



CITY OF CLEVELAND HEIGHTS, OHIO MINUTES OF THE COUNCIL MEETING OF MONDAY, OCTOBER 19, 2009

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

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Downey, Malone, Mannarino, Niermann O'Neil,
L. Wagner, R. Wagner, Wong

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

Committee of the Whole adjourned at 7:25 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:37 p.m.

Edward Kelley, presiding

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

Council Members absent: None

Staff present: Carter, Downey, Malone, Mannarino, Niermann O'Neil,
L. Wagner, R. Wagner, Wong

The minutes of the Regular Council Meeting held Monday, October 5, 2009 were approved and signed by Mayor Kelley along with the ordinance and resolutions passed at that meeting.

"Stanley Dykes, 1640 Wood Road. I've been there since 1972 and I am 72 years old. I'm glad to have the opportunity to speak tonight and maybe I can save the city some money. I think it's a waste of money that the city tax department is sending these out to people that are already retired. I've been retired for 21 years and you know I'm not working. I could have explained to whomever I wasn't working. And what really troubles me - yet a doctor that lived in this community named Archibald Grearson and he was in McGregor, he was in another nursing home and they are still sending these here out [pointing to income tax correspondence]. My social worker just expired - 80 something years old and she's been getting this since she was disabled for the last nine years. So, I think it's a waste of money to send these out. They sometimes send these three [times] a year and here this one is in color for me to fill out. I understand they sent over 2,000 of these out every few months and that's just a

waste of money. So, I think maybe to let you, Council, know about this where they could save the city some money, because I'm not working and I have health problems."

Mayor Kelley called on Mr. Downey to respond.

Mr. Downey replied, "Mr. Malone and I were looking at the form and I think it's a form that Tom wants to respond to, your Honor."

Mr. Malone responded, "I think that what Mr. Dykes is talking about is the Non-Filer Letter Program that's part of our enforcement program that we do through our City Income Tax Department. What we do is we send out a number of letters staggered - a couple thousand - quite a few. We haven't done the program last year and it is of a three-stage program. One is that we take a look at our income tax rolls and look at who hasn't filed a return for a specified period of years. So we send out, basically, a massive - what we call a Non-Filer letter asking them to respond, as Mr. Dykes says, I'm working - I'm not working - I'm retired, etc., and that's fine. And then what we do if they are not working or they still have no wage income we maintain their exemption status on our Income Tax files as long as they declare residency of Cleveland Heights. If we get no response from the Non-Filer letter, we ratchet it up to a civil subpoena program, where we try to make sure that they come in and file with our Income Tax auditors. And then after that it's just more stronger enforcement. Unfortunately, I think we've looked at this issue a couple years ago. We do have letters that go out to retirees who have not worked for a number of years who, again, we're trying to update our records, but the key term I'm going to use is it's very difficult and I know of no other city in Ohio that can have a permanent exemption status, because city ordinances under Ohio law and basically our city ordinance say that if you have wage income, you have to file a return. The only exemption is basically military status and age. So, even though a person may be retired, be retired for a number of years, may have an illness, they sometimes come back and go back to work, which makes them eligible to file for a city income tax. It is - and there's no doubt about it, we do send out letters to people who probably should not get one. It's very difficult to do a permanent exemption status on our income tax. I've known very few communities, if at all, any communities in Ohio that do this, because a person may be retired then come back to work - so forth. Probably, it's just part of our program to make sure that everyone who is working files a return with the City of Cleveland Heights Income Tax Department. I'm sorry Mr. Dykes got a letter. We do it every year, but we didn't do it last year, I have to admit, and we don't do it every three months. It's a one-year program."

Mayor Kelley asked, "But, if you get a letter and you don't respond, you're liable to get another one in three months. Is that what you're saying?"

Mr. Malone responded, "Yes, a civil subpoena, not a letter, a civil subpoena and then after that then it's a stronger enforcement. All we're asking to is to update our records. Sure, it's an expensive mailing, but we're asking people to update their records for whatever tax years are involved - saying we have not worked for those periods or I have worked and please send me returns, etc., etc."

Council Member Tumeo asked, "Is the response written or can it be a phone call or can you go online and say?"

Mr. Malone replied, "The response is usually written, sometimes they call in, sometimes they fax in. No, we do not have an online response capability on this type of format."

Mayor Kelley stated, "Mr. Dykes, thank you for bringing this to us. If I don't answer you I'll give you another opportunity - very short opportunity, but what we're going to do is we're going to put this

on our Finance Committee agenda. Ken Montlack is the chair of the committee. We're going to really look at this because you raise a good question. Although we do get some people that need to file, the other percent and that's probably a larger percent, it's probably the majority are getting letters, in your case and maybe there is a simpler or easier way to do it either by looking at what RITA does or some other cities. So, you brought this to our attention. We thank you for it. It will go on the next agenda and we'll also have our Assistant Law Director here and I don't want to speak for her and or for our Law Director. We'll have them look at the legal aspects of this also so we can come at it with a two or three prong attack and maybe work something out that's more acceptable, more palatable to you. If you'd like to talk to us again, I'm going to give you one more chance to come up here, but you have to come up here because it works easy. I just didn't want you to try to scream from the audience."

Mr. Dykes returned to the podium, "So what if you are disabled, Sir? What if you are in a nursing home like Mr. Grearson, who is in a nursing home, 96 years old? What if you are in a nursing home, that's what I'm saying. You know you're not going to work and you have Alzheimer like Miss Bramson was in a wheelchair. She wasn't going to work."

Mayor Kelley replied, "Mr. Dykes, we will also look at that, because not only do we have a number of fantastic nursing homes here in Cleveland Heights, we'll look at that, we'll study that issue also."

"Patrick Fagan, 918 Ravine Drive. I'm going to make what I'm going to say very brief, because you may have a lot to do tonight. Can one of you answer me this question? How many people from Cleveland Heights are currently fighting in Iraq, Iran, Afghanistan, all those place?"

Mayor Kelley replied, "Actually, we have no idea, but since you work for the congressman's office, Congressman Kucinich, maybe that could be a project for one of the interns there to figure it out and it would be a moving total, because it would switch everyday - week or month, depending on who comes home or who goes back. We have no record of that and a lot of that is classified information, but you may be able to talk to Marty Gelfand, who you are working with now and maybe find that out and that would be great if you would share that with us."

Mr. Fagan continued, "Another thing is, though, hopefully President Obama will keep his promise in ending the war soon. A question that I would like to ask is, how is the City going to recognize the brave men and women who fought for this country overseas when they return to America?"

Mayor Kelley answered, "What we do every year on Memorial Day, we have a ceremony and all the veterans old and new come up. Again, we have no way of knowing who these folks are, unless they volunteer and come forward. We do grant them a tax exemption while they are serving in the military. So we have no way of knowing and it's not public record. Memorial Day is usually the day where all our veterans from whatever war starting back as far as World War II, Korean War, come up and be recognized and they along with their children and some of the activities we have then and that's the last Monday of the month in May, 10:00 - 11:00 right across from the Community Center we have a memorial. You should come."

Mr. Fagan continued, "Maybe I will. Another thing, election day is coming up, correct?"

Mayor Kelley replied, "You want to know who to vote for?"

Mr. Fagan answered, "I can't vote yet, remember?"

Mayor Kelley said, "I know, I know."

Mr. Fagan continued, "But, I would like to thank the great job that council is doing running the city again. My parents moved here from Garfield Heights because of the diversity in Cleveland Heights and I appreciate the job that you are all doing and I wish for the best for Ms. Caplan, your Honor, and Mr. Tumeo. And I just hope the three of you will get re-elected and I appreciate your work, Ms. Dietrich, you have done for the city and I hope you have a great retirement."

Mayor Kelley added, "Thank you, Patrick. What a way to end. Let us know if you get any further with veteran stuff or information. Would love to hear from you."

REPORT OF THE CITY MANAGER

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

REPORT OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL

Mr. Malone stated, "Thank you, your Honor. I need to notify council that two notices have been received from the Ohio Department of Liquor Control advising that applications have been made by the following: Melt Bar and Grilled, Inc., new D3 and D3A permits, premises 13463 Cedar Road, 44118; and, Melt Bar and Grilled, Inc., premises 13463 Cedar Road, 44118 transfer D1 and D2 permits from Lisa Coast, Inc., premises 4830 St. Clair Avenue, 1st Floor and Basement, 44103. Your Honor, I need to make these a matter of record."

Mayor Kelley made them a matter of record and referred them to the Public Safety and Health Committee of Council, the City Manager, and the Director of Law.

REPORT OF THE PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Tumeo stated, "Thank you, your Honor. I have one Resolution tonight and it is Resolution No. 102-2009(PSH), declaring the property at 3594 Shannon Road to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency.

This problem has to do with the backyard of this property. This is a single-family dwelling. It is owned by Simcha Mann and Batya Mann since October of 1986. A permit to construct an addition to the property and to remodel the existing garage was obtained March 27, 2006. Construction was ongoing until February of 2008, when a Notice of Violation was issued by the Building Department to complete the project by April 21, 2008. It wasn't done. What has developed over the summer, this whole summer, as you can see from the pictures [pictures displayed] they've dug 4-foot trenches around - for the new garage, which is oversized and has to have a very deep foundation. One of the trenches actually abuts the neighbor's property and if we don't get that built or filled in the wall of the neighbor's garage starts to fail into this trench. The trenches have been filled with water as it rains and the mud falls in, so you can't build in it so you have to dig it out. It has all kinds of materials in it and this has been going on all summer. They have been called into housing court and they were found guilty of a violation and the court requested that they have a scheduled construction so that everything can be completed and that schedule has to be into the court by December 10, 2009. However, given the past progress on this, the Building Commissioner is not confident that this is actually going to come into compliance in any time soon and this ongoing problem with the construction in the back is both a public health hazard and a safety hazard for the neighbors and the neighboring buildings.

Therefore, by this Resolution, the Council declares that the property pursuant to Chapter 553 of the Codified Ordinances is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and is hereby declared to be a public nuisance. The City Manager and Certified Building Official and Director of Law are authorized and directed to cause the nuisance to be abated. I would like to introduce Resolution No. 102-2009(PSH) on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 102-2009(PSH).

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

Nays: None

Resolution passed

Council Member Tumeo continued, "Thank you, your Honor. The kind of work that would be done to abate this would be to backfill all the trenches with some gravel, so that if they need to dig it out they can or they can build on it. Grade and seed the yard, get rid of the excess dirt and make sure that building behind isn't going to have its wall falling in.

With that, what I would like to say to everyone, there is one more meeting before the election, but that one you probably won't be watching this by the time that election rolls around, since it's the day before, so I want to encourage everyone to get out and vote, no matter who you're voting for, who you're supporting, what your opinion on the issues are. Democracy only works when the people express their opinion. It's a great privilege and a great honor to live in a country where we do get to voice our opinion and therefore, I think everyone has a responsibility to get out there and do it. You can vote absentee, you can go down to the Board of Elections and vote early. But, whatever you need to do, make sure your voice is heard. Thank you, your Honor."

REPORT OF THE ADMINISTRATIVE SERVICES COMMITTEE

Council Member Dietrich stated, "Thank you, your Honor. I have two pieces of legislation tonight. The first is Resolution No. 103-2009(AS), authorizing the City Manager to enter into an agreement with Medical Mutual of Ohio for the provision of insured medical, hospital and prescription drug services for City employees and their families for the time period of November 1, 2009 through December 31, 2010; providing compensation therefor; and declaring an emergency.

As a matter of practice the City performs due diligence in all its business transactions, so this year as every year the City looked at alternate healthcare providers to try to find a more cost-effective benefit program to meet the needs of our employees. Last year, the City broke a long-standing relationship with Emerald Health/EBC and entered into partially self-insured arrangement with CIGNA which provided savings over the 2008 costs. Well, this year Medical Mutual of Ohio has presented the most competitive bid. It's a fully insured plan that will provide savings over CIGNA's second year bid.

Therefore, be it resolved, the City Manager is authorized to enter into an agreement with Medical Mutual of Ohio. The agreement shall contain such terms as set forth in the proposal on file with the Clerk of Council, including the costs, and shall provide for medical, hospital and prescription drug services and an affiliation with the Medical Mutual of Ohio healthcare network and its available discounts. In order to bring the plan year costs in line with the City's fiscal year, this will be a fourteen month agreement. So going forward we'll have a better opportunity to estimate costs because we won't be subject to an increase during the year which has been the case up until now. The term of this agreement shall be November 1, 2009 through December 31, 2010. All documents shall be approved by the Director of Law. I offer Resolution No. 103-2009(AS)."

Mayor Kelley accepted Resolution No. 103-2009(AS).

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

Nays: None

Resolution passed

Council Member Dietrich continued, "Okay, next is Resolution No. 104-2009(AS) is kind of along the same vein. Resolution No. 104-2009(AS), authorizing the City Manager to enter into an agreement with Employee Benefits Consultants for the provision of services as a third-party administrator for the City's self-funded dental program for the time period of November 1, 2009 through December 31, 2010; providing compensation therefor; and declaring an emergency. In this instance, as well, the City, through its insurance consultant, Behnke & Company, annually reviews the available options for medical, dental and prescription drug coverage for its employees. While Medical Mutual provided the most cost-effective bid on the medical and prescription plan, their proposal on the dental plan was not competitive. So, the City is going to continue to self-fund the dental plan and reestablish the relationship with Employee Benefits Consultants, to act as the third-party administrator for the plan. This Resolution authorizes the City Manager to enter into an agreement with Employee Benefits Consultants for third-party administration services for the City's self-funded dental program. The fees to be charged shall be as set forth in the proposal submitted by the consultants, a copy of which is on file with the Clerk of Council. The term of the agreement shall be for a period from November 1, 2009 through December 31, 2010. All documents shall be approved by the Director of Law. I offer Resolution No. 104-2009(AS)."

Mayor Kelley accepted Resolution No. 104-2009(AS).

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

Nays: None

Resolution passed

Council Member Dietrich concluded, "Thank you. Realizing, like Council Member Tumeo and Patrick in the audience, that tonight's meeting is really our last chance to say anything related to the November 3rd election since people will not have watched the next meeting by the time they vote, probably. For starters, I want to say that I am thrilled and proud of this City when I go around and see all the signs that are out. I just think that this shows tremendous civic spirit and I love it. However, as the departing council member - I hope I'm dearly departing - I want to say once again and most emphatically that I endorse the re-election of the three incumbents Ed Kelley, Bonnie Caplan and Mark Tumeo. I'm not going to say anything about any of the seven well-qualified new candidates because I just don't think this is the appropriate place for me to do that, but I do think it's appropriate for me to declare my support for my colleagues who are sitting here with me. As an insider who has been with these people - some of them every single Monday night for 12 years, this is a group that works exceptionally well together. They listen, they care, they're smart, they're conscientious, they know the issues and they know the City, they're available and responsive to constituents and they want what's best for the community. From my point of view it is a very difficult group to leave. So, when you go to the polls on November 3rd I hope that you will join me in voting to keep this very good team: Ed Kelley, Bonnie Caplan and Mark Tumeo. That's all that I have and thank you."

Mayor Kelley added, "And if you happen to be voting absentee and you don't know, follow Nancy's recommendation and you'll be fine. Thank you."

REPORT OF THE COMMUNITY RELATIONS AND RECREATION COMMITTEE

Vice Mayor Evans stated, "Thank you, your Honor. There is no legislation this evening, but there are a couple of reminders. The first one is the City has a couple of magnets that are really nice. One has all the important City Hall numbers listed on it. The other one gives some recycling information. So, I would like to encourage you to call the Community Relations' office if you are interested in having those posted on your refrigerator. Also, we know that some of the multi-family owners are calling City Hall so that they can use them to better explain recycling. They are certainly welcome to call as well.

As you know, October is Breast Cancer Month. I'd like to take the time to remind you to talk to your friends and your family members that educating themselves about breast cancer. The best medicine for breast cancer is catching it early and I can certainly speak as a survivor. I'm wearing this year's 2009 survivor pin and I have an opportunity every year to participate in many of the activities.

The other thing is, the Candidates Night that was filmed, the Council Candidates portion is going to be shown on Channel 20 starting on October 19th and will air to November the 2nd. The time that it's going to be shown are 2:00 and 7:00. If you are interested in hearing about our neighboring city or from the school board candidates the video portion can be heard on JCU radio and I'm not sure what the times are, but I'm sure you can investigate and find that out.

I, too, want to encourage our constituents to vote on November the 3rd. It's extremely important for everyone to take that deed very seriously. There are a number of good candidates running this year, but of course, I certainly whole-heartedly support the incumbents and the issues. The issues are a little confusing. Read them, think about them, talk to your friend and neighbors and make your mind up, but don't not vote, just because you're a little confused. That concludes my report."

REPORT OF THE FINANCE COMMITTEE

Council Member Montlack stated, "Thank you, your Honor. There are two pieces of legislation from this committee. The first is Resolution No. 105-2009(F), requesting the County Auditor to advance taxes from the proceeds of the 2009 tax year collection pursuant to Section 321.34 of the Revised Code of Ohio; and declaring an emergency.

This is essentially a housekeeping piece of legislation, but a very important one that we do this time every year.

Under this Resolution, the County Auditor is authorized and directed to pay to the Director of Finance of the City of Cleveland Heights, Ohio, all monies now in the hands, and that may hereafter come into the hands, of the County Treasurer which are payable to the City of Cleveland Heights from the proceeds of the 2009 tax year collection, including, without limitation, revenues from personal property taxes, real property taxes and special assessments. Resolution No. 105-2009(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 105-2009(F).

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

Nays: None

Resolution passed

Council Member Montlack continued, "Thank you. And whenever a new year's tax budget is

enacted by City Council it is referred to the Budget Commission of this county which then provides its estimated rate of tax to be levied as I will summarize in a minute or two.

Resolution No. 106-2009(F), accepting the amounts and rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Auditor; and declaring an emergency. So, as I explained, the Tax Budget for our fiscal year in this City beginning January 1, 2010 as previously referred to the Budget Commission of Cuyahoga County, Ohio has certified its action thereon to this Council, together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and when I say each tax or kind of tax the amounts and rates are set forth in this Resolution. We have inside millage which relates to millage that need not be voted by the voting residents and outside millage which is required to be voted. In this coming year, the inside 10 mill limitation relates to 3.72 mills, the outside being 9.18. It's a little easier, in a sense this year, in that the City watching its fiscal situation very carefully has not incurred any new debt. Resolution No. 106-2009(F) is presented on first reading for passage tonight."

Mayor Kelley accepted Resolution No. 106-2009(F).

Council Member Tumeo added, "These things can get somewhat confusing if you're not following them very closely. So, that everyone who watches this understands, we're not passing any new taxes. What happens every year is the levies that have been approved by vote or are probably taxes inside that were approved as part of the county government, we have to apportion those amounts out and tell the county where we're going to spend them. This is what this is. So, it's not that we're passing any new tax, we're passing the Resolution apportioning those approved bond issues like for the Rec Center or for the police fund, those kinds of things that have already been approved. We're portioning them out so that the county knows where the money is going. So, I just want to be clear, that we're not passing new tax levies."

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

Nays: None

Resolution passed

Council Member Montlack concluded, "Thank you. About ten days ago the First Suburbs organizations from Cuyahoga County, the Northeast Ohio FSC, Hamilton County near Cincinnati, Montgomery County near Dayton, and Franklin County inside Columbus met with a number of legislators at a legislators' breakfast, which the Ohio First Suburbs Consortium hosted in Columbus. Naturally, we used that opportunity to explain the opportunities and needs of the First Suburbs Consortium wherever those organizations exist and also hear from legislators as to what they saw coming down the pike. I'm so sorry to say, that the fiscal woes that we are enduring here this year from the legislators' comments appear now to be on the increase, certainly as we go forward to the next state budget. The reason being that some holes in the state budget - and there are many holes due to the financial situation have been temporarily patched by some of the stimulus money coming from the feds - much of that to the state. As that money, presumably one-time set of dollars is expended and the predictably continuing bad fiscal situation continues, it appears that every part of the state's expense will be on the block again. We have been warned, frankly, that this time the Local Government Fund, an important part of the state-shared tax revenues - some of which goes to local government, that, that fund will be part of what's on the chopping block and once again we're going to have to fight for it.

At the same time, the idea amongst some legislators that the estate tax ought to be abolished entirely would if it follows the suit of the last so-called estate tax reform of a few years ago would deal yet another devastating blow to Cleveland Heights and many other urban centers. The reason being

that, that's another part of the shared state revenues and we can be sure that if any part of the estate tax is further cut that no one in Columbus is going to be trying to figure out how to substitute other dollars. Our challenges, quite frankly, are going to continue and as I said before it's my opinion that all of us as residents or businesses in this City, frankly, are going to have to look forward to shouldering more of the responsibilities. At least that's how it appears right now. We will certainly continue to watch every penny as we are doing now and to try and increase revenues in a way that does not place a greater burden on most of our residents. That is the view that I see at this time. Thank you, that completes this report."

REPORT OF THE MUNICIPAL SERVICES COMMITTEE

Council Member Caplan stated, "Thank you. I have one piece of legislation, Resolution No. 107-2009(MS), authorizing the City Manager to enter into an agreement with Karpinski Engineering for engineering services for the Community Center / Ice Rinks Energy Efficiency Improvement Project; and declaring an emergency. The City has been awarded funding in the sum of One Hundred Eighty-two Thousand Three Hundred Dollars (\$182,300.00) from the United States Department of Energy through the Energy Efficiency and Conservation Block Grants Program for energy efficiency improvements to the Community Center / Ice Rinks. Karpinski Engineering has presented to the City an estimate of costs and a description of the engineering services to be performed for this project, and is well-qualified to perform all work contemplated.

Actually, we had a partial energy audit already and so they will complete the total energy efficient program and that's why we're using their services.

Therefore, be it resolved by this Council that the City Manager be authorized to enter into an agreement with Karpinski Engineering as a consulting engineer. The services to be provided by the engineer are as set forth in the proposal dated October 9, 2009, a copy of which is on file with the Clerk of Council. Compensation for said services shall be at the Engineer's usual hourly rates, with total compensation for services and expenses not to exceed the sum of Twelve Thousand Dollars (\$12,000.00). The City shall be reimbursed for said engineering costs from the Department of Energy Grant awarded pursuant to the Energy Efficiency and Conservation Block Grants Program.

So, by increasing this energy efficiency program we will be reimbursed by the federal government.

Notice of passage will be given and this Resolution shall be declared an emergency for passage tonight. I offer Resolution No. 107-2009(MS) for passage."

Mayor Kelley accepted Resolution No. 107-2009(MS).

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

Nays: None

Resolution passed

Council Member Caplan continued, "Thank you. I need to talk to you about leaves. Those beautiful colored leaves that are on the trees at the moment and in some ways we're kind of hoping they're going to fall soon because the City is going to pick them up for a month period from around November 4th to December 2nd. But, it only means that you're going to get two pickups. So when you put this big mound of leaves on your tree lawn and not in the street, they will be picked up starting the week of November 4th. Everybody will get two pickups, but that doesn't mean that the last week you're going to get yours. So, the last week of November is the time when you should really be sure

that your leaves are out in order to make sure that the City picks them up. After that - what did I say?"

Mayor Kelley interjected, "It's Monday, November 2nd and you might want to say that you want to have your leaves out before Thanksgiving to get them picked up."

Council Member Caplan reiterated, "Your leaves need to be out by around Thanksgiving so you can really guarantee that they'll be picked up. Otherwise, if you put them in bags they will always be picked up. I've already begun to see piles of leaves out and some of those piles are spilling over into the street. It's dangerous and Halloween is next week and the children are going to be out and there are cars going [by] and see what you can do about moving your leaves back off the street onto your tree lawn, because it's really quite dangerous."

Speaking of Halloween, it's Saturday and put on your lights at 6:00. It's from 6:00 to 8:00, so if your lights are on the children will come to your house. It's always fun. It's a nice thing to do. If you don't want to participate shut off your lights and it's a two-hour joyful time and I expect there will be lots of children out if the weather is good because it is a Saturday night. An election is certainly coming in two weeks and I thank my colleague Vice Mayor Phyllis Evans and my colleague Councilwoman Dietrich for their wonderful support, since clearly I'm running for re-election. And a special thank you to Nancy Dietrich for the wonderful, thoughtful, sweet words. I really am grateful. And I encourage all of you to please vote. There is nothing more important than a local vote because local folks are the ones who really affect your lives in a very direct way. You have a school board election and a council election and you can vote for four people. There are ten people running for City Council for four seats. You can vote for four different people. School board there are three seats open and I think there are five people running, so you have to make some choices there too. And then there are all of those county issues. I encourage you to vote, it really does matter. You can vote absentee and you don't even have to put a stamp on that absentee ballot. So, if you want to do that, do it soon. That's all and thank you very much."

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

Council Member Wilcox stated, "There is no legislation. Just following up on some themes from tonight. Obviously, November 3rd is the election. If you are going to vote in person on election day, remember that a lot of the polling places have changed. The precincts have changed, so you should have received mailing from the election board. But, if you happen to go to what you thought was your polling place on election day and it is not correct, they should have maps at each polling place and individuals to help you, direct you to the correct polling place. If for whatever reason you still have a problem, you can always request a provisional ballot. Do not go to the polls as a registered voter and walk out not voting."

I would just encourage you, obviously, there are important elections on City Council and the school board. There are also a lot of issues on the ballot and actually on some of these I think study is required, the Ohio Livestock Standards Board for one of them. You might want to read up on that and decide why or why not you may want to support that. Casino gambling in Cleveland, Issue 3, that's an important issue. Casino gambling has been on the ballot in Ohio a number of times, but again, this one requires a lot of, I think, a lot of research and thought. Issue 4, which is Tri-C, obviously an important educational resource in our community. They are looking for your support and then of course Issues 5 and 6. Obviously, important issues that deal with restructuring our county government. Issue 5 is to set up a charter commission to study that and to decide whether or not and what type of reform should be made. Issue 6 is an actual proposal to change and each elector should have received the description of that charter change which is 13 or 14 typewritten single-spaced pages. Again, when you vote on

these issues, these are important issues. I think it takes time and thought before voting on each and everyone of these issues. Again, I encourage you to vote. Do your homework and vote on November 3rd and that completes my report.”

REPORT OF THE MAYOR

Mayor Kelley stated, “We’ll move to the Mayor’s Report as Councilwoman Caplan mentioned, Halloween is Saturday, October 31st. So, depending when you are watching this program it could be a week and a half away or it could be just a few days away. Again, it’s 6:00 to 8:00 and as Councilwoman Caplan said if you put your porch light on our kids will be more than happy.

Due to the high amount of absentee votes this time - already there has been over 6,500 people have already received their ballot in the City of Cleveland Heights. We usually have 11 to 13,000. There is no reason for you on Election Day not to go to the polls and vote. If indeed you’ve gone before and there have been long lines or there have been holdups, I can almost guarantee you with at least half the amount of people voting in our City, unless something changes, you will be able to get in and out and vote, but as Councilman Wilcox said, it would be very appropriate to study the issues before you go in because there is a lot of reading there, a lot of fine candidates that we’ve talked about, but the issues are really going to make a difference. Some of these issues directly affect the economy of our state and our region and our city indirectly. So look at these, study them, make an informed choice and if you spend about a half hour before you go to the election to vote you’ll get in and out - I can almost guarantee you. If you do have a problem on Election Day and you are not satisfied with the answer you have at the polling place, call the Board of Elections at 216-443-3200 and voice your opinion. Call early and often and get through and ask for a supervisor and get it straightened around. Nobody in this city or this country should not be allowed to vote in any election because of a problem with the polling place or a driver’s license or an ID or a provisional [ballot]. Make sure you get the opportunity to vote.

That concludes the Mayor’s Report at 8:23. Our meeting is adjourned. Our next meeting will be indeed Monday, November 2, 2009 and we will be filmed down in the atrium. Our lovely atrium will be the site of our next meeting due to the fact that this great chamber will be used and set up the night before for voting here at City Hall. Thank you for coming and we’ll see you in two weeks, if not sooner.”

Respectfully submitted,

Edward J. Kelley, Mayor
President of Council

Thomas K. Malone
Clerk of Council

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