive direction before the year or so is out.

I want to thank you for coming. This meeting is adjourned. Our next meeting will be Monday, October 5, 2009. We are adjourned at 8:32 p.m."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc