



CLEVELAND HEIGHTS

MINUTES OF THE CITY COUNCIL MEETING OF MONDAY, NOVEMBER 1, 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, Malone, Niermann O'Neil, Reddy, Ruane, 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 7:50 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, Wong

The minutes of the Regular Council Meeting held Monday, October 18, 2004 were approved and signed by Mayor Kelley along with the ordinances and resolutions passed at that meeting.

"My name is Dorian Waller. I work for Adelpia Communications. I am a government relations manager for the company. The address is 3400 Lakeside Avenue. I'd like to thank the mayor, Mayor Kelley and Members of Council for allowing me to address the Council today. I am addressing the Council in regard to the Cleveland Heights Cable Commission Resolution 2004-1. Adelpia appreciates the opportunity to provide quality video and advanced services in the City of Cleveland Heights. As you know, Adelpia declared bankruptcy in June 2002. Throughout this time, we have continued to provide quality service to our customers, and we have met and continue to meet our franchise obligations. Under new local management, we have reached out to our local franchise authorities in an effort to improve relationships and communications, and we have become active partners in our communities.

Here in Cleveland Heights we successfully completed the project to remove interdiction units, and we're in constant communication with City Officials detailing our progress. In the past year, Adelphia has introduced advanced products such as High Definition (HD) service, Digital Video Recorders (DVR's), and Video on Demand (VOD). We are actively participating in the "Sculpture in the Heights" project at Severance.

The Cleveland Heights Cable Commission has referred Resolution 2004-1 to the City Council, regarding Adelphia's call center statistical compliance with Section 753.04(a)(1) of the Cleveland Heights Codified Ordinances. Although the Cleveland Heights Customer Service Ordinance imposes certain customer service standards, Adelphia's number one priority is providing our customers with quality service, including quality customer service, regardless of any ordinance requirement.

Importantly, since the Cable Commission's public hearing was opened in March, Adelphia has received only one customer complaint from a Cleveland Heights resident regarding our call centers. In fact, not one customer elected to speak at the Cable Commission's five public hearings. Furthermore, we have had only nine customer complaints since the beginning of this year. Or, put another way, Adelphia has received complaints from less than .07% of our subscribers in Cleveland Heights.

As you review the Commission's recommendation, please consider the following:

November and December 2003 and January 2004: Our 20/20 initiative consolidated thousands of programming packages into five packages. Although this mammoth undertaking created some confusion, the benefits to our customers of additional value, greater simplicity and more choice far outweighed the costs. Our call center statistics were 62% in November, 70% in December, and 81% in January.

February, March and April 2004: Our call center statistics for February through April were in compliance with the Cleveland Heights Customer Service Ordinance. The statistics were as follows: February - 91%, March - 93%, and April - 91%.

May, June and July 2004: During these months, Adelphia began moving toward regional call centers, of which the Cleveland call center was one. The Cleveland metro area benefited, because we were able to keep existing jobs here and able to bring over 80 new jobs to the area, including some at the newly renovated Cleveland Heights facility at Severance. In addition to this transition, some of our service areas also experienced significantly damaging thunder, lightening, and hail storms that caused numerous outages. The combination of our operational challenges and circumstances outside our control caused our service numbers to be 79% in May, 75% in June, and 85% in July.

August, September and October 2004: As you are aware, throughout August and September the country faced hurricanes Charlie, Frances, Ivan and Jeanne. Four of Adelphia's call centers are located in Florida and due to federal safety concerns, the Florida call centers were closed several times. Although we ramped up for the emergency, call volume was extremely high.

Additionally, during these challenging economic times, we have experienced a growth trend in the number of customers who need to discuss payment options and we are happy to work with those customers. These calls require additional time with our Customer Service Representatives in order to answer customers' questions in a professional and courteous way.

Because of circumstances outside of our control, our call center statistics were 64% in August, and we estimate that the statistics will be approximately 45% for September and 47% for October.

Adelphia recognizes the high value our customers place on quality customer service. We also recognize that we have additional challenges to overcome in order to provide better customer service. In that regard, Adelphia, this month, has created a regional Customer Care Council, of which Pam Mackenzie is a member. The purpose of this Customer Care Council is to improve our customers' experience by analyzing challenges and creating solutions. We are striving to provide the quality service and value our customers expect and deserve. We look forward to continuing to serve the residents of Cleveland Heights.

Based on the foregoing, Adelphia respectfully requests that the Council overrule or modify the Cable Commission's recommended resolution and refrain from imposing fines on Adelphia.

This is sincerely submitted by Lee C. Shapiro who is our Director of Government and Public Affairs."

Mayor Kelley thanked Dorian and asked if anyone on Council wished to speak.

Vice Mayor Montlack proceeded, "I'm sure, as you are aware the resolution from the Cable Commission sets a deadline of today, November 1st, for Adelphia to submit evidence that it has brought itself back into compliance. As of today, can you report to us, whether as of today - there has been an additional submittal to the Cable Commission?"

Ms. Waller responded, "Yes. That information was forwarded to the Cable Commission today by a fax to Mr. William Hanna."

Vice Mayor Montlack continued, "So, would I be correct that if the legislation as proposed, which in my understanding, it includes that deadline. If that passes, are you confident that you will have satisfied the requirements of the Cable Commission mandate?"

Ms. Waller again responded, "As of today, November 1st, our call center statistics did not meet a 90%, 30 seconds of what is required under the ordinance, but we did forward an update that the - - physically what I have read here, is that we're looking at 47% presently for the month of October and 45% for September. That's an estimation at this time."

Council Member Caplan asked, "I understand that you just hired a significant number of people, so what is your anticipation of being able to change that?"

Ms. Waller responded, "Well, we're actually with - those individuals that have been added and we do continue to look at attrition in our call center - those individuals that have been added they actually are in a training mode and we have placed them in the call center. So, we're looking forward to that - our numbers to increase on a monthly basis at this point. We are looking for an improvement."

Council Member Caplan asked, "Significant improvement?"

Ms. Waller answered, "We are looking for an improvement. I'm not sure as to how the scale will tip, but we're looking on an upward trend."

Mayor Kelley said, "To follow up on both the two questions before me, how many people did you add?"

Ms. Waller answered, "We have added at this time thirty, I believe, between twenty-five and thirty-five individuals."

Mayor Kelley asked, "And they started today?"

Ms. Waller said, "No. They haven't started today. They have been added continually within the last month."

Mayor Kelley said, "Within the last month. And they are going through some kind of a training period, I would assume?"

Ms. Waller responded, "Yes."

Mayor Kelley asked, "Do you know how long the average person takes to train?"

Ms. Waller replied, "There's training - [I'm] not sure exactly where their period is - right now in their training. But normally our training is about four to six weeks."

Mayor Kelley continued, "Four to six weeks. Now, these 30 to 35 people, how many of these people will be specifically designated to handle what I call Cleveland Heights callers?"

Ms. Waller answered, "Everyone in the call centers that we employ are there to answer calls that come in from every resident that we service in Ohio."

Mayor Kelley said, "I know. I'm not worried about Ohio. We're not a body in Ohio. I'm only worried about the nearly 15,000 customers from the great city of Cleveland Heights that call you in their time of need, so I'll ask the question again, are these 30 or 35 people - have you designated any of these people when they finish training specifically during their hours of employment, to answer these calls from Cleveland Heights in the 90% 30 second window?"

Ms. Waller replied, "Every representative that we have that's in the call center receives calls from every customer in the Ohio region including Cleveland Heights."

Mayor Kelley replied, "You're not answering my question."

Ms. Waller continued, "Including Cleveland Heights, Sir."

Mayor Kelley continued, "Will any of them be designated to specifically just handle the volume of calls that come from Cleveland Heights? I'm really not interested in what happens in Cincinnati or Parma (you don't handle Parma), South Euclid. I'm really not interested in those other cities."

Ms. Waller said, "Our call centers open 24/7."

Mayor Kelley interjected, "I've called many a time at two in the morning."

Ms. Waller said, "Right. Customers who are coming from various areas; Cleveland Heights, Shaker Heights, University Heights -"

Mayor Kelley said, "I'll get to my own conclusion then. If you had 45 in September and 47% in October, you're barely half way there."

Ms. Waller said, "That's understood, Sir."

Mayor Kelley said, "And you could hire 35 people to do whatever. I'm assuming in other cities you have similar problems, regardless of hurricanes or whatever - whatever, so I will be supporting Resolution 2004-1, regardless of how many people are across the street. Anyone else?"

Council Member Wilcox said, "Just to follow up on your question. The 25 to 35 individuals that have been added then, what geographic area would they cover? In other words, how many customers would they be serving?"

Ms. Waller answered, "How many customers would they be serving? The CSR's that are actually employed in the call center, they answer calls from every area in Ohio."

Council Member Wilcox asked, "How many customers do you have in Ohio?"

Ms. Waller replied, "We have - I don't have the number, Mr. Wilcox."

Council Member Wilcox continued, "Those individuals are also available to handle calls throughout the country in the Adelpia system if need be, is that correct?"

Ms. Waller answered, "They answer calls that are in Ohio and anytime we have emergency situations, such as the ones that we had in Florida, we have been asked to ramp up or be available for those particular calls that did come from the Florida area."

Council Member Wilcox stated, "So, I mean these potential 25 people could be servicing the entire Adelpia system throughout the country."

Ms. Waller replied, "Well, we have more than just 25 or 30 representatives, Sir."

Council Member Wilcox interrupted, "I understand that, but these additional folks could potentially be answering calls throughout the system. Isn't that correct?"

Ms. Waller replied, "That's correct, Sir."

Council Member Wilcox asked, "How many customers do you have, total?"

Ms. Waller replied, "You did ask that question and -"

Council Member Wilcox continued, "The entire Adelpia."

Ms. Waller replied, "And I'm unable to give you that answer. I don't have that answer for you."

Council Member Hicks stated, "Do you have a goal of when you will obtain the 90%?"

Ms. Waller replied, "Councilman Hicks, our goal is daily, and we look to increase our numbers on a daily basis, so we are looking towards that actually increasing within our next few months that we are servicing the Cleveland Heights as well as other suburban cities."

Council Member Hicks continued, "There is no anticipated goal when we would reach that in this community, though?"

Ms. Waller continued, "Well we're looking for that to be increased at least by - presently we have provided you with our estimation for October and that is not at the number that our goal is for. So, we're looking for that to be increased within the next month, as we're looking at November and December. That is our goal. Our goal is to reach that on a daily basis, so that we can provide the Cable Commission with a report that shows that we have complied to the ordinance."

Council Member Hicks continued, "In our legislation today, with all the imposed fines, if you were not reaching the 90%."

Ms. Waller said, "I understand."

Council Member Caplan added, "Actually - if I remember your numbers correctly last January and February, you were doing really well and prior to the hurricane season, which is certainly understandable, but you had already fallen down. What was the problem?"

Ms. Waller answered, "At that point and time, I believe you're referencing November and December, we had gone into a very aggressive change in our Adelphia products and packaging and that was what we called our new Value Cable Packs that we provided to customers or we were opening up other opportunities for our customers in understanding how our packaging was set up. So that was our 20/20 initiative, that I referenced in my opening here."

Council Member Caplan continued, "So that's what you - why you think it took longer to answer the calls?"

Ms. Waller replied, "It certainly did, because it took a lot of time or [a] significant amount of time to explain the new packaging structures to the customers as well as the billing or the charging levels to the customers. There are a number of questions that the customers did have along with our business as usual - those that called in just to talk about their bill or to talk about the services that are available. At this point in time when we did restructure our packaging in November and December we received a great number of calls at that time and it took several minutes to actually explain to the customer what each package was, what the components were in the packages and what they can opt out of in regard to the different package levels."

Council Member Caplan continued, "Then what happened in May, June, July, August? Your numbers started going down again."

Ms. Waller agreed, "Right. We were actually at that time experiencing the various storms and the hurricanes and the number of outages that we had also. There is more than just those things that were out of control - those things that we're not in control of. We have our usual billing, non-paid collections, customers that are calling in for service calls and outages."

Council Member Caplan interjected, "But, that's business as usual."

Ms. Waller said, "I understand what you're saying. Along with that but we also had experiences of outages in various areas within the Ohio area."

Mayor Kelley added, "Thank you for coming."

Ms. Waller concluded, "Thank you for allowing me to address the Council, I appreciate it."

"I'm Doctor Annie Lopez, 2525 Wellington Road. I think you'll be happy to hear that I'm not here to complain about anything or ask for anything. I'm here on behalf of Louisa Oliver who is director of the Heights Parent Center, just to give you an update on some new programming. I am the Director of Heights Even Start, which is a partnership between the Heights Parent Center and the Cleveland Heights-University Heights City Schools. We are funded through a grant by the Ohio Department of Education and we are a family literacy program. What that means is that families come to our center in the mornings. They bring their kids. The parents go to adult education classes which means they may be learning to read. They may be improving their reading. Some of our parents have reading levels as low as second grade. They are getting their GED. They are learning English, perhaps, and at the same time their children go to our early childhood programming so that they are going to show up in our kindergartens ready to learn. We are, in addition to that, doing positive parenting classes so after the parents are in the adult education classes they go to positive parenting where basically they're supported in their role as being their child's most important teacher. Finally, at some point in the day, the parents and the children get together and they have an interactive literacy activity that's supervised by a parenting educator. Every family receives a home visit also to extend that learning into the home. That's the Heights Even Start Program and it's one of the many programs that Heights Parent Center is currently offering and it's a new program for the Parent Center but it reflects the centers new emphasis on family literacy and our families here in the community. That's it."

"Good evening. My name is Mani Ayodele. I live at 2849 Mayfield Road. The reason why I'm coming up here is to show my appreciation for Vice Mayor Montlack for helping me out with a situation a couple of weeks ago. I'm always appreciative of the law making body of Cleveland Heights and those people who help me out personally. Thank you."

"Marianna Stein, and I'm one of these Democratic Precinct committee people."

Mayor Kelley asked what her ward and precinct are.

Ms. Stein replied, "I'm sorry. Musicians Tower. I'm exhausted. I've been up since 6:30."

Mayor Kelley said, "Welcome, Marianne, always a pleasure to have you here."

Ms. Stein continued, "Nice of you to bear with me. Anyway, I'm happy about the fact that we have a very diverse community and the endorsed Democrats on here: Connally and Lillian Greene, and Janet Burney and Lawrence Floyd and Wanda Birch. We also have the issues, Cleveland Heights and the Democratic Party has this huge amount of people and we've put all of these under the doors. All three issues are going to be under the doors for 240 units at my building. I also ran around the past few days with signs. One wonderful place to put signs is Cedar Hill as people are coming up and I did yards also. Thank you."

REPORT OF THE CITY MANAGER

Mr. Downey stated, "Thank you very much, your Honor. I have just one item this evening and that would be to request authority for bids for the removal of an underground storage tank at Fire Station No. 1."

Mayor Kelley asked, "Anyone here that was here at the last meeting that wants to install it, maybe he can remove it before I refer it to the Public Safety and Health Committee of Council."

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

Second by Council Member Caplan.

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 two resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following: BZA Calendar No. 3058 Donald Wither, 2611 Edgehill Road, accessory use regulations and BZA Calendar No. 3060 Donald J. Tarantino, owner, 1654 Lee Road, uses permitted in single-family districts. Your Honor, I need to make this a matter of record."

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

Mr. Malone continued, "Your Honor, I also need to notify Council that pursuant to Section 753.04(a)(1) of the Codified Ordinances of the City of Cleveland Heights Cable Television Commission has submitted the following resolution: Resolution No 2004-1 Requires that any cable operator providing service in the City, at least ninety percent (90%) of the time, connect a telephone caller to a live service representative staff member within thirty seconds during specified times. I also need to make this a matter of record."

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

REPORT OF THE FINANCE COMMITTEE

Council Member Wilcox stated, "Thank you, your Honor. There are two pieces of legislation tonight. The first one is Ordinance No. 161-2004(F). This is an ordinance that updates all of the accounting funds within the city. I think the last time we did this was approximately two years ago. This is Ordinance No. 161-2004(F), amending Section 177.02, "Current Funds", of Chapter 177 - Accounting Funds - of the Codified Ordinances of the City of Cleveland Heights to enumerate accounting funds currently utilized or intended to be utilized by the City; and declaring an emergency.

This section of the Codified Ordinances lists all of the funds utilized by the City's Finance Department. Section 177.02 permits additional funds to be added or deleted legislatively or administratively. It would be in the best interest of the City to amend Section 177.02 at this time to reflect funds currently utilized or intended to be utilized. Section 1 therefore provides that the following current funds shall be in effect, Section 177.02 Current Funds of Chapter 177 - Accounting Funds - of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended so that henceforth said Section shall read as follows:

177.02 Current Funds

The necessity is hereby declared for the establishment and maintenance of the following funds:

I will simply read to you the funds that are going to be newly designated by this legislation. Under our Special Revenue Funds we are designating new funds for First Suburbs Consortium, for a

Public Building Maintenance Fund, also under that same designation a FEMA Grant Fund. We were fortunate enough to actually receive some grant funds from FEMA as a result of the black-out last year so we created this special fund. Police Facility Maintenance Fund, Lead Safe - County Grant, to receive some grant funds from our Lead Abatement Program. Section 108 Loan Guarantee Fund which receives CDBG money for street improvements that were recently approved. Under the Capital Projects Funds we are creating a new fund for the Ring Road Reconstruction and finally under the Enterprise Funds we're creating one water fund which is a merger of our Water Fund and our Water Deposit Fund. These funds are already consolidated on our financial statement and we're consolidating these to better deal comprehensively with our budget for water operations, maintenance and capital and so we can better utilize our deposit funds as part of the overall water fund budget. Section 2 of this ordinance is notice of passage and Section 3 declares the ordinance to be an emergency measure. I offer Ordinance No. 161-2004(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 161-2004(F).

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

Nays: None

Ordinance passed

Council Member Wilcox continued, "Next, I have Ordinance No. 162-2004(F), affirming and modifying the Cable Television Commission's Resolution 2004-1; assessing an increased penalty for Adelphia's violation of the City's Cable Television Customer Standards; and declaring an emergency.

This comes to us from our Cable Television Commission and the hearing that they held on October 19th, which actually commenced on March 9th of this year. There was some discussion in the public comments section about this, but essentially what this is a resolution that deals with Adelphia's non-compliance with certain requirements of the franchise agreement specifically to answer customer calls within thirty seconds (30) ninety percent (90%) of the time during designated hours under our agreement. Those standards have not been met.

The Cable Television Consumer Protection and Competition Act of 1992, P.L. 102-385 ("1992 Cable Act"), declares as one of its purposes that cable television consumers should be protected against poor customer service. That Act allows the city to enact more stringent standards than those established by the Federal Communications Commission. The City has established those customer service standards by Ordinance 138-1993, codified in Chapter 753 of the Codified Ordinances of Cleveland Heights. Responsibility for enforcing those standards falls on the City's Cable Television Commission; and it provides that the Cable Television Commission may, after a hearing, make findings and conclusions and issue an order and/or assess a penalty, if appropriate, in connection with violations of the City's cable television customer service standards. This Chapter also requires that all formal decisions of the Cable Television Commission shall be reviewed by City Council, which may affirm, overrule or modify the decision. The Cable Television Commission, as I mentioned, on March 9, 2004 commenced a hearing into the subject of Adelphia's compliance with the telephone answering standards I outlined before and that hearing was continued from month to month. After consideration of the testimony and documentary evidence adduced, the Commission on October 19, 2004 determined that Adelphia had been in non-compliance with the telephone answering standards since November, 2003 and was in continuing non-compliance with that Section, and assessed a penalty of \$100 per day beginning November 1, 2004 if Adelphia does not achieve compliance by that date, increasing, for each month such non-compliance continues, by \$100 per day, to a maximum of \$500 per day. That decision of the Cable Television Commission was embodied in Resolution 2004-1, a copy of which is attached to this legislation and was referred to the Clerk of Council by the Secretary of the Cable Television Commission on October 25, 2004.

I should point out that the resolution makes specific findings of non-compliance in seven of the ten months from November of 2003 with the standards and in the last month in which they reviewed which was August of 2004, there was less than sixty-four percent (64%) of the calls handled in the 30 second time required by our ordinance. I understand tonight from Adelphia, that we received correspondence that response rate has now gone down to forty-five percent (45%) in September and forty-seven percent (47%) in October. At least that's what they're expecting those numbers to be.

This Ordinance in Section 1, provides that Council affirms the finding of fact made by the Cable Television Commission and embodied in Resolution 2004-1; affirms the Commission's findings that Adelphia has been out of compliance with the telephone answering requirements of Section 753.04(a)(1) of the Cleveland Heights Codified Ordinances, and continues to be out of compliance with those standards; and otherwise affirms Resolution 2004-1 except as specifically modified in Section 2 of this Ordinance. In Section 2 of this Ordinance, essentially provides that the penalty portion of the Resolution is modified so that Adelphia shall pay to the City a fine of Two Hundred Fifty Dollars (\$250.00) per day commencing November 1, 2004 if it has not by that date provided evidence to the Commission that demonstrates compliance. The fine shall continue to run until compliance is established as determined by the Commission, increasing to Five Hundred Dollars (\$500.00) per day beginning December 1, 2004 if Adelphia does not provide evidence to the Commission that demonstrates that compliance with the telephone answering standards has been achieved by that date.

I would like to point out before offering this Ordinance for passage that all that Adelphia has to do to avoid the fines that are proposed in this Ordinance and that would go into effect if passed are simply to comply with the customer service requirements that they agreed to comply with when they signed the franchise agreement with Cleveland Heights. I offer Ordinance No. 162-2004(F) for passage tonight."

Mayor Kelley accepted Ordinance No. 162-2004(F).

Vice Mayor Montlack stated, "First, thank you to the Cable Television Commission for its continuing hard work in this area and I really should add to that to thank Councilman Wilcox who has been a very active liaison throughout these many, many months. I just wanted to express one other thought, lest anyone get the wrong idea, at least in my judgement. In no way does this ordinance and our voting for this ordinance indicate a criticism of individual employees at Adelphia. My own experience over many years has been that individual employees when you can get to them or they get to you have always acted in a most professional manner, a most competent manner, but as often is the case I think this reflects truly a criticism of the ongoing corporate policies of Adelphia. All of the reasons given in my judgment for not complying with our standards really relate to normal problems that ought to be anticipated in the board room and on a corporate level and have not been done so. Thank you."

Mayor Kelley added, "I, too, want to agree with the Vice Mayor. I want to thank our Cable Commission for working hard. They started working on this back in March and we got a decision. The numbers that were stated tonight were also received by our Law Director - forty-five percent (45%) in September and forty-seven percent (47%) in October. They aren't getting any better. They're probably not going to be better November/December. I don't care how many people they trot out and hire and I'm glad they hired people to help the economy. I want to thank Mr. Gibbon and Mr. Hanna from our law department who really stay on this month in and month out. They are the leaders in the cable area, the cable arena, not just in this area and this county but in the State of Ohio and in many other states. I want to thank Councilman Wilcox for the continued work on it. I can't agree more with the Vice Mayor. The people when you do get through to Adelphia they couldn't be more helpful, the ones that are properly trained. But the scoundrels at Adelphia are the people that are the management that continue

to come up with these ideas or false promises that they're going to do something a little bit better. They waltz into a meeting they waltz right out, they say what they want to say to try to get your ear or to say they're doing a great job when they certainly are not doing a good job. Councilman Wilcox said it so well, they agreed to this ninety percent (90%) by thirty seconds to get the franchise agreement in there and they don't. Time and time again you sit on the phone for two minutes - five minutes. One time I sat a few years ago twenty-one minutes and I got disconnected and if that's the way they are going to treat our customers in Cleveland Heights, we're not going to stand for it. Many people might think \$250 a day is a lot, it's only \$7,500 at the end of a month - a 30 day month. Even a \$500 fee is only \$15,000 at the end of a month. That doesn't even count for an employee that they're going to hire over there. It's cheaper for them to pay this fine and they did it a few years back. They let the fine go almost a full year before they hired the right staffing. It would be very easy for them to come into compliance and I don't think they are going to come into compliance very soon. It's certainly sad that we have to do this to them a few years after we did it to them before, but we are not going to sit by idly while our residents get treated like just another number at Adelphia when they have a service complaint, a billing issue or they simply want to order a pay for view movie or something like that or they're not getting the right service there. We're not going to be treated that way. We have 15,000 customers nearly in Cleveland Heights. We're not going to be treated like third-class citizens when the scoundrels that are the management there walk away with their hefty salaries and don't care about the customers that have built that base. When you pay 60 to 80 dollars a month for this Mickey Mouse cable service we get in this town which comes out to be anywhere between 720 dollars to a thousand dollars a year that they get out of our residents this is a farce."

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

Nays: None

Ordinance passed

Council Member Wilcox concluded, "I just wanted to add my thanks to the Cable Television Commission for their hard work and diligence and again for their willingness to serve on the Cable Commission. That concludes my report."

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. 163-2004(MS), authorizing the City Manager to enter into an agreement with Mackay Engineering & Surveying Company for professional services for the replacement of a portion of a storm culvert beneath Euclid Heights Boulevard; providing compensation therefor; and declaring an emergency. The scope of the work shall be as set forth in the Engineer's proposal dated October 26, 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 Fourteen Thousand Three Hundred Sixteen Dollars (\$14,316.00).

The agreement and any related documents shall be approved as to form by the Director of Law. Your Honor, I offer Resolution No. 163-2004(MS) for passage this evening."

Mayor Kelley accepted Resolution No. 163-2004(MS).

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

Nays: None

Resolution passed

Council Member Hicks continued, "Thank you, your Honor. The next two pieces of legislation, however did not originate from the Municipal Services Committee of Council, they originated in the Finance Committee of Council under Councilman Wilcox, which I must admit was a very interesting meeting, but the result was an increase of rates, items that belong in the Municipal Services Committee of Council. Again, both of these will be Ordinance Nos. 164 and 165, will be on first reading only today. The first one is Ordinance No. 164-2004(MS), amending Ordinance No. 89-1998 and subsection (b) of Section 911.01 of the Codified Ordinances of the City of Cleveland Heights to establish local rate charges for sewage treatment service to be charged in the City of Cleveland Heights effective December 1, 2004; and declaring an emergency. It reads as follows: Whereas, it is necessary to make significant improvements to the City's sewer system to meet State and Federal environmental standards and Northeast Ohio Regional Sewer District requirements. Whereas, additional improvements are necessary to correct certain identified deficiencies in the system such as inadequate capacity and deteriorating lines. Whereas, current revenue is inadequate to fund these necessary capital improvements. Now, therefore, be it ordained by the Council of the City of Cleveland Heights, Ohio, that: in Section 1. Subsection (b) of Section 911.01, Local Sewage Charges Established; Computation and Billing of Local and Sewer District Charges, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended so that henceforth said Subsection shall read as follows:

(b) The local sewer charge shall be Seven Dollars and Five Cents (\$7.05) per 1,000 cubic feet of water consumed, as shown by the records of the Water Department of the City based upon actual water meter readings.

Section 2, the local sewer charges established in this Ordinance shall be effective December 1, 2004. Section 3 is the notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights. Section 4 hereby declares this to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to generate adequate funding to provide essential governmental services. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law. Your Honor, that is Ordinance No. 164-2004(MS) on first reading only."

Mayor Kelley accepted Ordinance No. 164-2004(MS), first reading.

Council Member Hicks continued, "We have Ordinance No. 165-2004(MS). I just want to go back to Ordinance No. 164-2004 to say that, that rate has not been changed since 1998. That was not clear in the reading of that. We have not raised that sewer rate since 1998. Ordinance No. 165- 2004(MS), amending subsection (e) of Section 935.02 "Fees Established" of Chapter 935 "Solid Waste Collection and Disposal" of the Codified Ordinances of the City of Cleveland Heights to provide for an increase in fees for the collection of solid waste from properties within the City; and declaring an emergency. Whereas, by Ordinance No. 105-1990, this Council established a fee schedule for the collection of solid waste from properties within the City. Whereas, by Ordinance No. 44-1992 this Council was able to decrease said fees. Whereas, since 1992, the cost of solid waste disposal for the City has steadily increased. Now, therefore, be it ordained by the Council of the City of Cleveland Heights, Ohio, that: Section 1. Subsection (e) of Section 935.02 shall be and hereby is amended to henceforth read as follows:

I. Commencing December 1, 2004, the City shall assess against all owners of property receiving City solid waste disposal service a charge for the service in accordance with the following schedule: for each single family dwelling receiving the homestead rate for sew-

age treatment service pursuant to Codified Ordinance Section 911.01(c), a charge of One Dollar and Fifty Cents (\$1.50) per month; for each single family dwelling not receiving the homestead rate, a charge of Three Dollars and Twenty-five Cents (\$3.25) per month; for each dwelling unit in a multiple dwelling a charge of Three Dollars and Twenty-five Cents (\$3.25) per month; and for all others a charge of Seven Dollars and Fifty Cents (\$7.50) per month. The charge for the service shall be billed to the owner of the property monthly and shall appear on the monthly statement for water and sewer charges.

Section 2, the effective date of the rate increase in this Ordinance is December 1, 2004. Section 3 is the notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights. Section 4, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to generate sufficient revenues to perform critical governmental services. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

I also want to point out on Ordinance No. 165-2004(MS), if you did not understand that when I read it, the fees were established in 1990. The fees were then decreased in 1992 and we have not had an increase of these fees since 1992 and so we have determined and again in an excellent meeting of the Finance Committee of Council under Councilman Wilcox, we looked at these fees and we determined in order to continue to serve the residents at a capacity and the highest level of city services that we needed to increase these fees for all residents. Again, I offer Ordinance No. 165- 2004(MS), first reading. If you have any questions, give us a call, but trust me we do not take raising any fees or any taxes or anything like that for our residents lightly and we look at all alternatives, but in this particular case we needed to raise those fees.”

Mayor Kelley accepted Ordinance No. 165-2004(MS), first reading.

Council Member Hicks continued, “I have one other comment I’d like to make and I know that election is tomorrow and there are only a few people in the council chambers today and most people who will see this broadcast will not see it until after the election. However, in the last meeting I made some comments on Issue 1 and I was not really planning on making comments at that meeting but after hearing several of my colleagues make comments I thought I needed to make comments to try to at least set the record straight. I, myself at that time did not have all of the information that I needed and after looking at all of the different commercials and listening to and looking at commercials on tv it’s funny how this is the most deceptive campaign that I’ve ever seen about an issue. I know that it is an important issue and I know that people are entitled to their opinions, but I’ve heard pretty much just out and out lies about what Issue 1 will and will not do. Again, I may have made some comments myself that were not exactly true because I was paraphrasing what I thought Issue 1 was in my own opinion. So, what I want to do is I want to read exactly the reading what I was not able to do and just read what Issue 1 does and what it will not do. Again, for myself, I just don’t like to put out information that is not correct and once I find out that I may have done that I do want to be man enough to be able to say that, that was not correct and this is the correct information. I would hope that my colleagues would be able to do the same thing. First, Issue 1, as everyone will read when they go into the polls says that, “Only a union between one man and one woman may be a marriage valid in or recognized by the State and its political subdivisions. The State and its political subdivisions

shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the designs, qualities, significance or effects of marriage.” What Issue 1 does is establish in the Ohio constitution is the historic definition of marriage. It excludes from the definition of marriage homosexual relationships and relationships of three or more persons. It prohibits judges in Ohio from anti-democratic efforts to redefine marriage. It restricts governmental bodies in Ohio from using tax dollars to give official recognition and benefits to homosexuals and other non-marital relationships that seek to imitate marriage. What Issue 1 does not do, it does not interfere with the individual choices of citizens as to the private and/or legal relationships they desire to enter into and maintain. It does not interfere with benefits granted by private corporations to their employees. It does not void benefits granted in existing contracts. It does not prevent governmental bodies from assisting needy persons in non-marital relationships. One thing I did say last Council meeting that this Issue 1 if passed would wipe out Domestic Partner health benefits in Cleveland Heights. Well, if someone has already entered into that contract with the city then it would not wipe away that contract with the city. It would prevent anymore from happening but if someone was already receiving that it would not wipe that person’s contract out. That was one thing I did say last time, that I wanted to correct. I would only wish that people would give the correct information when dealing with an issue and know the facts before they disseminate deceptive information. Thank you, your Honor.”

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Vice Mayor Montlack stated, “Thank you, your Honor. There are three pieces of legislation tonight and some BZA resolutions. The first is Resolution No. 166-2004(PD), authorizing amendments to existing agreements with the Cuyahoga Housing Consortium for funding through the Consortium’s HOME Program for the City’s Deferred and No-Interest Loan Programs to extend the contract period; and declaring an emergency.

Pursuant to this Resolution, the City which is part of a consortium of entitlement communities in Cuyahoga County that qualifies for this funding is receiving repayments of loans and of course as the expectancy of continuing to do so, so that it has funds to continue to be ready to be put in play. It is required to amend the authorization so that we can continue to do so next year.

Under Section 1, the City Manager is authorized to execute amendments to these agreements for the City’s No-Interest and Deferred Loan Programs and the amendments are to be known as County Contracts No. CE11651-01, CE13801-01 and CE13802-01 and to provide for the extension of the contracts through December 31, 2005 and of course, all these will be approved by the Director of Law. Resolution No. 166-2004(PD) is presented on first reading for passage tonight.”

Mayor Kelley accepted Resolution No. 166-2004(PD).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, “Resolution No. 167-2004(PD), authorizing an amendment to an agreement with the Cuyahoga Housing Consortium for funding through the Consortium’s HOME Program for the City’s First Time Home Buyer Program to extend the contract period through December 31, 2005, and to provide for the transfer of unused funds from another program; and declaring an emergency.

This is essentially the same background and in this case a similar amendment would be authorized to extend the program through the end of 2005 as well as providing for a transfer of unused funds from the Down Payment Assistance Program to the First Time Home Buyer Program. The only other comment is this again reflects the continuing review by our staff to make sure that these funds are used to their maximum benefit and in this case to encourage home ownership in Cleveland Heights. Resolution No. 167-2004(PD) is presented on first reading for passage tonight.”

Mayor Kelley accepted Resolution No. 167-2004(PD).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, “Resolution No. 168-2004(PD), comes to us through really heads up work by the Planning Department as well as Kim Steigerwald in that department and certainly other staff people. This is a Resolution authorizing the City Manager to submit an application to the United States Environmental Protection Agency for funding under the Small Business Liability Relief and Brownfields Revitalization Act for assistance with the cost of environmental remediation of properties located at 2231 and 2233 Lee Road; and declaring an emergency. Under this Resolution, the City Manager is authorized to submit an application to the United States Environmental Protection Agency (“EPA”) for funding under the Act that I just read to you in order to help with the cleanup of properties of environmentally challenged properties in the Lee Road/Silsby area and to enter into an agreement for seeking a grant of Four Hundred Thousand Dollars (\$400,000.00) and shall be approved as to form by the Director of Law. Resolution No. 168- 2004(PD) is presented on first reading for passage tonight.”

Mayor Kelley accepted Resolution No. 168-2004(PD).

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

Nays: None

Resolution passed

Vice Mayor Montlack continued, “There are two Board of Zoning Appeals calendar items that are submitted in resolution form for approval by the City Council. The first is BZA Calendar No. 3058 and as with the second calendar item this relates to a BZA hearing on October 20, 2004 at 7:30 p.m. The applicant, with regard to this Calendar No. 3058, is Donald Wither, 2611 Edgehill Road, in an ‘A’ single-family district, and relates to the Zoning Code requirement that limits front-yard fence height to three feet, and 1165.03, which requires that through lots provide a front yard on both street frontages; and that indicates here that in fact, that this particular house sits on a parcel that has in effect two front yards, one on Euclid Heights Boulevard and one on Edgehill Road. The variance was approved by the BZA based on the finding of practical difficulty if the variance is not granted because the applicant’s property location on a through lot requires that a front yard be provided along each street frontage, even though the front yard abutting Euclid Heights Boulevard clearly functions as a rear yard, and traffic on and related noise from Euclid Heights Boulevard have increased and become more obtrusive over the years in which the applicant and his family have lived there. The fence, in this case, will be well screened by landscaping that runs along the Euclid Heights Boulevard frontage; and the applicant’s predicament cannot be resolved without a variance. In this case, the approval being submitted to Council relates to a six-foot tall fence and as conditions therefore, the applicant is required to obtain a fence permit

and approval of the Architectural Board of Review and is required to maintain the screen of landscaping in front of the fence, which will be set back six feet from the sidewalk. All installation work must be completed within 60 days of the date of approval of this resolution by City Council. As with other such variances, if approved, this variance will run with the land, so that if the particular applicant is not the owner in years to come, the owners are still subject to these requirements. Therefore, it is moved that BZA Calendar No. 3058 be approved and adopted.”

Second by Council Member Hicks.

Council Member Caplan stated, “I’m going to vote no this one. We do need to take into consideration the property owners’ rights. On the other hand, we also need to look at the rights of the entire community and messages that are given by properties within our community. Just as we mow lawns when the grass grows too high, just as we have noise ordinances so that an individual cannot impose their music on their neighbors, it is inappropriate in a community such as ours to have a board-on-board fence that looks like a stockade, six feet high, it just gives the wrong message. It gives a message of, “Keep out, I have to protect myself”, rather than part of a landscape and keep the children in or keep the dog in or that kind of thing. There are lots of ways one can keep children in and stray dogs out and noise out and one does not need to have a six foot board-on-board fence. I think it’s inappropriate and gives the wrong message and I will continue to vote no on these and I think that we should not encourage this kind of fencing in our community. Thank you.”

Council Member Dietrich added, “I’m a little wary of everybody having to listen to the two of us with our little song and dance every time an issue like this comes up but when we vote against our colleagues I feel like you need an explanation and I also will be voting no on this for the same reasons that Councilwoman Caplan gave. Again, the issue to me is the opaque nature of a fence like this. You can’t see through it at all. I, too, agree that we need to keep our children inside when they are little. We need to keep our dogs inside but if we have these stockade-type fences close against our sidewalks up and down the street Cleveland Heights is going to look like an entirely different place and I think it would really ruin the ambiance and so I will also continue to vote no on these kind of variances. Thank you.”

Council Member Wilcox added, “I just wanted to briefly explain why I will be voting for this, two reasons really among others, but the ones I want to point out were that this calendar resolution requires that the landscaping that is presently located there would continue to screen the fence we’re talking about and second of all, it has been mentioned about a board-on-board fence. I just wanted to point out that the approval of the Architectural Board of Review is required prior to installation of the fence and they will have the final say on what the fence looks like.”

Vice Mayor Montlack stated, “I’ll just add that I respect the views that have been expressed to the contrary on this and other similar resolutions and to me it’s a balancing act. In this case I balance it in favor of not only homeowners’ rights, it’s more than that, it is something that I think is not only beneficial to this parcel but for that reason assist the neighborhood.”

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

Nays: Caplan, Dietrich

Resolution confirmed

Vice Mayor Montlack continued, “Thank you. BZA Calendar No. 3060, from the same

BZA hearing upon the application of Donald J. Tarantino, owner, 1654 Lee Road, in an 'A' Single-family district, requesting a variance from the Zoning Code's regulations covering uses permitted in single-family districts, to permit the establishment of an office use in an 'A' single-family district. In this situation, this particular property upon which a residence sits is located on the west side of Lee Road next to an auto towing - auto body shop that is near the Lee and Mayfield intersection, so it is in a rather challenged area. After hearing - which was in a sense - a re-hearing of an issue by the same applicant from about a year ago with only slightly different circumstances presented, but had been granted a year ago. In this case, the BZA found that the applicant will suffer unnecessary hardship if the variance is not granted because based on the economic facts presented, the cost of renovating the extremely deteriorated single-family dwelling would exceed the market value of the property, due primarily to its being next to an automotive body shop. The hardship condition was not caused by actions of the applicant. The granting of the variance will not adversely affect the rights of adjacent property owners or residents. The granting of the variance will not adversely affect public health, safety or general welfare; with appropriate conditions, the variance will be consistent with the general spirit and intent of the Zoning Code; and the variance sought is the minimum which will afford relief to the applicant. The variance is approved, subject to Council approval, for office use only at 1654 Lee Road, with conditions that no signage be placed on the property that would not normally be permitted with a single-family home in an 'A' single-family district, parking will be adequately dealt with and screened, the exterior of the structure be maintained to appear as a single-family residence, and very important any landscaping be designed to support the look and feel of a single-family residence, and no commercial vehicles or heavy equipment will be permitted to be stored at the garage or elsewhere on the property. The applicant's game plan is to occupy one floor in an architecture business and to rent out other offices in the same structure for similar type operations. BZA Calendar No. 3060 is presented by resolution as a motion for approval and adoption."

Second by Council Member Dietrich.

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

Nays: None

Resolution confirmed

Vice Mayor Montlack concluded, "Finally, on a sad note, Cleveland Heights and we on City Council, join with many, many in Cleveland Heights in mourning the passing of Barbara Roderick. Ms. Roderick has really been something of an institution in this city. She was the heart and soul of Heights Citizens for Human Rights, that fought for peaceful integration in the 1960's at a time when that issue was not so well accepted as today and in fact at a time of some violence even here in Cleveland Heights. Ms. Roderick served in a leadership capacity here at Cleveland Heights City Hall. She also helped to create the Cuyahoga Plan. She worked with Operation Equality and she worked in many ways for housing integration. She was truly a heroine and even later on she came back to assist Cleveland Heights in its own housing integration programs. We certainly extend our condolences to Barbara's husband, Glenn and the family and again, Cleveland Heights is so proud and so honored that Barbara Roderick gave her immense talents for our community and our society. That concludes this report."

Mayor Kelley added, "She certainly will be missed. Thank you, Vice Mayor."

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Evans stated, "Thank you, your Honor. There is no legislation and I have no report this evening."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you. We do have a couple of appointments to make to a couple of our citizen boards and commissions. The first one relates to the Administrative Services Commission and there are two people whose terms have expired. Actually they expired yesterday. They are Glenn Solomon and Hugh Fiebig who are both eligible for new four-year terms. Both terms would begin today and extend to October 31, 2008. I offer Glenn Solomon and Hugh Fiebig for reappointment to the Administrative Services Commission."

Second by Council Member Evans.

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

Nays: None

Reappointments passed

Council Member Dietrich continued, "The next appointment has to do with the Fair Housing Board which it is sort of ironic that we're doing an appointment to the Fair Housing Board right now, when Vice Mayor Montlack has just spoken about the passing of Barbara Roderick who really would have been one of the first people who would have been on this kind of board. She did work for the city, but this was the kind of cause that she was involved in. Tonight we have to say thank you to Sue Nigro who has served six years on the Fair Housing Board and there are term limits on that board and so Sue, although she's been the chairman and she has seen this board through some very intense projects, she can no longer serve. So we thank Sue Nigro her six years on the Fair Housing Board and the person I would like to offer to replace is Matthew Alden who lives on Essex Road and he would begin serving immediately (the term is kind of odd because there are term limits). Sue's term had actually been up several months ago but she had come on six months into her term replacing somebody. It's sort of complicated - and ended up finishing the six years by serving six months after her term ended - if that makes sense to you - it probably doesn't, but it does to me. So Matthew Alden's term - will actually - even though it starts right now it just extends to March 31, 2007 and I suppose that's something that we have to look at and fix that. For now, I'd like to offer Matthew Alden to the Fair Housing Board for a term from now until March 31, 2007."

Second by Council Member Hicks.

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

Nays: None

Appointment passed

Council Member Dietrich continued, "I just have to say that it feels very odd to not be urging people to go and vote. We're in sort of a time warp right now in that we are actually here on November 1st, the day before the election and anybody who is watching us on tv is watching us after the election. So you're probably feeling like we are very out of touch because we're not commenting on any election results but we don't know them yet. Hopefully, we'll know them by the time we have our next meeting. Thank you. That's all I have."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Caplan stated, "Thank you. I also have no legislation this evening. I would have had no comment except that I, of course, can't resist occasionally and I can't resist responding to Councilman Hicks' comments when I talked about Issue 1. I did have the legislation in front of me of what Issue 1 did talk about and I respect Councilman Hicks' interpretation. He is not an attorney or a judge and it will be interesting to see in the event that Issue 1 does pass how that plays out. I certainly hope it does not because I stand by my original comment, it is undemocratic. It has no sense of equality for the citizens of this state. We already have many laws in place. We will have some of the most stringent laws in place about marriage as being defined as between being with a man and a woman and not with people of the same sex and I stand particularly on the side that it is a mean-spirited, ungracious, unnecessary issue that is before this community and I hope that when we do talk about what happens in the election in our next meeting, that this will have heard a responding no from the people of this state. Thank you."

REPORT OF THE MAYOR

Mayor Kelley stated, "I'm not going to talk to you about anything - about the election. I'm going to urge you between now and the next time I talk to you to go out and see a movie or do something with your children, turn your tv's off. Two hundred million [dollars] spent on the presidential race on tv is appalling, but I've said enough about stuff like that. But the important thing is everything will be over, we will be on to a new cycle and four of us on Council will be up next time [for re-election] - we'll do our own thing. I want to just congratulate the people of Cleveland Heights that have been involved in races for a particular candidate. You conducted yourself in a true Cleveland Heights spirit. We may have disagreed on this and I'm not talking about Council, I'm talking about the true 50,000 people in Cleveland Heights. Your true spirit came out. You debated the issue or issues. You debated the candidates whether it be presidential, judges or on the local levy in the true Cleveland Heights spirit. We have had no fights to my knowledge or no major arguments, but we did it in a true Cleveland Heights fashion. The signs are all different ways on the treelawns and the lawns which maybe Council's decision sometime to really look at that and figure out a way to do it better, but really Cleveland Heights rose to the occasion. I think we'll have a record number of people voting when it's over with. We'll probably go somewhere between 75 and 82%, which will be a record in Cleveland Heights and I'll be proud of you for that.

The Mayor's Report is over with. It's time to get you out of here. This meeting is adjourned at 9:16 p.m. Our next meeting will be Monday, November 15, 2004 and we'll figure out something else to talk about besides politics."

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

/mwc