



# CLEVELAND HEIGHTS

## MINUTES OF THE CITY COUNCIL MEETING OF TUESDAY, SEPTEMBER 7, 2004

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

Edward Kelley, presiding

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

Council Members absent: None

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

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

Committee of the Whole adjourned at 7:35 p.m.

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

Edward Kelley, presiding

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

Council Members absent: None

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

The minutes of the Regular Council Meeting held Monday, August 16, 2004 were approved and signed by Mayor Kelley along with the ordinances and resolution passed at that meeting.

"Good evening, my name is Mani Ayodele. I live at 2849 Mayfield Road. The reason - the purpose of my coming here - the issue is - a traffic and safety issue. This happened last week. This is on the corner of Mayfield and Coventry. It's a pretty busy area and it has a sign up there for the school children from like - I guess like 7:30 - I know to about like 4:00 p.m. But after that, the traffic gets pretty heavy between 4:00 p.m. and about 9:00 p.m. The reason why I am bringing up the issue is about last week - this particular time it was hot so I said, I'll go to the library and walk. What happened was at that intersection, as people turn up from Mayfield they - one failed to yield to stop. I've been having problems from time to time, but in this particular case, a driver almost hit me and so that brought to my attention to clear my conscience that it might be a child or another human being that, that might happen to so I wanted to bring this before the law-making body of Cleveland Heights of the importance of this.

I don't know which I would do in this pointed case but to bring this to your attention. This happened about a little bit after 8:00. I guess that people feel after 4:00 p.m. not downgrading anyone, but it's a pretty busy area in Cleveland Heights. It's one of the most busiest areas, but it's one of the most smallest areas in Cleveland Heights that people are free to go and intimidate people with their automobiles as far as crossing. I was crossing on red. The lady almost hit me, but she thought nothing of it because there were no law enforcement agents around. So, I just wanted to bring that - put that on the floor today. I'd like to thank the law-making body to give me [the] privilege to stand up and put this issue on the law-making body floor. Thank you *[sic]*."

Mayor Kelley responded, "So, if I understand you correctly, you were in the crosswalk on Coventry, headed south towards the library?"

Mr. Ayodele responded, "No, I was coming from the library. I'm crossing over from Coventry/ Mayfield to the BP."

Mayor Kelley said, "Oh, you're heading north and someone from Coventry took time to go east onto Mayfield. Okay."

Mr. Ayodele stated, "Right."

Mayor Kelley continued, "Well, Mr. Downey's our safety director and he can look at and have the chief of police look at it too. You're right. That is a very busy intersection and now that Coventry has been reborn with all the nice trappings and the nice streetscape, people are now re-walking it and we can certainly look at it for you and see whether the hours need to be extended past the school hours for people that are walking. Thank you for bringing that to our attention. Thank you for not driving your car and making it congested, but walking to the library. But, thank you for bringing it to our attention. Mr. Downey doubles as our safety director and we'll look into it for you. Please feel free to come speak to us anytime on any issue - that really - whether it's a good issue or an issue - that you almost had an unfortunate accident. Thanks for coming to the meeting every week. Thank you."

"I'm Marianna Stein, 2727 Lancashire. I'm also the elected Democratic Precinct Committee person. They were kind enough to let me do that. Yesterday, I was out at Luke Easter Park, Martin Luther King Park, I think also. President-to-be Kerry was there. I was volunteering so I wasn't up there at all because I was working with seniors and other people coming in but I could hear some of his speech and the park was bursting at the seams and it was just fantastic to see how many supporters he had and I really believe that the democrats are going to have a win and a win for them - is for us - is a win for the little people. Thank you. And hopefully peace."

## **REPORT OF THE CITY MANAGER**

Mr. Downey stated, "Thank you very much, your Honor. I've just one item this evening and that would be to request authority to advertise for bids for the purchase of sand, gravel and limestone and a utility billing service for water and sewer bills. I request this be made a matter of record."

Mayor Kelley made it a matter of record and referred it to the Municipal Services Committee of Council.

Council Member Hicks moved that the City Manager be given the authority as requested.

Second by Council Member Dietrich.

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

Nays: None

**Motion passed**

### **REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL**

Mr. Malone stated, "Thank you, your Honor. I need to notify Council that (1) notice has been received from the Ohio Department of Liquor Control advising that application has been made by the following: Lillian B. Horvat transfer D5 permit, premises, 1633 Lee Road, 44118 from Mackster Inc., dba A Touch of Elegance, 1st Floor & N/E Basement only, 1633-35 Lee Road, 44118. I request this be made 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 six (6) 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. 3048 Dick and Carol Michel, 17485 Shelburne Road, accessory use regulations, BZA Calendar No. 3049(a) Jason and Christine Shearin, 3967 Elmwood Road, accessory use regulations, BZA Calendar No. 3049(b) Jason and Christine Shearin, 3967 Elmwood Road, accessory use regulations, BZA Calendar No. 3050 David P. Dorsch, 3003 Euclid Heights Boulevard, accessory use regulations, BZA Calendar No. 3052 Bob and Linda Iredell, 2220 Woodmere Road, accessory use regulations and BZA Calendar No. 3053 SprintCom, Inc., 1500 Warrensville Center Road, exception to height regulations. I request these be made 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 PLANNING AND DEVELOPMENT COMMITTEE**

Vice Mayor Montlack stated, "Thank you, your Honor. There are two pieces of legislation tonight. The first is Resolution No. 137-2004(PD), amending Resolutions No. 184-2001 and 101- 2002 authorizing agreements with Enterprise Building Company, Ltd. and Severance Place, Ltd. for the renovation and redevelopment of the building and property at 50 Severance Circle; and declaring an emergency.

This relates to the property that most people know as the old Kaiser building on essentially the north end and the outside of the Ring Road at Severance Circle that we have been dealing with a developer for a long time. We are now at the point, where we hope that this will be the final authorization to change some terms and enter into a new amended development agreement setting forth the bottom line in what is needed in a public/private partnership for the development of this very, very important piece of the Severance puzzle.

So under Section 1, the City Manager would be authorized under the passage of this Resolution to enter into an amended agreement where the material components are as follows:

- A. Severance Place shall redevelop the property into residential dwelling units and associated improvements (such as garages as example) in substantial accordance with the Plan approved by the Cleveland Heights Planning Commission on October 8, 2003 ("Approved Development Plan").

- B. No changes to the Approved Development Plan shall be made without the approval of the Planning Commission and the Board of Control (that other group - that special group that holds forth for this S1 district at Severance Circle) and, to the extent applicable (any change would have to come back before), the Architectural Board of Review.
- C. All improvements depicted in the Approved Development Plan other than the townhomes (which are set forth in the plan to essentially to the south and west of the tower - the part of the building that most people - that is there now and folks will see as they ride by) shall be completed no later than three years from the closing date. and the townhomes depicted in the approved Development Plan shall be completed within five years from the closing date.
- D. The City will approve tax abatement for the residential units constructed or renovated on the Property in the amount of fifty percent (50%) for ten (10) years. (By the way that's consistent with the other abatement given for similar, overall redevelopment in that area.)
- E. The provisions of prior agreements relative to the Commercial Revolving Loan and Storefront Loan shall be null and void. (Those agreements contemplated a different kind of structure - now this development is strictly residential.)
- F. The City, upon the completion of the Agreement, shall have incurred no expense in relation to the Agreement other than the payment of its own legal fees.

This is a Resolution authorizing the City Manager to enter into such an agreement and is being offered with the advice that the City Manager will also be looking at overall requirements and may determine with the Director of Law that additional provisions will be helpful. Resolution No. 137-2004(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 137-2004(PD).

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

Nays: None

**Resolution passed**

Vice Mayor Montlack continued, "Resolution No. 138-2004(PD), authorizing the City Manager to amend an existing Development Agreement between the City of Cleveland Heights and Coral Cedar/Lee I, LLC dated February 11, 2004; and declaring an emergency.

This relates the communications and developments between the Coral Company headed up by Peter Rubin and the City of Cleveland Height in another public/private partnership in relation to the properties along the east side of Lee Road between Meadowbrook and Tullamore for a mixed-use development. And with the prior legislation we are hopeful that this will be the final piece needed as we begin to move ahead on that development.

Under the terms of this - the authorization that this Resolution contemplates the City Manager would be authorized to execute an amendment to the Development Agreement between the City of Cleveland Heights and Coral Cedar/Lee I, LLC (this limited liability company obviously created for this particular project) dated February 11, 2004 so that the issue of payment for environmental rehab work, if any, associated with the former Clancy property (that would be the property on the north east corner of Meadowbrook and Lee) is resolved in the following manner: The City shall agree to pay for

fifty percent (50%) of any such non-reimbursable costs, (that is to say costs not paid by the insurance that's provided for underground storage tanks [from the] former service station, etc., under one of our state laws) but the total amount of non-reimbursable costs paid by the City relating to the former Clancy property shall not exceed (in any event) One Hundred Thousand Dollars (\$100,000.00). Resolution No. 138-2004(PD) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 138-2004(PD).

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

Nays: None

**Resolution passed**

Vice Mayor Montlack continued, "Thank you. Those two pieces of legislation we hope culminates, but at least goes a good distance in reaching the goal of achieving these developments and the hard work that is going into these agreements and authorizations has been done in lion's share by the City Manager, the Planning Department and certainly the Law Department with a lot of work over the last several days. Thank you for that and if we needed a reminder of what this all amounts to when the agreements are done and the shovels are in the ground as you're walking around or driving around in Cleveland Heights today especially and in the next few weeks you might be interested in going by the Boulevard Townhomes on Euclid Heights just east of Lee Road to see the next phase of housing construction with first floor bedrooms, by the way, that is going up right now. Very active scene at the corner of Euclid Heights and Derbyshire, the Brownstones of Derbyshire are now, of course, under construction and you can see the shapes of most of the new housing in that area rising up and frankly just behind that or to the north of that Kenilworth Mews is now under construction and you can see some beautiful new housing that is going up there. Those are just some of the things that happened, but before all that happens, this hard work leads the way in that.

Finally, under this Planning and Development Committee report there are several calendar resolutions that come to Council from the Board of Zoning Appeals. The City Council after spending so much time in deliberation in that this evening I think is ready to vote on these. The first is BZA Calendar No. 3048 and like all of the other calendar items it relates to a Board of Zoning Appeals or BZA hearing on August 18, Wednesday, 2004 at 7:30 p.m. and in each case the owners of the property are the applicants. In this case for Calendar No. 3048 the owners are Dick and Carol Michel, 17485 Shelburne Road, in an 'AA' single-family district, seeking a variance for accessory use regulations, with regard to the Zoning Code Section permitting one garage attached or unattached on a zoning lot. In this case where more than one is being proposed, the BZA found there were exceptional and unusual circumstances resulting in practical difficulty in complying with the requirements of the Zoning Code, that being the standard being applied in each of these calendar items. As follows: that because the configuration and size of the present garage renders its use unsuitable and nonconforming to the present Code, a variance should be granted; that there will be no adverse impact on the community; only one garage will be visible from the street; and the proposal is the minimum necessary for a solution to the applicants' predicament. Therefore, I move that Calendar No. 3048 be adopted."

Second by Council Member Hicks.

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

Nays: None

**Resolution confirmed**

Vice Mayor Montlack continued, "BZA Calendar No. 3049(a), from the same BZA hearing pre-

sented by applicants' Jason and Christine Shearin, 3967 Elmwood Road, in an 'A' single-family district, asking for a variance from the accessory use regulations, to permit a 6-foot-tall privacy fence in a corner-side-yard, where the Zoning Code limits the height of a fence to such a yard to 3-feet. In this case, the BZA found that a variance was warranted because of the unique shape of the property which limits the choice of areas that can be enclosed for privacy; there is a need to secure the area for small children, and the applicants' predicament cannot be resolved without a variance. The BZA recommended the issuance of such a special permit for the construction of the 6-foot-tall privacy fence in the corner-side-yard and that the applicants would be required to obtain a fence permit. Approval must be obtained by the ABR prior to installation and any variance would be granted on the condition that the existing hedges which would be in front of the proposed fence be maintained in perpetuity, except the existing hedges that are determined to be in the site triangle that must be removed. All construction must be completed within 60 days of the date of approval of this City Council. BZA Calendar No. 3949(a) is presented on motion."

Second by Council Member Evans.

Council Member Dietrich stated, "I'm going to be voting no on this variance and then we have some subsequent fence related variances later tonight that I will be voting yes on so I just wanted to explain why I see this particular case different from the others. The issue that I'm really concerned about is transparency. I do understand peoples' needs to keep their children and their pets inside their yard and to create a sense of place in their yard but I also think that can be accomplished without creating the fortress-look that a tall board-on-board fence gives. I think one of the nicest things about Cleveland Heights is the neighborhood feel and I think we lose that appeal when we erect barriers that block each other off in such a harsh way that a board-on-board creates. I think that fences you can see over, fences that are at least partial transparent or hedges can enclose a yard and can keep children and pets safe inside without making it look like we're all trying to stay away from each other. I feel like more and more people are applying for these board-on-board fence variances and I just don't think we should be granting them routinely unless there's a real specific need. So, I just wanted to explain why I see this differently than some of the others. Thank you."

Council Member Caplan added, "I'm going to be voting no on both (a) and (b) on this resolution also. It distresses me that people feel that they need to have a 6-foot high solid wall against their neighbors and against people who are walking by and it's definitely pedestrian unfriendly and it's neighborhood unfriendly and gives a terrible message. I think that if they want to keep their children safe - these must be mighty athletic children if they think that they need a 6-foot fence to keep them in. They must be able to have looked at the gymnastics in our recent Olympics and could just slide right over these fences at 6 feet. I think that a fence that's three or four feet high and is transparent can keep children inside and keep them safe. Privacy is something that when you live in a corner house, there are some of those issues and they do have hedges there. I am - and I continue to be - this is not unique - am really opposed to us allowing people have board-on-board fences that are not transparent and I am hopeful that in the not too distant future we will change some of the zoning rules that we have about those kinds of fences. I think they are inappropriate in our neighborhood-based, community-based city. Thank you."

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

Nays: Caplan, Dietrich

**Resolution confirmed**

Vice Mayor Montlack continued, "BZA Calendar No. 3049(b) are the same applicants (Jason and

Christine Shearin), the same property (3967 Elmwood Road) and the issue here in relation to this 6-foot-tall fence is the request for a variance from the accessory use regulations of the Zoning Code requirement that limits the maximum permitted height of a corner-side-yard fence abutting a front yard of a neighboring lot to 5 feet, if set back at least 5 feet from the property line and screened with approved landscaping. In this case the BZA found practical difficulty because if the fence were set back the required 5 feet, instead of 4, as proposed in this case, it would leave an area between the fence and the existing hedges that would be impossible to maintain; the difference between the maximum permitted height and the proposed height of 6 feet is minimal and the fence would be more aesthetically pleasing if it is the same height throughout its run; and the applicants' predicament cannot be resolved without a variance. We have essentially the same requirements, going before ABR and construction within 60 days. BZA Calendar No. 3049(b) is moved for approval."

Second by Council Member Hicks.

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

Nays: Caplan, Dietrich

**Resolution confirmed**

Vice Mayor Montlack continued, "BZA Calendar No. 3050 relates to applicant David P. Dorsch, 3003 Euclid Heights Boulevard, in an 'A' single-family district, in requesting a variance from the accessory use regulations of the Zoning Code, in relation to permitting a 42"-tall fence in the front yard. The Zoning Code allows a 36" maximum height fence in the front yard. The BZA found practical difficulty because the fence is highly transparent; because the fence will have no adverse impact on the neighborhood; and because the proposed variance is minimal. A condition of the motion upon passage would be to permit an historic and very transparent 42"-tall fence in the front yard, as shown in the plans submitted to the BZA. All construction to happen within 120 days of the date of approval by this City Council. BZA Calendar No. 3050 is moved for approval."

Second by Council Member Evans.

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

Nays: None

**Resolution confirmed**

Vice Mayor Montlack continued, "You know it occurs to me that if they can do electric fences for dogs, we ought to be able to come up with something for humans, it sure would save us a lot of time. Maybe that's not for tonight.

BZA Calendar No. 3052 relates to Bob and Linda Iredell, 2220 Woodmere Road, in an 'A' single-family-district, requesting a variance from the accessory use regulations of the Zoning Code, permitting a 5'-8"-high wall in the front yard. The Zoning Code sets forth a maximum height in such a situation of 36" for walls in the front yard. The BZA found practical difficulty on the basis that the proposal complies with the spirit and intent of the Code by allowing for light and air at the 3'-tall sections of the wall; the proposed wall has a transparency greater than that of the existing hedge; and the wall will not detract from the community and is in keeping with the unique architectural style of the house.

I think for those folks watching at home they'll probably be some photos, if I'm not mistaken, so unlike those of us here, you will get an idea of a rather unique architectural plan for how this wall will appear. Unfortunately words do not allow me to describe that here.

BZA Calendar No. 3052 is moved for approval.”

Second by Council Member Wilcox.

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

Nays: None

**Resolution confirmed**

Vice Mayor Montlack continued, “Finally, BZA Calendar No. 3053 relates to the only growth industry in our region. This is an application by SprintCom, Inc., 1500 Warrensville Center Road, in an S-2 mixed-use district, requesting variance from the exception to height regulations of the Zoning Code, to permit a wireless antenna that extends 20' above the rooftop. The Zoning Code has a limit of 15' above the rooftop. There are already several other wireless antennas on this roof and the BZA found practical difficulty if the variance is not granted because the top five feet of the structure is a lighting rod needed for safety reasons; the additional height is necessary for separation from other companies' wireless antennas on the rooftop; and the proposed antenna will not substantially alter the character of the property which already has four wireless antennas on its rooftop.

What they didn't say is that Councilman Hicks would probably like to see 20 of those antennas for even better coverage.

BZA Calendar No. 3053 is moved for approval for tonight.”

Second by Council Member Hicks.

Council Member Hicks added, “I believe that Sprint must have found out that they were on the top of our list of carriers that were dropping calls in the City of Cleveland Heights. I'm glad to see that they are looking into that and taking care of business.”

Mayor Kelley stated, “Thank you, Councilman Hicks and thank you for providing that service for our residents and Sprint thank you for listening.”

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

Nays: None

**Resolution confirmed**

## **REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE**

Council Member Evans stated, “Thank you, your Honor. I'd like to present Resolution No. 127-2004(PSH), remembering the victims of the terrorist attacks on September 11, 2001 and the thousands of firefighters, police officers and other persons who participated in the rescue and clean-up operations, and to pay tribute to our local safety forces; and declaring an emergency. Whereas, on September 11, 2001, this nation suffered the most serious attack on American soil in its history, leaving almost three thousand persons dead, including hundreds of firefighters and police officers. One of the worst tragedies in American history became one of America's finest moments, as the American people became united in their efforts to recover the remains of the victims, assist their families, and demonstrate to the world that terrorism is ineffective and cannot destroy the spirit of a diverse, freedom-loving people. The 9/11 tragedy also reminded us of the thousands of everyday heroes such as firefighters, police officers, paramedics and other safety force personnel who place their lives on the line on a daily basis to provide security and protection to their fellow citizens. The community of Cleveland Heights is proud

every day of the excellent services provided by our police and fire safety forces. Therefore, be it resolved by this Council that in Section 1, this Council remembers the victims of the September 11, 2001 terrorist attacks on the United States and the thousands of firefighters, police officers and other persons who participated in the recovery and clean-up operations, and pays tribute to our local safety forces, and this Council further urges all residents to use this time as an opportunity for reflection, remembrance and celebration of American unity and the American spirit. I'd like to present Resolution No. 127-2004(PSH) for passage."

Mayor Kelley accepted Resolution No. 127-2004(PSH).

Council Member Hicks commented, "Thank you, your Honor. I'd like to, of course say I'll be supporting this in remembering September 11, 2001 and can't help but think about the terrorist attacks in the Soviet Union just a few days, just last week and thinking about how that took place and thinking about just the places that we have in schools - how really open we still are to terrorists' attacks. Even though this was September 11, 2001 and thank God we haven't had any attacks since then, we cannot forget this, we cannot forget to think as though it can't happen again. We have to, again, we have to be prayerful, the country needs to stay together like we were days following and weeks following September 11, 2001. My prayers go out to the families who lost all of their children in the Soviet Union and now the Soviet Union is re-thinking on how it's going to be fighting terrorists and I think I was hearing today that they are in talks with Israel to learn from them in terms of how to fight terrorism. This is a new day, a new time and a new war and hopefully when we all realize that terrorists work by fear and they must be stamped out no matter where they are. Thank you."

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

Nays: None

**Resolution passed**

Council Member Evans continued, "Thank you. I'd just like to announce that American Heroes Day is being celebrated this coming Saturday, September 11 and the title of the celebration is Celebrate the American Spirit. This is a program going to take place in Lakeview Cemetery in Section 22B at 3:30 and I guess the program goes through to 4:30. They suggest that you enter the cemetery using the Mayfield entrance.

Next is Resolution No. 128-2004(PSH), proclaiming September, 2004 as National Drug and Alcohol Addiction Recovery Month; and declaring an emergency. Whereas, substance abuse and co-occurring mental disorders and co-existing physical illnesses are major public health problems that affect millions of Americans of all ages, races and ethnic backgrounds in all communities, and have a huge medical, societal and economic cost. Persons with co-occurring substance abuse and mental or physical disorders can and do recover, and deserve access to the services they need to recover. Thousands of health care providers have dedicated their lives to the recovery process and to the education of the public about alcoholism, drug dependence, co-existing disorders and treatment issues. The United States Department of Health and Human Services' Substance Abuse and Mental Health Services Administration has joined with states, local governments and health care providers to proclaim September, 2004 as National Alcohol and Drug Addiction Recovery Month to educate the public about the effectiveness of treatment, the nature of addiction, the positive outcomes of treatment and recovery, and the importance of treatment programs and services across the country. Therefore, be it resolved by the Council of the City of Cleveland Heights, Ohio, that this Council hereby joins with the United States Department of Health and Human Services' Substance Abuse and Mental Health Services Administration and states, other local governments and health care providers to proclaim September, 2004 as National Alcohol and Drug Addiction Recovery Month, and urges all residents of Cleveland Heights to

support men, women and youth who are in drug or alcohol addiction treatment and recovery and their families. I'd like to submit Resolution No. 128- 2004(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 128-2004(PSH).

Council Member Caplan commented, "As the chair of the Cuyahoga County Community Mental Health Board I cannot help but also encourage people to look at the issues of drugs and alcohol addictions and mental health issues as illnesses and that as with other illnesses there are treatments as was stated in this whole resolution but there also needs to be help and there needs to be money for help and that it's a time this month to think about encouraging our legislators to provide appropriate dollars for treatment and for recovery and for education so that the stigma can go away, so that people can be aware enough to look at their illnesses and get the appropriate treatment and perhaps even we can so far as to talk about parody that there will be money for insurance for receiving the appropriate care that one needs just as one would receive care for physical disabilities. Of course, that's a problem too since 40 million people in the country do not have medical coverage but when we start talking about medical coverage we need to look at parody so that everybody can get help for the illnesses that they have. Thank you."

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

Nays: None

**Resolution passed**

Council Member Evans continued, "Resolution No. 129-2004(PSH), authorizing the City Manager to enter into agreements with Partners Environmental Consulting, Inc. for professional services related to the installation of an above-ground fuel storage system for Fire Station No. 1 and the removal of two existing underground storage tanks; providing compensation therefor; and declaring an emergency. Whereas, it is necessary to obtain environmental consulting services for the installation of an above-ground fuel storage system for Fire Station No. 1 and the removal of two existing underground storage tanks. Partners Environmental Consulting, Inc. has submitted a proposal to provide the necessary professional services to the City for these projects, the terms of which are reasonable and competitive. Such services are professional services for which no bidding is necessary. Section 1 states that the City Manager be given the authorization to enter into agreements with Partners Environmental Consulting, Inc. for professional services relative to the installation of an above-ground fuel storage system for Fire Station No. 1 and the removal of two existing underground storage tanks.

The reason why that is necessary is that one of the tanks is leaking.

The services to be performed shall be as provided in the proposal from the consultant dated August 26, 2004, a copy of which is on file with the Clerk of Council. More specifically, the first agreement shall provide for professional services to develop plans and specifications, provide construction oversight and obtain regulatory approval for an above-ground fuel storage system for Fire Station No. 1. Compensation for such services shall be at the consultant's usual hourly rates, with total fees and expenses not to exceed the sum of Twelve Thousand Three Hundred Fifty Dollars (\$12,350.00). The second agreement shall provide for services relative to the removal of the two existing underground storage tanks at the same location and necessary closure reports to the State. Compensation for these services shall be at the consultants' usual hourly rates, with total fees and expenses not to exceed the sum of Fourteen Thousand Nine Hundred Dollars (\$14,900.00). The agreements and all related documents shall be approved as to form by the Director of Law. I'd like to submit Resolution No. 124-2004(PSH) for passage this evening."

Mayor Kelley accepted Resolution No. 129-2004(PSH).

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

Nays: None

**Resolution passed**

Council Member Evans concluded, "Just a couple of announcements. You may have noticed somewhere, some publication that our fire department is offering CPR instruction to any resident over the age of 13. The classes are free and are going to be taught by firefighter paramedic unit. There are a couple of one day adult courses being offered on October 6 and 13 and there are two pediatric CPR courses, October 20 and 27. These courses are three hours in length and will be held at our fire station #1 which is on Mayfield and Taylor from 7:00 p.m. to 10:00. You can call the fire chief's office at 291-2673 after September 20 to sign up for the courses. These courses are not geared for the healthcare provider but are for our residents, family members and friends. The other thing, there are free smoke detectors that are available for our residents. In this program is co-sponsored by American Red Cross and our firefighters union Local 402. There again, you may receive an application and additional information by calling the chief's office at 291-2673.

Also, there are a couple of notes that were written to our police chief, Chief Lentz. One states, thank you for your assistance and support throughout the planning and execution phase of the International Children's Games. I greatly appreciate the many contributions you and your team made to the success of the games. This was sent to us on behalf of the Greater Cleveland Sports Commission.

Another is from a resident on Fairfax and he is commending one of our officers, Chris Giordano, who responded to a very disturbing peace call. He said that he was courteous, thoughtful and helpful and thorough and he's a real attribute to our police force. It says to let him know that he wrote this note and how much he appreciated that kind of citizen-oriented service.

That completes my report this evening."

#### **REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE**

Council Member Dietrich stated, "Thank you. I have several things tonight. The first one is a piece of legislation. The State of Ohio requires that the city create a Tax Incentive Review Council to review annually all commercial development projects that have received tax incentive and that includes abatement or tax increment financing. Currently there is only one project in Cleveland Heights that receives that funding and that is Zagara's Market. The County Commissioners appoint three people to this Review Council and our City Council appoints two people. So, I would like to move the appointment of Donalene Poduska and Doris Allen as the Council appointments. Both currently serve on the City's Housing Council, which is actually similar to this and Donalene Poduska also serves on our CAC."

Second by Council Member Caplan.

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

Nays: None

**Appointments passed**

Council Member Dietrich continued, "Now I would like to invite everybody to a public forum

on Wednesday, September 29 and this is called "School Funding in Ohio, It's Broken - Can We Fix It?" I'm sure you'll all agree that school funding in Ohio is broken. Our Ohio Supreme Court has declared it unconstitutional multiple times and our state legislator can't seem to find a way to create a remedy for this. For anybody who is frustrated how hard it is to pass levies all the time, for people who are frustrated of having people who don't like the idea of having the district trying to pass levies all the time, anybody who just wants to understand what it is that's so wrong with school funding in Ohio and some of the proposals that are floating out there and don't get acted upon to fix it should come to our forum, Wednesday, September 29 - 7:15 p.m. at the Cleveland Heights community center. We'll have a couple of experts who will present the problems and proposals and then we will have a panel of people that will respond to what the presenters said. One of those will be our state representative, C.J. Prentiss. I hope we will see as many people as possible. This is sponsored by our city and by Reaching Heights, the First Suburbs Consortium and EcoCity Cleveland.

Finally, I want to report to you on a little outing I went on one morning last week on which I learned about some of the things that the Doan Brook Watershed Partnership to which our city belongs is doing to take care of Shaker Lakes. Keith Jones, who is the Executive Director of the Watershed Partnership and actually works out of an office here in Cleveland Heights City Hall takes his canoe out on all four of the lakes; the Lower Lake, Horseshoe, Green and Marshall Lakes. Those last two are in Shaker. He goes out every couple of weeks and he monitors the water quality. Since I am our council's representative to the partnership and Cleveland and Shaker Heights' councils are also represented, he invited me to go along to see what this monitoring entails. It actually reminds me of the time when Councilwoman Caplan went down in the sewers when she was Municipal Services Chair. So we went out on Horseshoe Lake and I just want to tell you do not try to do this yourself. You are not allowed to boat on Shaker Lakes and the only reason that the Partnership director can, is that he is responsible for monitoring the habitat. So, just to give you a little rundown of what he does every two weeks. We did it on Horseshoe. He does the same thing on all the lakes. On Horseshoe he has three different spots that he goes and each one is marked by a little buoy so that he does the same thing at the same place every time he goes. First of all he uses a little device that's called a secchi and it measures the depth to which you can see into the water so it measures clarity. Then he measures the water temperature and the dissolved oxygen at one foot intervals at the three different places. So where it's the deepest he measures six times and then at some other places where it's only like three feet deep so he measures three or four times and then the oxygen level [how it] effects plants and animals and at what depth it's healthy for them to live. He then collaborates with a scientist at John Carroll and a scientist at Case to analyze the data and that helps the Watershed Partnership initiate steps to improve things that need to be improved like right now some of the lakes are undergoing bio-augmentation which reduces the amount of algae and duckweed that are in them. Actually, Keith Jones, the Director of the Partnership, does judge the Shaker Lakes to be healthy bodies of water in spite of the fact that sometimes they look very silty or they have algae on them, they actually are healthy. So I just thought since a bit of your tax money, \$18,000 a year to be specific, goes to sustain the partnership, as it does from Shaker Heights and Cleveland also, and then there is also other funding. So I thought you'd just be interested in knowing what the partnership is doing to preserve and improve that little piece of nature that's in Cleveland Heights. That concludes my report."

## **REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE**

Council Member Caplan stated, "Thank you. I have no resolutions this evening or any other kind of legislation but I do of course have a few things to talk about. One, you're going to hear me talk about until after the election. I wish I had a number for this. I introduced several weeks ago the legislation that passed our putting on the ballot an issue and it doesn't have a number yet so I can't tell you what the number we want you to vote yes on it. The issue is about supporting the taxation/ limitation

on rate of taxation for improvement and maintenance of city-owned parks, recreation and cultural facilities in the City of Cleveland Heights. What this is about is that I believe in 1997 - was that what year it was?"

Mayor Kelley responded, "1987."

Council Member Caplan continued, "1987, that we as a city voted on taxing ourselves so we could take care of some of the recreational facilities in our community like Cain Park, putting a roof on the theater and doing a whole range of other things. At the end of this year we will have paid off the bonds that paid for all of those improvements. If you owned a \$100,000 home, you are now paying \$41.34. So that's ending and there are a variety of choices that we could take and one is to say hooray and let's not tax our residents anymore, but we're not saying that. What we are saying is we need to protect this [tape unclear] of paying \$41.34 what we put on the ballot for November 2<sup>nd</sup> for a \$100,000 home is a .7 tax rate means that you'd be paying \$21.44 so it's almost half of what you're paying now and that's so that we can protect this investment and do some other additional maintenance things in our parks' facilities and other venues in our city. We're going to get a number soon. The county will assign a number and call it Issue whatever. I'm going to talk about this every time we have a meeting so that those of you who click through and don't always stop and watch this channel will hear me I hope at some point talk about this is important to the community. It's just like maintaining your home. It's really necessary that we continue to put money into our facilities so that we maintain our community in a wonderful way that it is. That's number one.

The other thing you're going to hear me talk about I'm now on this new kick because I think we've forgotten about recycling. Actually, the other day and I'll tell you about this in a minute, I just came back from a trip and I talked about how I had two weeks worth of mail and what do you do with that mail and I was opening it up over a paper bag because half of it I don't even open and throw it away and my friend said why do you do that? I said I recycle it and she said I didn't know. We can recycle our mail? And I said yes and magazines and it's really easy. Tie up your newspapers and put them in one little pile and in a paper bag you can put your magazines, the insides of paper towels and toilet tissue and the boxes that Kleenex comes in and your mail. You know all that mail that we all get? All that can go into these bags. If you're concerned about identity theft you can shred it or I don't personally worry about it so much but we don't put it out the night before we put it out the morning of garbage day so that it feels safer to us. In any case, please remember about recycling and in another bag you can put your cans and your bottles. You don't have to separate them. Those plastic bottles that you're drinking all those other drinks of water (we're into this water kick) put all that stuff into a plastic bags. Cleveland Heights makes it really easy to recycle. Take advantage of it. It saves the city money because we pay to have our garbage taken away and we get some money for some of the recycled things so do, do that. It's very easy.

The other thing that I wanted to tell you which is the last one is what Councilman Hicks referred to the terrorism that is going on now. I was in Russia when the school was taken. It happened to have been and I don't know if you noticed it was the first day of school. It was September 1 and all over Russia every school it was the first day and all the children - we had remarked on it - we were in St. Petersburg and all the children - the little girls had little white pompons in their hair and all the boys wore suits to school and their parents and their grandparents were with the children and that's why there were so many adults in the school. It was the first day of school and there were celebrations and programs that went on in the schools and all the children brought flowers to the teachers and it was a day of joy. There were balloons all over the city and there were signs all over the city and this was all over Russia. So it was particularly poignant that on that day of joy and education is certainly highly prized in Russia as it is all over the world that this unspeakable terrorist act happened in Russia. Some

day if you're interested I'd be happy to tell you about this trip. It was particularly interesting because we participated with and we were guided by a Jewish organization that provides special kinds of programming and Cleveland has a special relationship with the community in St. Petersburg where they work on programs for children with special needs and families that have children with special needs. In Russia, unlike here, they don't mainstream the children in school. If you have a child that has a mental illness or a physical disability, too bad. That child doesn't go to school. Frequently, the fathers leave and the mother is (because it's a shameful thing) unlike it is here - the mother then has to leave her job to take care of this child who has no place to go. There are no group homes. There are no special programs and so that the Cleveland community is very active in putting together programs for these children in St. Petersburg and so that we participated in talking to people, went to some people's homes and it was really a very moving experience. Because of that experience, it's especially poignant that next week is the beginning of the Jewish New Year. It is Rosh Hashana for the Jewish population across the world. So that, my biggest wish is that is a sweet year that brings some peace for everybody so I wish our Jewish residents a Healthy, Sweet New Year."

### **REPORT OF THE FINANCE COMMITTEE**

Council Member Wilcox stated, "Thank you, your Honor. There are four pieces of legislation from the Finance Committee tonight. The first two involve setting up Assessment Equalization Boards as a result of the street lighting and shade tree assessment that Council approved earlier this year whereby we renewed and slightly increased the amount of assessments for these items and published those things and gave the opportunity for people to object to those assessments. Resolution No. 130-2004(F), appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of street lighting within the City of Cleveland Heights; and declaring an emergency. As I indicated Council adopted Resolution No. 56- 2004, whereby it declared the necessity of assessing a portion of the expense of street lighting within the City. The City has received timely written objections to the estimated assessments on file with the Director of Finance/Clerk of Council. It's necessary for Council, pursuant to Ohio Revised Code to appoint an Assessment Equalization Board to hear these objections and to fix the time and place to hear the objections. This Resolution appoints Janet M. Bihary, Mark A. Cegelka and Tony L. Ianiro, who are disinterested freeholders in Cuyahoga County but outside the City of Cleveland Heights to act as an Assessment Equalization Board to hear and determine all timely written objections to the estimated assessments on file with the Clerk of Council and to perform their duties as provided by the Ohio Revised Code. The Board is to hear the objection at 9:00 a.m. on September 21, 2004, in the City Manager's Conference Room of the Cleveland Heights City Hall, and, upon the completion of such equalization, shall report its recommendations to City Council. Notice of the time and place and hearing shall be given by Certified Mail pursuant to Section 727.16 of the Ohio Revised Code. I offer Resolution No. 130-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 130-2004(F).

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

Nays: None

**Resolution passed**

Council Member Wilcox continued, "Next, I have Resolution No. 131-2004(F), appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of planting, maintaining and removing shade trees within the City of Cleveland Heights; and declaring an emergency. Again, Council previously adopted an assessment for expenses of planting, maintaining and removing shade trees and has received timely written objections and is required to appoint an Assessment Equalization Board. Section 1 of this Resolution also appoints Janet M. Bihary,

Mark A. Cegelka and Tony L. Ianiro to act as that Assessment Equalization Board. The objections will be heard at the same location and time, 9:00 a.m., September 21, 2004 in the City Manager's Conference Room and the notice of the hearing shall be given by certified mail. I offer Resolution No. 131-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 131-2004(F).

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

Nays: None

**Resolution passed**

Council Member Wilcox continued, "Next, I have Resolution No. 132-2004(F), amending Resolution No. 192-2001 authorizing the City Manager to enter into an agreement with Ciuni & Panichi, Inc., Certified Public Accountants for audit services for the five fiscal years ending December 31, 2005; providing compensation therefor; and declaring an emergency. Ciuni & Panichi, Inc., previously submitted a proposal in response to a Request for Proposals issued by the State of Ohio Office of the Auditor, pursuant to Ohio Revised Code Section 115.56, for an audit of the City's finances for the five fiscal years ending December 31, 2001, 2002, 2003, 2004 and 2005. By Resolution No. 192-2001, Council authorized an agreement with the firm for these auditing services. Since that time the Auditor of the State of Ohio recently implemented Statement of Auditing Standards 99, compliance with which will increase the City's audit costs for the fiscal years ending 2003, 2004 and 2005. Section 1 of this Resolution then authorizes an amendment to our previous resolution which authorized our agreement with Ciuni & Panichi, Inc., to raise the amount of the auditing costs for each of those years and the additional compensation is in the amount of not to exceed Five Thousand Forty Dollars (\$5,040.00) for fiscal year 2003, for a total cost for the year not to exceed Thirty Eight Thousand Seven Hundred Dollars (\$38,700.00), an amount not to exceed Five Thousand Three Hundred Dollars (\$5,300.00) for fiscal year 2004, for a total cost for the year not to exceed Forty Thousand Five Hundred Dollars (\$40,500.00), and finally an amount not to exceed Five Thousand Six Hundred Dollars (\$5,600.00) for fiscal year 2005, for a total cost for the year not to exceed Forty-two Thousand Two Hundred Dollars (\$42,200.00). Again, these increases are a result of change in the State Auditor's requirements for our audit. These were not known at the time when the original proposal was submitted. I offer Resolution No. 132-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 132-2004(F).

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

Nays: None

**Resolution passed**

Council Member Wilcox continued, "Next, I have Resolution No. 133-2004(F), authorizing the reprogramming and reallocation of Community Development Block Grant Funds; and declaring an emergency. There exists a number of important community development projects which need funding. Our staff has made recommendation for programming of available funds and the proposed programming of the additional funds has been reviewed by the Citizens Advisory Committee. This Resolution basically approves the following reallocation of Community Development Block Grant Funds which is \$70,000 from our contingency Fund to the Street Improvement Funds which will allow us to share in the cost of the Cedarbrook Road Reconstruction from this summer. Section 2 authorizes the City Manager to enter into agreements and/or amendments to agreements if necessary to implement these changes. I offer Resolution No. 133-2004(F) for passage tonight."

Mayor Kelley accepted Resolution No. 133-2004(F).

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

Nays: None

**Resolution passed**

Council Member Wilcox concluded, "I did have one comment. There will be another local issue on the ballot in November besides our recreation levy which I obviously urge voters to approve and that is the amendment that requires us to put on the ballot our continued ability to tax S Corporations under our Municipal Income Tax Code in the same manner we have been doing for many years and other communities have been doing for many years. Again, this is nothing new and it allows us to continue to tax S Corporations like we do partnerships and other business entities and again, it is a matter of tax equity and tax fairness and we will continue to remind the voters of that as we move on towards November. That completes my report."

### **REPORT OF THE MUNICIPAL SERVICES COMMITTEE**

Council Member Hicks stated, "Thank you, your Honor. I have several pieces of legislation this evening. I want to welcome our guests from Case Western Reserve and hope you guys are still hanging on.

I have Resolution No. 134-2004(MS), authorizing the City Manager to make application to the State of Ohio, through the Office of the District One Public Works Integrating Committee, for Issue 2 funds to be used for the Superior Road Resurfacing and Waterline Replacement Project; and declaring an emergency. Pursuant to the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law. Pursuant to Sections 164.06 and 164.05 of the Ohio Revised Code, the District One Public Works Integrating Committee has been created to accept, evaluate and recommend, and the Ohio Public Works Commission to accept and approve, applications for state financing of capital infrastructure improvement projects of political subdivisions in Cuyahoga County. The City has conducted a capital inventory and needs assessment, and has determined that it is necessary to submit an application for financial assistance for the Superior Road Resurfacing and Waterline Replacement Project. Therefore, in order to secure Issue 2 funds, it is necessary to make application immediately. The City Manager is hereby authorized to make application to the State of Ohio, through the Office of the District One Public Works Integrating Committee and the Ohio Public Works Commission, for financial assistance for the Superior Road Resurfacing and Waterline Replacement Project. The City Manager is further authorized to enter into any agreements necessary to obtain such financial assistance, upon forms approved by the Director of Law. Your Honor, I offer Resolution No. 134-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 134-2004(MS).

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

Nays: None

**Resolution passed**

Council Member Hicks continued, "Thank you, your Honor. I have Resolution No. 135-2004(MS), approving a Change Order with Independence Excavating for a contract for the Severance Circle Reconstruction Project; providing compensation therefor; and declaring an emergency. The City awarded a contract to Independence Excavating for the Severance Circle Reconstruction Project; and additional

quantities of materials and additional necessary work during construction resulted in an increase in price. Independence Excavating has submitted to the City a proposed Change Order covering the additional work and materials, and such proposal has been recommended by the City's Capital Projects Manager. The changes amounted to an increase of \$521,252.06. The original contract sum with Independence Excavating was for \$3,166,473.70 so with this increase for the additional quantities of material the final contract sum we hope is \$3,687,725.76. Your Honor, I offer Resolution No. 135-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 135-2004(MS).

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

Nays: None

**Resolution passed**

Council Member Hicks stated, "Thank you, your Honor. If any resident has some time on their hands and would like to look at the list of changes and increased quantities they can see Carl Czaga, our Capital Projects Manager and he has that list for you to take a look at.

I have Resolution No. 136-2004(MS), authorizing the City Manager to enter into an agreement with Mackay Engineering & Survey Company for professional services for the inspection of twelve City culverts and the completion of O.D.O.T. Bridge Inspection Reports; providing compensation therefor; and declaring an emergency. The Ohio Department of Transportation ("O.D.O.T.") requires the annual inspection of twelve culverts in the City and the submission of Bridge Inspection Reports. Mackay Engineering & Survey Company has submitted a proposal to provide the necessary engineering services for this project, the terms of which are reasonable and competitive. Such services are professional services for which no bidding is necessary. The City Manager is hereby authorized to enter into said agreement. The scope of work shall be as set forth in the Engineer's proposal dated August 20, 2004, a copy of which is on file with the Clerk of Council. Compensation for such services shall be at the Engineer's usual hourly rates, with total fees and expenses not to exceed the sum of Seven Thousand Five Hundred Dollars (\$7,500.00). The agreement and any related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 136-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 136-2004(MS).

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

Nays: None

**Resolution passed**

Council Member Hicks concluded, "Thank you, your Honor. That is all the legislation I have. I just want to remind the residents that this Council has a zero tolerance for litter, graffiti and tennis shoes on telephone lines. That might sound silly but if you see tennis shoes on telephone lines that is usually the sign of gangs trying to mark their territory. So, if you see that on telephone lines, you need to let us know. You need to call the city, call the police department so we can get those things cut down, so we let any gangs - any people - again, with litter or graffiti know that we have a zero tolerance for any of these things. Thank you, your Honor."

## **REPORT OF THE MAYOR**

Mayor Kelley stated, "I want to say hello to Pat McCarthy from our Cable Commission, who is here tonight. I hope you're keeping a vigil eye on Adelphia at all times not just when the meetings are

at your convenience. Thank you.

I also want to say get well to former President Bill Clinton, who had heart surgery the other day and I also want to wish get well to Commissioner-elect (former commissioner) Tim Hagan who is also convalescing from--"

Council Member Caplan interjected, "Commissioner-elect."

Mayor Kelley continued, "I said Commissioner-elect, from his heart attack. I also want to say Saturday is 9/11, it'll be the third year anniversary and whatever you're doing that day, if you could stop for a minute and reflect wherever you are the events of 9/11/2001 and think about how great it is to live in the freest country in the land and what we do and what we do around the country. It is so often taken for granted but the freedoms we have here in the United States here and what we do to maintain and stop for a minute and reach out to somebody from your family who you haven't talked to for a while and say hello to them for a while and touch their lives on 9/11/2004 - make a difference. A lot of things are happening around the world. Councilwoman Caplan talked about what is happening in Russia as did Councilman Hicks. Sometimes we take some things for granted, but the safeties we have - in a democracy we have, obviously that's going to lead to my final point which is to register to vote before the end of the month and exercise that right on November 2 and be proud of what you do. We can argue who would make the best presidential candidate or who will be the best senator or whether or not - well, we know you should be voting yes on the two issues that my colleagues further to the left and furthest to the right said, but we'll take a good 70-75% of the affirmative vote, but the important thing is we can and should exercise your right to vote here. So often people take it for granted - we have a light turnout, but in this country you should vote because we see what happens in other countries where people do not have the opportunity to vote. But a lot of things are happening. A lot of things are swirling around the world. Who would have believed what happened in Russia in that school on September 1<sup>st</sup>. The amount of death and destruction, obviously, purposely planned as Councilwoman Caplan said when the parents and grandparents would be there, which should have been the most special day, the fondest day of a child's - especially those who started their first day in school - will never forget, will never go down, similar to our 9/11/2001. We take it for granted, but we certainly live in the most freest country, the best democracy of any country and some times we take it for granted. So get out there on 9/11. Stop and pause for a minute. Maybe even say a prayer for those who lost their lives on 9/11/2001 or those who lost their fathers, the babies that were born that don't know who their parents or even who their mothers were. There were a lot of mothers who lost their lives on 9/11/2001 that were in those buildings or in the rescues or what have you.

This meeting is adjourned at 9:12 p.m. Our next meeting will be Monday, September 20, 2004. Thank you for coming."

Respectfully submitted,

Edward J. Kelley, Mayor  
President of Council

Thomas K. Malone  
Clerk of Council

/mwc