



CLEVELAND HEIGHTS

MINUTES OF THE COUNCIL MEETING OF TUESDAY, FEBRUARY 17, 2004

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:30 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:10 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:40 p.m.

Edward Kelley, presiding

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

Council Members absent: None

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

Mayor Kelley stated, "Before we move to the approval of the minutes of the Regular Council meeting, the City suffered a loss over the weekend. Former Mayor and twenty-year Councilman Richard Weigand passed away. It is with our deepest sympathy, from this City Council and staff, to send to the family. Former Mayor Weigand served for over twenty years, but I'm going to ask Vice Mayor Kenneth Montlack to speak a minute to his service to this community and to this City Council specifically. Vice Mayor."

Vice Mayor Montlack spoke, "Thank you. As Mayor Kelley mentioned, Richard Weigand served for twenty years as a member of council and several of those years as mayor. During his leadership as mayor, he helped set in motion many of the actions, in terms of redevelopment and other activities, for which we're still gaining the fruit of those efforts and at the same time was always cognizant of the core values of Cleveland Heights and the need to protect the best in Cleveland Heights, which he did with vigor. He often took strong positions, sometimes not very popular ones. He was never one who went

out and took a poll of what was popular and what wasn't before making up his mind as to the direction that he thought made sense, but he always spoke clearly on his views. He cared very, very deeply about Cleveland Heights. He worked at his position and certainly has left his imprint, for better, on this city. We are grateful to Dick Weigand and we extend to his wife Maureen and his other family members, our deepest sympathies. Thank you."

Mayor Kelley continued, "Again, on behalf of this City Council and the staff, our deepest sympathies to his family. Cleveland Heights is simply a better place because of the contributions made by Mayor and Councilman Richard Weigand and thank him for the twenty years of service."

The minutes of the Regular Council Meeting held Monday, February 2, 2004 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

"I'm speaking on behalf of Nina McLellan, my wife and partner. Nina is battling bacteria with chicken soup and rest and the last word she had as I left the house was send my love to the Council."

Mayor Kelley requested the speaker to give his name and address.

"Walt Nicholes. I live in Cleveland Heights, 2336 Delaware Drive. I'm reading - this is Nina's statement: *'I'm Nina McLellan, one of the group of Cleveland Heights' residents who arranged a public discussion of the Patriot Act in November and have asked Council to consider a resolution to uphold the Bill of Rights and express concern about this legislation. Recent events in Iowa, call attention to the importance of how the Patriot Act and other administration security initiatives are being implemented. You might have read, recently, articles in the Plain Dealer or the New York Times, about how federal prosecutors in Iowa issued subpoenas order Drake University to turn over quote, 'A broad range of information about persons who had organized an anti-war forum at the school and ordered these persons to appear before a grand jury.'* As a result of public pressure, federal prosecutors have now withdrawn the subpoena. Vigilance and forceful stands by local elected officials and appointed officials as well as active citizens are clearly needed. As a peace activist, I, Nina McLellan, am very concerned about restrictions on citizens' rights to descent. I fear that today the non-violent protestors of the Civil Rights movement, which we now memorialize on Martin Luther King's birthday, would be charged with the new crime of, 'domestic terrorism' under the Patriot Act. We must protect our right to descent the hard or democratic rights. We must also protect people most vulnerable to the abuse of state power. Right now, residents of Northeast Ohio who are Muslim, Arab, South Asian are subject to targeting by Homeland Security and the Immigration Authority. Some have been detained or deported. Public support from local public officials is needed to assure justice in such cases. Dennis Kucinich, for example, joined advocates in calling for release from government detention of Amina Silmi, a mother from Lakewood and for re-consideration of government deportation orders. A number of Cleveland Heights' residents are members of the recently formed, Greater Cleveland Immigrants Support Network, committed to working for peace for justice for such persons.' And, in fact it may be of interest, that they've organized a concert of classical music at the Alcazar in the evening of Saturday, February 28th to raise money for the network's advocacy. I have some of these invitations if you wish. Again, on behalf of Nina, thank you, Mayor Kelley and Members of Council, for considering this resolution. Cleveland Heights will be the 254th city to pass such a resolution right after New York City. New York City and then Cleveland Heights, but most important, we are assured that in time of need you will join with concerned citizens to defend our precious Bill of Rights. Thank you."

"My name is James Redhed, 3236 Redwood Road, Mayor, Members of Council. I recently received the flyer that was sent out regarding the school levy and I noticed that every member of council has supported that. There is just one item on that, that I would like to ask Council to encourage the school board to take some more serious steps on and that has to do with the claim of increased fiscal responsibility. I frankly, even on the handout, don't see it. The only thing mentioned specifically are the

permanent cuts. I don't personally consider that an act of responsibility, that's an act of necessity given the failure of the levy. There are some other issues that I and others have asked the school board to consider. Generally, we get no response at all. One of the things that we wonder about is why it costs over \$13,000 per student to be educated in this district? As I recall last fall, Councilwoman Dietrich, you mentioned that we have some special requirements here that cost more than other districts and I accept that, but I would like to have somebody explain what those are and what the actual costs are and not just, 'it costs more'. I also look at the pay increases, especially in the current economy and I will again thank Council and staff for their wisdom in adjusting the city budget according to the economy. I don't see the school board doing that though. The employees of the school district have received 3% cost of living adjustments for at least the last eight years. That's the most information the school board has given me and for the teachers that does not include the step increases, which in the current year run anywhere from an additional 1 1/2% to an additional 14.7% and I think it is inappropriate under the current economy for people to be getting such raises. The economy as a whole, is not growing anywhere near that fast and even the income of people in Cleveland Heights is not growing anywhere near that fast. The school board saddles itself with a minimum 10 1/2% increase every levy cycle, every 3-year levy cycle. That just seems inappropriate at the current time. Another issue that bothered me was the fact that they cite as a matter of responsibility reducing the milage from 8.9 to 8.5. Given the current adjustment in property tax valuation, it actually results in more money than the previous levy, not less and I don't quite understand that. Another thing not related to fiscal responsibility was the fact that we were promised a blue-ribbon search committee for a new superintendent. That hasn't happened - doesn't appear to be even talked about anymore. Then again, I realize this is not Council's problem, but last fall when Council met with the Board to address some concerns last year (I think that was a very good thing) and I just want to encourage Council to continue to do that because I think that the schools can do better and if they are going to convince everybody in Cleveland Heights and University Heights, particular, *[sic]* to join in this that the school board has got to do better and I frankly think that they respond better to Council than they do to the public, so thank you."

Mayor Kelley stated, "Thank you, Jim. Let me correct one of your premises. I know for a fact, that the new contract the teachers are operating under is a 2% increase and not a 3% increase. Secondly, I don't know if you've attended any of the school board meetings. They too have a time where you could address the school board and I think the vast majority of the questions you asked tonight would be more than appropriate to address to the school board and to the superintendent and as we do here, if you ask a question that needs further investigation or further research they have an appropriate staff person who could do it. So, I think you asked a number of great questions but I think you are at the wrong body, to be very honest with you."

Marianna Stein, 2727 Lancashire Road, stated, "I would like to remind people that March 2nd we're having a very crucial election and I hope that everyone who is registered will come out. Also, I want to mention to those who may not have registered by now, that for the next election they can still register, but for March 2nd they are not going to be able to. I think our election is very crucial, especially none of us can forget the brave young people who have been fighting the war and the fear of losing our freedom. We all need to think about who we are electing. And, of course, I'm partial to the Democrats, but whoever you plan to elect, at least go out and vote your conviction. Certainly, for the school children, I hope that we're going to be able to resolve things where it will be the best for them. Thank you."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have just a couple of items this evening. In your packets you received a copy of the bid tabulation and the award of contract for Bid Document No. 2004-01, the purchase of plastic refuse bags, approximately 60,000 of them. The lowest and best

bidder is All American Poly, in the amount of \$44,580.00. Bid Document No. 2004-02, the purchase of paper Kraft bags, approximately 70,000 of those. The lowest and best bidder is Unisource, in the amount \$17,757.60. Your Honor, I would request that the bid tabulation and award of contract be made a matter of record."

Mayor Kelley made them a matter of record.

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I have no report tonight."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Hicks stated, "Thank you, your Honor. I have several pieces of legislation this evening. First, I have Resolution No. 33-2004(MS), authorizing an agreement with Michael Benza & Associates, Inc., Consulting Engineers, for engineering services for the Meadowbrook Boulevard Rehabilitation Project; providing compensation therefor; and declaring an emergency. The City Manager is hereby authorized to enter into an agreement with Michael Benza & Associates, Inc., Consulting Engineers, for engineering services relating to the Meadowbrook Boulevard Rehabilitation Project. The services to be performed are set forth in the engineer's proposal dated February 4, 2004, a copy of which is on file with the Clerk of Council. Compensation for the aforesaid engineering services shall be at the engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Four Hundred Twenty-five Thousand Two Hundred Dollars (\$425,200.00), with the City's share of such expenses not to exceed One Hundred Thirty-six Thousand Sixty-four Dollars (\$136,064.00). The agreement shall be in a form approved by the Director of Law. Your Honor, I offer Resolution No. 33-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 33-2004(MS) for passage.

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

Nays: None

Resolution passed

Council Member Hicks continued, "Thank you, your Honor. I have Resolution No. 34-2004(MS), authorizing the City Manager to execute an amendment to an agreement with Brilliant Electric Sign Co., Ltd. for the design, manufacture and installation of two signs for the Community Center; providing compensation therefor; and declaring an emergency. The City Manager is hereby authorized to enter into an amendment to an agreement. The amended agreement shall provide for additional compensation to the company in the sum of One Hundred Seventy-six Dollars (\$176.00), with total compensation under the contract to now equal the sum of Forty-three Thousand Four Hundred Fifty-four Dollars (\$43,454.00). The amended agreement and all related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 34-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 34-2004(MS) for passage.

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

Nays: None

Resolution passed

Council Member Hicks continued, "Thank you, your Honor. I have Ordinance No. 35- 2004(MS),

authorizing the City Manager to enter into an agreement with Springfield Ford, Inc. for a 2004 Ford Taurus LX for the Municipal Court; providing compensation therefor; and declaring an emergency. The City Manager is hereby authorized to execute any and all agreements necessary for the purchase of a 2004 Ford Taurus LX from Springfield Ford, Inc., through the Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements of Section 125.04 of the Ohio Revised Code and this Council's Resolution 115-1988. The purchase agreement shall provide for payment for said vehicle in a total sum not to exceed Twelve Thousand Two Hundred Dollars (\$12,200.00), and shall be in a form approved by the Director of Law. Your Honor, I offer Ordinance No. 35-2004(MS) for passage this evening."

Mayor Kelley accepted Ordinance No. 35-2004(MS) for passage.

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

Nays: None

Ordinance passed

Council Member Hicks concluded, "Thank you, your Honor. I have a few comments I'd like to make so I'll just ask everyone to please bear with me this evening. First, I want to congratulate State Rep Claudette Woodard for her vote on House Bill 272, the Defense of Marriage Act, which she voted for that act. It was passed by Governor Taft. I sure want to thank her for her courage on that stance.

Second, I want to remind the residents of this community to give us a call as - we would hope that as the snow begins to melt and you see any litter problems in this community or any problems with trash - we want to know that, so that we can take care of that immediately. The municipal services department, I believe, is positioned to do an excellent job with our litter program this year and it's something that we want to get on top of early. On the potholes in this community, we've had a very cold winter and that has affected our streets and so if you notice any potholes that are not being taken care of, please call the city hall so that we can take care of that. I just want to let you know that in the past week - well - in this winter, we've used 12 tons of cold patch in filling the potholes and so we would like to know where potholes are in this community so that we can take care of those concerns.

At the last Council meeting, Councilwoman Caplan read legislation about declaring this to be African American History Month in Cleveland Heights and I want to take a minute to talk a little bit about African American History and about - we're real quick on talking about African American History Month and about the civil rights movement and Dr. King, but, when we talk about it we really think about the marches in the 60's, we think about given the right to vote, we think about not having to ride in the back of the bus. But, every now and then we need to really look at what was going on in this country. I spent some time on a website and it was www.musarium.com and on that website a collector by the name of James Allen says it uncovered an extraordinary visual legacy; photographs and postcards taken as souvenirs of lynchings throughout America. As I looked through those photographs and some of which I copied off, I could see pictures of black men hanging from trees with families of young people - with young people - smiling and finding out that the term 'picnic' came from 'pick' or 'niger' and get a basket of food and we'd go out and we'd hang him from the tree. That was where the term 'picnic' came from. And so, if I look through over a hundred photographs and saw - not just liberty but life being taken at whim - pictures of people of black men being burned - pictures of brothers, two brothers hanging from a telephone pole, those were the things that were happening in America and we sort of try to dilute what happened in America - and with Dr. King and many others were fighting for and it pains my heart when the civil rights movement of the 60's can be compared to homosexual rights movement going on right now in this country and I don't want to take away anyone's right for wanting change, but when you compare that to what black people went through in this country. What

black people went through in terms of not being considered human - there's no comparison. And so, in terms of the right to vote, and not having to sit in the back of the bus and not having to use the same water fountain, those pale in comparison to the atrocities that were really taking place and when all we can remember and when all we can go back and talk about and think about are those things and not remember that whole families were killed and whole families were murdered and young men like Emmett Till who was only fourteen years old and whistled at a white woman, was his only crime, and he was able to be taken from his uncle's house in the middle of the night and beaten savagely. Fourteen years old, not even having begun life and at that time - 1955, not even that long ago, the men who did it stood trial and they were released. They were acquitted and after they were acquitted they sold their story. They sold their story and they talked about how they beat him and how he screamed and how they burned his clothes afterwards and no one went after them. The federal government refused to go after them. That's black history. That's the history that we have to remember and not be so light about it and compare it to other struggles. That's the reality of what went on. So many things go through your mind as you look at those pictures and try not to forget, even at that time when blacks that went north - some of those things weren't happening north, but those lynchings that were happening as far up north as Illinois and it just wasn't something that was happening in the south, but we try to, even in the north, we try to pretend as though those things only happened in the south, but they were happening in the north. They were happening in cities up north where black men were being lynched and killed and threatened and terrorized. And so, I know that when I do talk about the legislation that's going to come up in the Public Health and Safety Committee of Council, I mean, that's the type of terror - that's the type of legalized terror that I don't ever want to see happen in this country again - that I don't ever want to happen in this country again where the public officials - the police officers, all sit back and watch these type of atrocities happen. So, if we don't remember what happened in the past and those things are likely to be repeated in the future and with things such as the Patriot Act can be legally done - right now - not as much in the open - but the beatings - we can't fool ourselves about the beatings and the taking of people from their houses for long periods of time without any word to family - those type of things, I believe, still happen today. And so, in 2004 - I know it took a lot of time, but, just thought it was important to talk about what really was happening and why. People talk about the black community and African American men and families and why things aren't quite up to par with immigrants from other countries. Well, those immigrants from other country didn't have to put up - didn't have to live in fear of their lives right here in America and those are generational things. You're talking about maybe two generations ago. You're talking about my grandfather, what kind of legacy could he leave me but fear, but never wanting to go back down to the south. Fear - of white people - fear. And so, there could be no legacy, but what we build today. African American history is important to everyone - not to forget - not to trivialize, what we went through in this country and it's not over for everyone. Mamie Till, Emmett's mother, thought that she was safe when she moved from the south. She had a rude awakening when her son went down to the south. And some of us still have rude awakenings today in America in 2004. That's all."

Council Member Evans interjected, "This is a point of clarification. I read that legislation two weeks ago. I presented it."

Council Member Hicks said, "Oh, I'm sorry."

Council Member Evans added, "You had said Bonnie did, so I just wanted to clarify that for the record."

Council Member Hicks said, "I know, it's Community Relations."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, "Thank you, your Honor. It is good to know that the legislature is busy at work defending marriage and the rights of people to hide guns in their clothing and other important legislation that keeps us all safe, but I'll deal with some legislation that also relates to the state, only in the sense that state inaction, once again, puts the pressure on cities to try and do whatever we can to survive and prosper and redevelop. There are three pieces of legislation. The first two relate to use of our block grant funds - our precious funds. I just want to add that, we, Cleveland Heights, is an entitlement community. That means that because of legislation developed over the last twenty years, in Congress, this city along with some others received some direct funds, although the pressure is on from the administration now to divert as much of those funds as possible to the states knowing that they will be used for matters that are more in keeping with the administration's policies: New highways, other kind of activities like that. The funds that we use very often or receive, very often go for somewhat risky matters. Risky by definition, because the redevelopment of our communities always takes place with a certain gap between the investment needed and the income that is received by the private sector. We have to overcome that gap if we are going to continue to redevelop. So, the block grant funds are used in that regard. Outside of the state and federal governments, it falls to us, the cities, to do this. That's the context in which I hope you'll consider these first two pieces of legislation.

The first is Resolution No. 36-2004(PD), authorizing the City Manager to enter into an agreement with B & W Management, LLC for a loan under the City's Commercial Revolving Loan Fund Program; and declaring an emergency. B & W Management, LLC is a creature of two fine Cleveland Heights' residents who have made a well justified name for themselves in the area of redevelopment. Now, we are going to make a loan to assist in the acquisition and renovation of a building at 2636 Noble Road; which as many of you know, is in an area where we have devoted a great deal of effort over the past several years. Under this legislation, the City Manager is authorized to enter into a loan agreement with B & W Management, LLC, from that fund for that building identified and the amount of the Commercial Revolving Loan Fund will be Two Hundred Thirty-four Thousand Dollars (\$234,000.00), to bear interest at a rate of two percent (2%) per annum, and to be repaid over ten years on a twenty year amortization schedule. In other words, at the end of ten (10) years there will be a balloon payment for whatever is remaining, with no payments due the first year. As with many pieces of legislation like this it's a deal that even in today's lending market would not be available from banks and again, this is something that we are able to do to encourage one more piece of redevelopment on Noble Road. Resolution No. 36-2004(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 36-2004(PD) for passage.

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

Nays: None

Resolution passed

Vice Mayor Montlack stated, "Thank you. Resolution No. 37-2004(PD) relates to another loan to fill another gap on Lee Road, south of Cedar. This is a Resolution, authorizing the City Manager to enter into agreements with OM Properties, LLC for a loan under the City's Commercial Revolving Loan Fund Program and a loan and grant under the Storefront Renovation Loan Program; and declaring an emergency. The property, in question, is south of Silsby, no, excuse me, a little bit north of Silsby. I'm sorry, south of Silsby and it is a particular commercial property that has undergone deferred maintenance for several years and will help in that part of Lee Road, near the library which is now undergoing some very hopeful renovations. Under this somewhat complicated set of programs the following transactions are authorized. First, loan agreements and grant agreements with OM Properties, LLC in regard to the building at 2315-2319 Lee Road, under the City's Commercial Revolving Loan Fund and Storefront Renovation Loan programs: From the Revolving Fund Loan Program, a loan of Fifty Thousand

Dollars (\$50,000.00), at an interest rate of two percent (2%) per annum, with repayment in equal monthly installments of Four Hundred Sixty Dollars (\$460.00) over a term of ten (10) years. Under the Storefront Renovation Loan Program, the loan is Twenty-five Thousand Dollars (\$25,000.00), at an interest rate of zero percent (0%) (that's even ahead of Alan Greenspan) to be repaid in monthly installments on the following schedule: Year One - no payments; Year Two - Two Thousand Five Hundred Dollars (\$2,500.00); Year Three - Five Thousand Dollars (\$5,000.00); Year Four - Seven Thousand Five Hundred Dollars (\$7,500.00); and Year Five - Ten Thousand Dollars (\$10,000.00). The next part is a grant for Twenty-five Thousand Dollars (\$25,000.00). The loans will be secured by a second mortgage on that building at 2315-2319 Lee Road and a fourth mortgage on a building at 2096 South Taylor Road, and other security as approved by the City Manager and Director of Law. Resolution No. 37-2004(PD) is presented on first reading for passage."

Mayor Kelley accepted Resolution No. 37-2004(PD) on first reading for passage.

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, "Finally, Resolution No. 40-2004(PD), which you will find on the separate agenda page, that should have been passed out. This has some relationship to my other comments. It is a Resolution, amending Resolutions No. 124-2001 and 149-2001 authorizing the City Manager to enter into agreements with Lee Road Partners Too, Inc. for loans under the City's Revolving Loan Fund and Storefront Renovation Loan Programs to provide for the release of a personal guarantee of a principal; and declaring an emergency. In short, this entity that I just described operates a restaurant on Lee Road, south of Cedar. It's received some gap assistance from the city. The ownership is undergoing a reorganization and at the same time the city is strengthening its lending and payback position consistent with making sure that the past loans are well-secured and paid back. Under this resolution the prior resolutions are amended to provide for the release of a personal guarantee from one of the two Lee Road Partners Two, Inc., because one partner is transferring all of his interest in the company to the other principal. At the same time, the City Manager is authorized to accomplish this and he will be approving other terms that will secure a better position for the city. Resolution No. 40-2004(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 40-2004(PD).

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

Nays: None

Resolution passed

Vice Mayor Montlack concluded, "Thank you. I guess we would be remiss if we did not encourage you to vote in the upcoming March election. There are many important issues on the ballot. I won't try and convince you about any number of those candidates and issues, but there is one I'd just like to briefly say and that is in regard to Issue 31, which is a county levy, that would increase your taxes somewhat, it relates to an effort at redevelopment in the county, as well as, as you know, some help for the arts. I'm not even going to make a definite recommendation that you must vote for it or support it, I personally will, but what's important here, I think, is this, the recognition that we in this county know that this county itself is now entirely built-out. That we're not going to be getting help from the state. We're not going to be getting help from the feds. As a matter of fact, all the signs are in the opposite direction: a large deficit, decreases in assistance to cities, but what we must be doing in this county is look to ourselves and know that if we care about the future here we will have to dig a little deeper to

keep redeveloping because that is one way, not the only way, but one way by which we will come back to our rightful place. I hope you will, at least, consider those words. That completes this report.”

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, “Thank you. It is really a pleasure to present Resolution No. 38-2004(PSH), because it is one of those initiatives that came about because some of our residents brought this to our attention. Council had an opportunity to gather information, to discuss how they wanted this to read and I think it’s really important. I’d like to read Resolution No. 38-2004(PSH), of the Council of the City of Cleveland Heights calling upon our United States Representatives and Senators to monitor the implementation and execution of the USA PATRIOT Act (Public Law 107-56) and related legislation and executive orders, and to actively work for the repeal of any legislation and executive orders that violate fundamental rights and liberties as stated in the Constitution of the United States or that are otherwise overbroad and unnecessary to protect our national security; and declaring an emergency. Whereas, in response to the tragic crime against humanity that occurred on September 11, 2001, new federal laws and enforcement powers, including the USA PATRIOT Act (Public Law 107-56) (the “Act”) were hastily enacted. Since that time questions have arisen from citizens of both major political parties as well as editors and commentators as to the compatibility of certain provisions of the Act and certain actions taken thereunder with the basic freedoms and liberties guaranteed by the United States Constitution. The City of Cleveland Heights values its racially, religiously and ethnically diverse population, including immigrants and college students, whose contributions to the community are vital to its economy, culture and civic character, and has concerns about any governmental actions which could lead to a climate of profiling based upon race, religion or ethnicity. More than two hundred communities throughout this country (and as we learned tonight we will be the 254th city) and several states have enacted resolutions reaffirming support for the fundamental civil liberties and freedoms that define our Nation, and demanding accountability from the federal government in the enforcement of the Act so that the campaign against terrorism is not waged at the expense of these fundamental liberties and freedoms. Therefore, be it resolved by the Council, that in Section 1, the Council of the City of Cleveland Heights hereby affirms its strong support for the fundamental constitutional rights and liberties of the peoples of this Nation, and calls upon its United States Representatives and Senators to monitor the implementation and execution of the USA PATRIOT Act (Public Law 107-56) and related legislation and executive orders and to actively work for the repeal of any legislation and executive orders that violate fundamental rights and liberties as stated in the United States Constitution or that are otherwise overbroad and unnecessary to protect national security. Section 2, the Clerk of Council is directed to forward a copy of this legislation to the President of the United States, the Attorney General of the United States, the State of Ohio’s two Senators, the United States Representatives representing districts in Cuyahoga County, the Governor of the State of Ohio, and the Speaker of the House and Senate Majority Leader of the Ohio Legislature. Section 3 is notice of passage and Section 4 declares this to be passed as an emergency measure. I’d like to present Resolution No. 38-2004(PSH) for passage this evening.”

Mayor Kelley accepted Resolution No. 38-2004(PSH).

Council Member Caplan added, “Thank you. It seems to be that many citizens think that they’re willing to give up some of their civil rights in order to protect our nation and actually, by giving up certain civil rights and certain rights that are guaranteed by our constitution, they’re giving up something that’s fundamental to what our nation is about. It’s protecting us, is something, of course, that we all want to have, and that our government’s responsibility is to protect us in the best way that they can. Taking away liberties - taking away rights - taking away freedoms and doing things that are the antithesis to what our constitution is about is really not protecting us and it takes away protections from us.

Contrary to what one of my colleagues believes, all of us have equal rights under the law in the United States. Some of us are not more justified in getting protection than are others. It isn't okay to drag gay men through the streets and kill them in Texas. It's not alright, even though it may only be one person. It isn't alright to persecute any one person. It isn't okay to take away the rights of anybody, whether they're an immigrant in our country - and you know that this country was built upon immigrants. It's what makes us strong - is that we have brought - that people have come here because they had fear in their countries - because they came to the United States because they believed that this was a country that would allow them to become all that they could be if they did what you need to do here (and that's work hard and pay attention to the laws and do those kinds of things) but in this country everyone is equal. Everybody needs to be equal and it is not okay to take some people away and put them in a prison where they can't even talk to a lawyer for months and months and months at a time without charging them with a crime. It is not okay under this USA Patriot Act - which makes me gag at just the name of it - because it is not about patriotism, it is not okay to go after physicians who perform abortions, whether or not you believe that abortion is okay. When you take away the rights of one person, in this United States, you take away the rights of all of us and there is a whole long biblical saying that, if you take away who's going to stand - the bottom line is - who's going to stand for me if it's okay to take away the rights of somebody who is black, and then it's okay to take away the rights of somebody who is gay, and it's okay to take away the rights of somebody who is Japanese. Remember what we did to the Japanese in the United States? It's not okay, because in the end, who's going to be there to stand for me? And we need to stand for each other, whether you agree or you disagree with what their philosophies are - what their politics are. I believe that we need to pass this and of course we will tonight, but the one way that we protect our freedom is by voting on March 2nd, by voting in November, by voting for the people that we think will continue to advance what we believe in as a nation and I believe that this nation was built on civil rights, on the whole sense of democracy. We are not a dictatorship and we are not, even if it's a benign one, we are not anything other than the United States. If we allow some of the things that have been going on, then we will not be who we were divined of being two hundred and some odd years ago. Yes, I'm in favor of this, but everybody needs to be responsible, and that is by voting and by paying attention, to what our representatives are doing. I must say along with this, and I was going to say it later, it was not okay for Claudette Woodard to have voted yes for the Defense of Marriage Act, and actually I called her up and hollered at her about it, because she voted what her heart was, she didn't vote as a representative of the rest of us and she took away the civil rights of people in this state. So, that's what this is about. It is about protecting the civil rights of the people in this country and we need to be ever vigilant, because if one person loses any civil rights, we all lose and we cannot allow that to happen. Thank you."

Council Member Hicks stated, "Thank you, your Honor. Contrary to popular belief, this country was built on the backs of slaves brought over to this country and forced to work as slaves and civil liberties and civil freedoms were not available to them, so let's not rewrite history and that the fundamental rights were not given to everyone and it is not something that has always happened in the United States. But every now and then I must agree as what happened to the Japanese and as what happened to other groups in this country where atrocities have happened. We have had to look back and apologize, as we will have to look back and apologize for what has been taking place because of the Patriot Act, but let us not believe that this country has always acted in the best interest of all of its residents - all of its citizens. I, too, will be voting for Resolution No. 38-2004(PSH) probably for different reasons, but voting for it all the same. I think that, again, in that very first piece, I thank Councilman Dennis Wilcox for his wisdom in pointing out in how this was shaped and exactly what we are voting for and we're asking our representatives and senators to repeal any legislation and executive orders that violate fundamental rights and liberties as stated in the United States Constitution or that are otherwise overbroad and unnecessary to protect national security. That's what I will be voting for when I vote yes."

Council Member Wilcox added, "Just a couple brief comments. In reaction to the September 11th terrorist attack, Congress enacted a sweeping law that amended many provisions of the United States Criminal Code. Although it was given the acronym, the Patriot Act, it is not unpatriotic to question some of its provisions. It is also not surprising that such a broad change in the law which was only enacted about a month after 9/11 would contain some flaws. What is surprising to me is that after 2 _ years there is objection to reviewing the Patriot Act to correct these flaws. Simply put, protecting our citizens' fundamental liberties guaranteed by the constitution should be just as important as protecting their safety. Thank you."

Council Member Dietrich stated, "I'm not as eloquent about this as my colleagues but I did just want to thank the residents who gave us the gentle nudge that we needed to put forth this legislation. Contrary to what some people tell us when we do this kind of national - something that is concerned with a national issue - I do think it's very appropriate for us as local elected officials to speak out about an issue like this, about the importance of safeguarding our constitutional rights, because this is our way that we have to communicate to the legislators that are at the federal and state level about what we see as the prevailing tone in our local community. So thank you all for your input."

Mayor Kelley added, "Lastly, I'll be voting for this Resolution No. 38-2004(PSH). The true test to me on any law, whether it's our law or somebody else's is time and affect. It's 2 _ years later and this has had a dramatic affect on people that it shouldn't have. Quite honestly, something had to be done after 9/11. It was certainly a wake-up call to this country, that things had to be done differently, but to go to this extreme to enact this law in such a manner - to call it a USA Patriot Act, when it is anything but a patriot act, is false and misleading, to do the things they're doing. Senator John Edwards of North Carolina, who was one of the sponsors of this act, I believe, said at a debate way before the Iowa Caucus and I firmly believe what he said is correct, is that the Attorney General of this country has gone way too far with the USA Patriot Act and using it to do too many things to too many people in too many different ways. And I believe that is the problem with the USA Patriot Act and for our government to sit back and not to review it after 2 _ years in effect it's simply not the right position to be. Whether it is driven by one party over another is not acceptable and the fact that we're the 254th city is great, but there should be 2,000 or 2,540 cities doing this and letting their representatives know that this is not acceptable. The freedoms that we have, that people have fought for over the years, whatever race, color, creed, or whatever you come from, is too important to be manipulated by one person, the attorney general in this country, to change things, to shake things up and to use 9/11 as your barometer to do some of the things we're doing, whether it be in Iowa or whether it be on the west coast, whether it be to this doctor or this person or to detain people in this country in the year 2004 is not acceptable under any circumstances."

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

Nays: None

Resolution passed

Council Member Evans continued, "Ordinance No. 41-2004(PSH), authorizing the City Manager to enter into agreements with Medtronic Physio-Control Corporation for the purchase of two monitor/defibrillators and the upgrade of two monitor/defibrillators for the Fire Department; providing compensation therefor; and declaring an emergency. The Fire Department has determined to upgrade its EMS equipment. The Ohio Revised Code Section 125.04 authorizes municipal corporations and other governmental entities to purchase supplies, equipment and services through the Ohio Department of Administrative Services Cooperative Purchasing Program. By Resolution No. 115-1988, this Council authorized participation in that program. The City Manager has determined that the selected new equipment may be purchased through this State Cooperative Purchasing Program at a lower price than

could be obtained through conventional bidding, and that it would be in the City's best interests to purchase said equipment by this means. The City has also received a proposal from Medtronic Physio-Control Corporation for the upgrade of two existing monitor/defibrillators, the terms of which are reasonable and competitive. The purchase and upgrade of this equipment will result in all EMS units having enhanced capacity to diagnose and treat victims of heart attacks, and be of benefit to the City and its residents. Therefore, be it ordained in Section 1 that the City Manager is authorized to execute any and all agreements necessary for the purchase of two monitor/defibrillators from Medtronic Physio-Control Corporation, through the Ohio Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements of Section 125.04 of the Ohio Revised Code and this Council's Resolution 115-1988. The purchase agreement shall provide for payment for said equipment in a total sum not to exceed Forty-one Thousand Two Hundred Five Dollars and Fifty Cents (\$41,205.50) and shall be in a form approved by the Director of Law. Section 2, the City Manager is further authorized to enter into an agreement with Medtronic Physio-Control Corporation for the upgrade of two existing monitor/defibrillators. The price for this upgrade, which is not covered by the State Purchasing Plan, shall not exceed Seven Thousand Nine Hundred Sixty-eight Dollars (\$7,968.00). The agreement and all related documents shall be in a form approved by the Director of Law. Section 3 is notice of passage and Section 4 declares this to be passed as an emergency. I'd like to submit Resolution No. 41-2004(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 41-2004(PSH) for passage."

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

Nays: None

Resolution passed

Council Member Evans concluded, "I don't have any other legislation but I would like to encourage our residents to vote for Issue 22, which is the school levy and the slogan that they are using this year, although it might not be easily read on the sign, says, 'That we love our community - we're voting for the school levy.' If you think about this looking at it in a big way, looking at the big vision, we need to support our schools. I understand that we don't agree with everything that has happened, with everything that the school board may have done in the past, but if you look at the big picture, we're looking at the survival of our city. We've all worked so very long and hard in many, many aspects and this is not the time to give up. We are a statement to the rest of the world about how it works, how an integrated community can really exist and continue for many years and I really would like to encourage people to vote for this levy.

The other thing I'd like to talk about just briefly is that this is African American History Month. I'm a terrible historian, but it seems to me it was something like 1929 when Carter G. Woodson said that there needs to be programs to recognize the accomplishments of African Americans. They started off as programs. The recognition was for a week. We had Black History Week for many, many years. It has now evolved into African American History Month and we do encourage everyone to take time, take the opportunity to pick up something that will enhance all of our lives by understanding a little bit more about the history of blacks as well as the history of our country and all of the accomplishments that have been made. Now, I as a black person, find that it has been a struggle and I recall how difficult it was for my ancestors and how some of them really did live in fear of traveling and lived in fear of so many things that may be very difficult for some of us today to really recognize and it's because I recall how difficult that it was for my ancestors - and really in some instances for myself - that I find it very difficult to be negative towards another group of persons who are oppressed. It's for that reason that I have supported the legislation that was probably the biggest - not the biggest - but one of the ones that we heard most about from people here in Cleveland Heights. I suppose that's all I need to say at this

moment. Thank you for listening.”

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, “Thank you. There are two reappointments to make to our Cable Television Commission tonight. This is the board - this sounds so ordinary compared to everything that we’ve talked about, but this is the board to get the best possible cable service for our residents. My only contact with this board is through reading the transcripts of their meetings but I am so impressed with the people on the cable board. They’re knowledgeable and conscientious and believe me, according to these transcripts, they have to work extremely hard to gain better service from Adelphia for us. Things like getting a human being to answer the phone and stuff like that. The transcripts - reveal the challenge - and I am pleased that we have such perseverance - people on this board. Two of them whose terms are up right now want to continue. I am happy to ask Council to reappoint Steve Titchenal and Ian Hoffman to the Cable Television Commission. Steve Titchenal has served already eight years, Ian Hoffman has served four. They each would have a new four-year term that would begin March 1, 2004 and end February 29, 2008. I offer the reappointments of Steve Titchenal and Ian Hoffman to Cable.”

Second by Council Member Hicks.

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

Nays: None

Reappointments passed

Council Member Dietrich continued, “I, too, of course, would like to say something about voting. I just beg you please, please do not let anything keep you from voting. It’s really the only way for most of us to affect the direction that our country goes or our state or our city. It is the only way we can influence decisions on really important things like your prescription drugs, like the war in Iraq, like how our country presents itself to the rest of the world. So if you like the way things are you can of course vote for a candidate who will probably keep things the way they are. If you don’t vote for a candidate who will probably change it but don’t leave it up to somebody else. Register your views by casting your vote. I, too, want to say a word about the importance of the school levy. I feel like we are all a broken record but it always needs to be repeated, because people in Ohio have trouble grasping how Ohio funds its schools. It’s an obsolete school funding method. It’s not an effective school funding method but by our law this is the way we do it and our legislators haven’t changed it, but levies are the way that our public schools are funded in Ohio. So, asking voters to approve a new school levy is not a symptom of over spending. It doesn’t mean that a school district is fiscally out of control. The law, is that a levy is the way an Ohio school district responds to inflation no matter how well our district manages its money. We will need a levy every three years or four years, just to keep pace with inflation. This is especially true in a place that has no room for growth like us and no industry like us. As your property values increase and your property taxes increase, the schools do not benefit from that increase and it’s something that I’m sure the people in this room know, but I’ve learned as I’ve gone door-to-door every single time for the levy and just again a couple weeks ago, that if you are at all new to Ohio or if you’re just not really tuned in to Ohio’s issues, if you’re a student for instance, you just don’t know this, that the increased revenue that you pay does not go to the schools. It goes to other branches of government, it doesn’t go to the schools. They only get increased revenue if we vote for a new levy. And so then you can say, why do they need increased revenue at all? Well, like the rest of us they have to deal with their inflationary costs, their costs rise, the revenue doesn’t. So as Councilwoman Evans said, if we keep refusing to pass a school levy in our community, our school district will cut program after program. There will be nothing left to offer the students and I just think we cannot afford for this

to happen in Cleveland Heights. There is just no way around it. I think that Cleveland Heights or any other city becomes more desirable as people support the public schools, whether or not they use the public schools. I, too, think that the signs - hard to read though they are - say it all. *We love our community, we're voting for the school levy.* Thank you."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. On a lighter note, I have a piece of legislation, Resolution No. 39-2004(CRR), authorizing the City Manager to accept a grant from the Ohio Arts Council on behalf of the City of Cleveland Heights; and declaring an emergency. The Ohio Arts Council has awarded a grant of Sixteen Thousand Eight Hundred Seventy-eight Dollars (\$16, 878.00) to the City of Cleveland Heights to support the 2003 (that was for last year's summer program and we knew we were getting the award, but now we've billed them for our costs and that's why it's 2003) summer program at Cain Park. Acceptance of said grant will aid in the City's efforts to present a diverse schedule of programming at Cain Park, and be of benefit to the City and its residents. Therefore, be it resolved that the City Manager be authorized to accept a grant award from the Ohio Arts Council in the amount of Sixteen Thousand Eight Hundred Seventy-eight Dollars (\$16,878.00) on behalf of the City of Cleveland Heights, as described in the correspondence from the Executive Director of the Ohio Arts Council. The City Manager is hereby authorized to execute any and all documents necessary for acceptance of the grant, notice of passage shall be given and this Resolution shall be declared an emergency measure for passage tonight. I offer Resolution No. 39-2004(CRR) for passage this evening."

Mayor Kelley accepted Resolution No. 39-2004(CRR).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. For the people who are sitting in the audience you're going to be the first ones to know this, that today, the City of Cleveland Heights unveiled (if that's the correct word) a new website - www.clevelandheights.com - which is where we've been before but it's brand new. It's more interactive and has all kinds of interesting information on it. There are minutes, there are permits, there are telephone numbers and e-mail addresses and all kinds of things and links to almost anything you could imagine. So, I encourage you to go look at www.clevelandheights.com. I think it really will be representative of who we are and it will evolve even more. You've asked for it, we responded and go look at it. It just opened up today.

Of course, I can't resist talking about all those levies that are on in two weeks. On March 2, Cleveland Heights votes on three levies; a school levy, which I encourage you to vote yes on and I won't say anymore about it, you've heard about Issue 31, which is economic development and arts and you have not heard about Issue 30. Issue 30 is a renewal for health and human services. Yes, I know you voted on a health and human services levy last May. How they fund the health and human services in our county - it's a two-levy system - last year we voted ourselves an increase. This time it is not an increase, it's a three-year renewal. It's at the same rate that you're paying right now. It is really important. It pays for the services for mental health, for senior services, for children, for Metro Health's life flight. So I encourage you, please do vote yes on Issue 30. Exercise your civil rights. This time you don't get to choose who is president. You only get to vote in a primary. This is only a primary election for the upcoming election in November, but it is the election for the various levies, so I encourage you to vote for it.

You have heard about some of the library issues. Cleveland Heights does not vote on the library issue. We are not part of the Cuyahoga [library] system, so you don't have to vote on that one. We'll save you money right there. But, do exercise your right. It is the only way that you can have your voice heard and it astonishes me that some people don't feel the need to have their voice heard. Maybe that's why those of us who can say it loudly do, to help you exercise your right to vote. If you're not registered to vote, go register to vote so you can vote in November. That's all I have. Thank you."

Mayor Kelley asked, "Do you want to mention the speed skating?"

Council Member Caplan replied, "Oh, once again. I've done this every time. The last weekend of February is the Olympic trials for speed skating at the community center. It will be Thursday, February 26, Friday, the 27th, Saturday, 28th, and Sunday, the 29th. All of the major league names that you know, a guy named Ohno (remember that he won the Olympics in speed skating in the Olympics four year ago) will be here. There is a wonderful woman and I forgot what her name is who won and she's going to be here. But really, if you want to participate the tickets aren't so much money. Call 291-4444 and we'll give you the number on how to get tickets. They are not a lot of money. It's really exciting. A special thank you to all of the restaurants on Coventry who are providing all the food for the skaters and the managers of the skaters. There will be media from all over and all the programs say Cleveland Heights. So, it's very cool. Pay attention - don't think you're going to get your workouts if you have to go there for workouts cause you won't that weekend - it'll be a little busy. But do go and watch. This is really big time and it's exciting. It's one of those things that we want to promote here and it's one of the things that we built this wonderful community center for. Go and look, it should be fun. Thank you."

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There is no legislation from the Finance Committee tonight, but I did want to make a couple of comments. The first comment is to congratulate our staff and the financial reporting that the city enjoys. It's something that we take for granted, but every year the city wins awards for excellence in financial reporting and I think it deserves mention. This year is no different, the Certificate of Achievement for Excellence in Financial Reporting was awarded to the City of Cleveland Heights by the Government Finance Officer's Association of the United States and Canada for the City's Comprehensive Annual Financial Report. This Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting. It's attainment represents a significant accomplishment by a government and its management. There was also an award of financial reporting achievement to individuals designated by the government [association] as primarily responsible for preparing the award winning CAFR, that I just mentioned, and that was presented to Thomas Malone, our Director of Finance and Sharon McGuire, our Assistant Director of Finance. I did want to recognize them tonight and thank them again, for their good work to the city.

Finally, I did want to comment. You may have heard that there is an election on March 2. It's interesting how we always mention that. Obviously it's important and it's amazing how many people don't vote. It's very critical, I believe, that this community supports public schools. So Issue 22 is of critical importance to the future of our city. Some in the community have asked why is this issue on the ballot again? As Councilwoman Dietrich said, the answer is simple. In Ohio the only way public schools receive additional operating funds is by seeking a voter-approved property tax increase. Therefore, it is essential that communities support public education if schools are to succeed. It has now been four years since this community has passed an operating levy and that is why it's placed on the ballot again. It should be pointed out since the last levy attempt, additional permanent cuts have been made in the budget, and in fact, 6 million dollars in permanent cuts are being made in the school's budget and that's regardless of whether this levy passes or fails. If the levy fails, even more drastic cuts will be

required. Our children deserve our support. I was fortunate enough to have both my children go through the Heights' schools and those of us whose children have graduated I think owe a special obligation to support the levy. It's very easy to say, 'our children are through - we don't have to support the schools anymore.' I just think that's wrong. We need to send a message that this community still values its children and its public schools. I urge you to vote yes on Issue 22 on March 2nd. That concludes my report."

REPORT OF THE MAYOR

Mayor Kelley stated, "I do want to congratulate Monticello Junior High for winning the junior high basketball championship. I also want to congratulate Lutheran East and the Cleveland Heights Basketball teams are in the middle of outstanding seasons and we expect them to go further in the playoffs. We all know where I stand on the school levy. I think all our children deserve the opportunity for a quality education or better, and this continuous voting down on levies is contra to that and you've heard the eloquent words of all my colleagues on Council. So, I think enough has been said, but now the action needs to be taking place like getting out and voting affirmatively on Issue 22.

I do want to weigh in on two issues that I think are very important for the community. Number one, I want to thank Steve Wood and the library board for taking the important step of bringing a new architect on board at this point and time. It was clear during the process of the architect design consultant, Mr. Riccuti, that the project really did improve dramatically and drastically and that at this point and time and maybe even a little sooner that a new architect needed to be hired and bringing Studio Technique on at this point and time with a local flavor - with the fact that they're on Lee Road will only improve, enhance and make this project the best project it can be. So, at this point and time I want to congratulate him for doing it. It was a bold step and it was a much needed step and I think they've done a great job.

The second issue I want to take on is - this is non-solicited - this is not a direct response to the school board, but I think that the new superintendent Deb Delisle really needs to get a firm contract and move forward with that issue. I don't believe a blue-ribbon committee at this point and time is necessary or something that needs to be done. To spend a hundred thousand dollars to form a blue-ribbon committee to just reaffirm that Ms. Delisle needs to be hired, it really would certainly be a waste of time and a waste of money. She's been doing this job since August. She does an exceptional excellent job. She has really taken over this district at an all-time low for the district. She deserves the job, even the Sun Press editor, Mary Jane Skala, who at an earlier time, I believe last August, was pushing for a committee to do a search came out in an editorial last week and said that Ms. Delisle needs to be hired. I believe it is the time - within the next few days or weeks - and this is not a mayor telling the school board what to do - it is just my feeling on the issue. After working with Ms. Delisle directly, really the last six-seven months now, she's doing the job. I think she's earned the job. It would be a shame to lose her to Lakewood or Bay Village or god-forbid some other suburb out of the inner ring suburbs, somewhere else and have to start all over with a new superintendent or to do some blue-ribbon search and spend a hundred thousand dollars or more to get somebody else that will take them six months or a year to find out what Cleveland Heights and University Heights are all about or just to try to deal with the two mayors and the different personalities of the two mayors and that could take a long time to cement the relationship with the two. She's doing an excellent job. She deserves the job on a full-time basis. It is time to take the interim tag away from her and give her what she deserves, a nice contract - a nice stable contract. She's done the job, she's stabilized the school district. She has people working for her that are doing an excellent job. She has people believing in the community. Quality is going on in every single building and it is time to move that along. One less thing for the schools to worry about and really to unite the communities. And again, it is unsolicited, it's not my pushing the school board

around or telling them what to do, it's a big issue in town right now and it needs to be resolved sooner than later.

I will adjourn this meeting at 9:07 p.m. Our next meeting will be Monday, March 1, 2004. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc