

**COUNCIL MINUTES
DECEMBER 3, 2001**

The regular Council Meeting was held on Monday, December 3, 2001 at 7 p.m. in the Euclid City Hall Council Chamber. President Gudenas presided.

Members Present: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustaric, Gudenas.

All present.

Others Present: Mayor Oyaski, Law Director Murphy, Finance Director Balazs, Parks & Recreation Director DeMinico, Administrative Director Johnson, Service Director Gulich, CS&ED Director Koran, Building Commissioner Apanasewicz, Police Chief Maine, Fire Chief, Dworning, Service Director Driscoll, Zoning Commissioner Hayes, Housing Manager Tollerup, Sgt.-at-Arms Walsh, Clerk of Council Cahill

Liquor Permit

Council has received a request for a new C1, C2 liquor permit to Speedway America doing business at 22251 Euclid Ave.

Councilman Gruber moved to receive and approve without objection the C1, C2, liquor permit to Speedway American dba 22251 Euclid Ave. Councilman Sustarsic seconded.

Roll Call: Yeas:
Nays: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.

Failed.

COMMUNICATIONS

Council has received the following communications:

A memo from Law Director Murphy regarding the liquor permit for 22251 Euclid Ave.

An e-mail message from Phyllis Miller supporting the changes to the Euclid Shade Tree Commission.

An announcement from Adelphia bringing the Sundance Channel to the digital basic cable lineup.

A request to support a clean air resolution from the Ohio Environmental Council.

A summary of legislation on tonight's agency by Law Director Murphy.

Council Minutes

Councilwoman Miller moved to receive and approve the Council Minutes of November 19, 2001. Councilman Lisy seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Oyaski - I'd like to welcome all the new Council members and wish you the best of luck as you join the three older members. The Administration looks forward to working with you in a productive, professional and cooperative manner so that we can as a community make tangible progress and achieve real results in our efforts to rebuild and revitalize the City of Euclid.

Mr. Chairman, we have a few brief remarks starting first with the Director of Recreation, Mr. Robert DeMinico.

Parks & Recreation Director DeMinico - In keeping with the holiday spirit, we have a jolly fellow sitting out in the vestibule entertaining our children; and he's going to be busy in Euclid in the next couple of weeks. On December 8th at 10 a.m. we're going to be sitting down with Santa and having a breakfast. Then on December 9th he's going to be coming over to the ice arena and he's going to be skating around C. E. Orr Ice Arena.

The Euclid Orchestra is holding their holiday concert on December 16th at 3 p.m. And we strongly encourage residents to make nominations for their favorite house lighting contest. You can do so, for any of these events, by calling our office 289-8114. Thank you, Mr. Chairman.

Director Balazs – Two items of finance. To start the year 2002, we need our appropriations to be in order. We are going to recommend a temporary budget which has to be passed at the next meeting. I'll have that prepared for you and I'll review that with the Mayor and the Chairman. That will be ready at the next meeting. We have to make amendments to the current budget. We have found out that the revenue is going to meet our projected goals for this year. The expenditures are coming in on target and a little less. There are a few areas where we have to amend our budget and we will be presenting that to you at the next meeting. Even though that's the other Council's budget so to speak, you do now take office on December 1, rather than January 1. Those amendments which you'll have to trust me on that we have to make to balance our budget. We have to stay within those appropriations by law. We'll get that to you next meeting. If there's any questions, please contact me directly. I'll prepare that and have it ready for you next meeting. Thank you very much.

Chief Maine – I just wanted to let the public know the police department is going to be making an increased effort to enforce the jay-walking or legal crossing ordinances that are on the books. Our city has been unfortunate enough to experience three fatalities involving pedestrians this year. We've had a number of other serious injury accidents involving pedestrians. My office and other offices within the police department have also received a number of complaints from residents in the city about crossing on the streets illegally, particularly Lake Shore Blvd. and Euclid Ave.

We've erected signs in those areas that will be particularly targeting and we are trying to get word out so people shouldn't be able to say that they don't know. This is an increased effort on our part to increase the safety of our people. I wanted to let everybody know that.

It was important, we had an official visit from the Program Manager of Operation Weed & Seed, the Department of Justice. This is an on-sight visit that they did as a result of our initial 5 year granting period that we'll be concluding. We received an oral report from that program manager. She was tremendously impressed with all the city departments. The progress that we've made in the target area and I thought it was important that the City know this is something a lot of people put a lot of hardwork into including the residents of the City. We should be getting some sort of recognition from that fairly soon.

Mayor Oyaski, Chief Maine and Community Policing Specialist Eduardos presented Resolution of Congratulations to Cherry Aikens, Assyrian Waller & Arabian Waller, for receiving a Certificate of Excellence for their submission to the National Weed & Seed Poster Contest.

President Gudenas – We have decided informally to keep these presentations to about 15 minutes and you are right on the button. Thank you.

REPORTS & COMMITTEE MINUTES

Councilwoman Miller moved to receive and approve the City Growth Com. Min. of 11/12/01; Waste Water & Utilities Com. Min. of 11/7/01; Board of Control Min. of 11/05/01 & 11/12/01; Recreation Commission Min. of 10/23/01; Planning & Zoning Min. of 10/16/01. Councilman Langman seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

Councilman Delaney moved to go into the Committee of the Whole for Legislative Matters Only. Councilman Sustarsic seconded. Yeas: Unanimous.

Mr. Lou Nagy – 1483 E. 250 St. I would like to congratulate everybody and welcome you to the new Council. At this time, like you said, you get down and dirty now. Item #3, I'm President of my Neighborhood Association and I kind of like that idea. I hope you pass it. My Treasurer and Secretary said, give us the money.

#4, the Shore Cultural Centre. I would like to see the Resolution passed. We need to have something done about that.

#6, this electric aggregation. Two years ago when I heard they were deregulating gas and electricity, I said it sounds like a bad deal. To my estimate, it really did turn out that way. However, according to what I understand or what I can read into this ordinance, it says that this is an automatic thing. When deregulation was passed, it was supposed to give us a choice. That choice meant we would have a better way or a cheaper way of getting gas and electricity. By this automatic, it takes this choice away and I think it should be discussed.

Mr. Nagy - As far as I've read into the ordinance, I haven't gotten any kind of word except an advertisement from WPS. I'm supposed to already have been signed up for it. Thank you.
President Gudenas – We do have a little change from before. If you do want your question answered, we can answer it right on the spot instead of waiting until later. Be careful what you ask because they can talk a long time.

Mr. Dale Vernon – 1497 E. 196 St. Let me add my congratulations to the elect and the re-elected. Items 10 & 12. Item #10 request proposals to audit cost analysis for the Waste Water Treatment Plant. #12 requests proposals from engineering services for the Waste Water Treatment, it seems to me like we're kind of putting the cart before the horse. Proposing to purchase engineering services before we've done the audit, I just wonder if someone could elucidate. Thank you.

President Gudenas – The part for the engineering services, that came from me. I brought that up about 6 years ago. We have engineers that are always working for the sewer plant every year. There's always some project over there and we tend to use the same ones over and over and over. The rates have never been negotiated nor have we received proposals from competing companies that might be able to do it better, maybe not, maybe yes, we don't know. That part of it was to get some other opinions on services that we buy and the price that we pay for it. We've been using the same company for the past two years and there might be another company that can do it better or cheaper.

Mr. Vernon – Just wanted to let you know folks, I'm watching you.

Mr. Joseph Udovic – 21371 Naumann. First I would like to address #4. About 2-3 council meetings ago I asked City Council, why can't the City of Euclid have a successful cultural centre like Wickliffe, Willoughby, Willowick, Cleveland Heights. Nobody answered my question. Hopefully that will be answered tonight. What I would like to know is, we have a beautiful building there, I sat on the Committee to save Shore. We have a beautiful building there. Here's some ideas of what I would like to see happen.

Recently the City of Wickliffe sent me a brochure on some of the activities that will go there in 2002. They are going to have Singing Angels for Christmastime. They've got plays and acts throughout every season of the year. They have at least two nights a week, a casino night. Black Jack, Maverick, Texas Hold-Em, Caribbean Poker. We could use that as a fund-raiser to possibly fix up the building, offering a casino night there.

Another idea I had, this past fall in downtown Willoughby, I was involved with the Willoughby Farmer's Market. Why can't we have a Farmer's Market outside the parking lot of Shore. We charge one parking space like \$7, Recreation Dept. can run it, maybe the Chamber of Commerce can run it. You charge people a nominal fee. You raise money for something to go there. That way you are bringing people into the city and into the community. People get to see your downtown. They get to shop. From what I was told in Europe, they have these Farmer's Markets. Willoughby has one that is very successful. From what I understand the City of Wickliffe is about 15-18 years ahead in their community center. They have space that is booked up. Be it bridal shows, wedding parties, baptismal parties. We have a beautiful building there and I think its time this Council started doing something to look at that building and let's make a decision, hopefully we'll go into a positive step.

Next thing I'd like to address is #14 about cruelty to animals. Basically I believe in animal rights. I believe that anybody who abuses animals, children or senior citizens, is the lowest on the face of this earth. I'm not going to swear, but I believe that the laws protecting animals should be a lot stronger. Anybody who has a pet should realize they have a responsibility. I don't understand why these people don't go to court. If they're in jail, let them stay there until they have to show up in Court. Thank you.

Mrs. Abbey Vernon – 1497 E. 196 St. My comments also pertain to #6. As a homeowner, I have a contractual agreement in place with the Illuminating Company. I don't believe that the City of Cleveland has the right to terminate any business contract that I have made. Additionally, this method of automatically switching over puts a burden on senior citizens to act by writing a letter which will cause undo confusion for some individuals. I hope that Council will vote no on this, thank you.

Mr. William Hilf – 891 E. 237. I would like to talk about #4. I'm in favor of this as a tenant of Shore and as a citizen of Euclid. Had a meeting the other day with the tenants to discuss this. One of the things we are discussing now, is now that we feel there is going to be a positive outlook about Shore, instead of us always having to worry about, well should we put any money into room, should we put another coat of paint on, should we take another 6 month lease, because we never had an idea of what the status of the building was going to be. Every couple of months we heard a new rumor that it was either going to be sold to this company to be torn down or given to a private developer to be turned into office space. It would be nice to see a Resolution showing support and development for the continued success of Shore so that we as tenants can feel comfortable in our home.

With this comfort comes a new bunch of ideas that we are trying to get underway there as tenants. One of the things we are trying to do is a tenant's association. We would like to have a tenant's association, get the tenants together, learn what we have in that building and then put on a day where we can present it to the citizens of Euclid and let them see exactly what they have and the jewel they have down there. Please, I would ask you vote in favor of this. Thank you.

Mrs. Del Tiekeli – 5 E. 221 St. I'd like to welcome and give my best wishes to the entire Council. I'd like to address #4. First of all I applaud Pat Delaney for putting it on the agenda. It has been a long time coming. Shore is really an economic engine for the downtown Euclid. It brings in more than 1,000 people a week. There are events that will bring nearly that much in one night or one afternoon. The building has not been marketed quite enough. Some of the beginning steps we need to take is first of all approving this Resolution. Putting it in the phone book and advertising in the yellow pages. Aggressively begin marketing it. Setting up a marketing budget for it and putting it into a go position.

As a member of the Board of Trustees, we have had little or no authority to do much towards that building. We look forward to a very aggressive marketing and aggressive re-use of that building. I'm sure there are hundreds of people in the community that would be willing to come forth and help paint or fix up the building.

In the southeastern entrance off Babbitt Road, the wall is falling apart, it really needs plastering. Just little minimal things like that which would add to the ambiance of it. The hallway where the new high school alumni museum is going, has taken on a whole new ambiance. The lighting fixtures, the covers over the radiators, coat of paint, has made all the difference in the world. I look forward to seeing that building the Queen of the Triangle that she is. Thank you.

Councilman Liszy moved to rise and report. Councilman Sustarsic seconded. Yeas: Unanimous.

LEGISLATION

Ord. (021-01) Rezoning 205 Edgecliff to U1

An ordinance rezoning 20521 Edgecliff Dr. from U3 to U1 use district and further amending Ord. No. 2812.(Sponsor Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage, Councilwoman Miller seconded.

Councilwoman Holzheimer Gail – This property is the property the city bought and demolished the 100 year old department. It is currently zoned apartment. I've spoken with the residents of 205, 206 and neighboring streets, as well as the beach club to the west. The preference is single family and I would like to see this rezoned to single family.

President Gudenas – Because we do have a new city council, we would like to briefly discuss it in Executive Committee and then send it to Planning & Zoning. We don't want to delay things, but just to throw out all the ideas the new Council people have. Would it be okay to send it to Executive and have a meeting in January? With Christmas coming up, if you wanted it in December that's fine, but otherwise sometime in January?

Councilwoman Holzheimer Gail – That would be fine.

Councilwoman Holzheimer Gail moved Ord. (021-01) to Executive Committee. Councilman Langman seconded.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.
Into Executive Com.

Ord. 206-2001 (015-01) Council Committees

An emergency ordinance establishing Council Committees for the December, 2001-November, 2003 term of the Council of the City of Euclid. (Sponsored by Council President Gudenas)

Councilwoman Miller moved to rise and report. Councilman Lisy seconded.

President Gudenas – This is something we’ve come up with after discussing it with 9 of us. We’ve created some new committees and re-organized some of the old ones. We have Executive and Finance Committee which consists of all the 9 members. Housing Improvement Building Standard and Zoning Committee, chaired by Fred Lisy and members: D. Fay Miller; Daryl Langman, Mike McTighe, Kirsten Holzheimer Gail. Community and Senior Programs, Chairwoman Kirsten Holzheimer Gail. Members: Pat Delaney, Fred Lisy, Fay Miller, Jerry Sustarsic. Public Safety, Traffic and Liquor, Chairwoman D. Fay Miller. Members: Jerry Sustarsic, Chris Gruber, Kirsten Holzheimer Gail, Pat Delaney. We created a new one, Lake Shore Corridor Planning, which would be all the way from 185 to Lake County, north and south of the boulevard. Chairman Daryl Langman. Members: Kirsten Holzheimer Gail, Mike McTighe, Fred Lisy, Ed Gudenas. Also a Euclid Avenue Corridor Planning Committee, north and south of Euclid Ave. Chairman Chris Gruber. Members: Daryl Langman, Pat Delaney, Jerry Sustarsic, Mike McTighe. Parks, Recreation and Civic Center, that Civic Center word is a new word. Chairman Mike McTighe. Members Fred Lisy, Ed Gudenas, D. Fay Miller, Kirsten Holzheimer Gail. Public Service & Utility Chairman Jerry Sustarsic. Members: Chris Gruber, Pat Delaney, Mike McTighe, Daryl Langman. The new one, Heritage and Communication which would include all of our historic buildings and city property and cable TV studio and channel. Chairman Pat Delaney. Members: Ed Gudenas, Chris Gruber, Daryl Langman, D. Fay Miller.

We’ve also at the same time created several other committees to report directly to Council, with one or two council members on it and several residents and experts on it, to work on very specific issues with a one year time limit, to report back and have a specific plan for specific things. Possibly extend it if more time is needed. These Committee are: Marketing – Mike McTighe; Downtown Beautification – D. Fay Miller; Euclid Avenue Beautification – Chris Gruber; Education – Jerry Sustarsic and Pat Delaney; Income Tax – Pat Delaney; Memorial Park – Ed Gudenas; Grant Writing – Fred Lisy; Homeowner Association – Kirsten Holzheimer Gail; Council Meetings – Daryl Langman.

The Council Meeting Committee, just to explain that, we’ve had a lot of people asking that we look at the seating arrangement. Daryl Langman has taken on that duty and will report back by March so we can have something take place that doesn’t cost a lot of money and hopefully meets everybody’s needs to see everyone. Any comments.

Councilman McTighe moved to close debate, Councilwoman Miller seconded. Yeas: Unanimous.

Councilwoman Holzheimer Gail moved to suspend the rules, Councilman Gruber seconded. Yeas: Unanimous.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.
Passed.

Ord. 207-2001 (004-01) Neighborhood/Tenant/Condo Grant

An ordinance authorizing, empowering and directing the Mayor of the City of Euclid to renew the Neighborhood/Tenant/Condominium Association Grant for the year 2002. (Sponsored by Councilwoman Miller)

Councilwoman Miller moved for passage, Councilman McTighe seconded.

Councilman Gruber – I would just like to lend my support to this. Started several new homeowner's associations in the last couple of years. This is really a good seed to get things going and it helps bring the neighbors together. They always don't know how to start it, but once they get started, the \$250 helps with newsletters or neighborhood block party or Christmas Party. It really does help the communities and gives people a sense of being in the neighborhood. I urge Council's support on this issue. Thank you.

Councilman McTighe – I think this is an excellent idea. More citizens should get involved in their community where they can take more of an action themselves before calling upon our police. Where maybe there is something that is not an immediate problem and they can come out and form together. It is almost like a block watch group. I would like to urge passage to this Council and it is something that can get the citizens more involved in our city and maybe take more initiative into taking care of our own community.

President Gudenas – To the Mayor or Director, are we turning away any associations because this is limited to a total of \$10,000 at \$250 per association?

Mayor Oyaski - The Administration ran this program in the most recent year. There were 38 applicants at a value of \$250 a piece which totaled \$9,500. We haven't reached that \$10,000 figure. If we did get qualified applicants that would exceed \$10,000 we would ask you for the additional funding because we do support the renewal of the program as the Council does.

President Gudenas – There's room for 2 more.

Councilman Langman moved to close debate, Councilman McTighe seconded. Yeas: Unanimous.

Councilman Gruber moved to suspend the rules, Councilman Lisy seconded. Yeas: Unanimous.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.
Passed.

Res. 208-2001 (019-01) Shore Cultural Centre

A resolution in support of the development and continued success of Shore Cultural Centre.
(Sponsored by Councilman Delaney)

Councilman Delaney moved for passage; Councilman Langman seconded. Yeas: Unanimous.

Councilman Delaney - One month ago this would have been too controversial of a legislative item to put before City Council. Over the years I sat here in committee meetings and Council meetings, listened to Director DeMinico ask the City Council to make a move on the Shore Cultural Centre and put it in a direction that everyone can work with. There's been an immense amount of community support for this building over the years. The business sector has always supported it. The theater programs with all their ads they've taken out. Just last week I had heard from 84 Lumber that they're pledging another \$811 for the continued building of the museum project.

One thing it has never had is the support of this body. As both Joe Udovic and Del Tiekeli had explained, they're all looking forward to moving on with their business because their recreation and business takes place in there. And this will not be the final verdict but this is the first step in a bigger plan to come out of committee that will be flexible over time and will be a something that everyone can work on in the future. Thank you and I hope you all join me in this.

Councilman Langman - I believe this resolution sends a clear signal to the tenants and the community to move forward with their ideas and one of our jobs on Council is to create the environment for the citizens to put forth their ideas. So I believe that this resolution should be passed because it does send those signals to the community that, in fact, we are in favor of maintaining the building.

Councilman Sustarsic - I, also, strongly support this. I think it's been too long. We haven't really properly marketed the facilities, especially as the auditorium is concerned. As it was said

by others, you have Mentor; you have Willoughby Performing Arts Center. Even out in Chardon where you'll get even possibly armed forces where they come in with their various orchestras and present programs. So I think it's a must that we should be energetic on this as we promised to be energetic on everything in the City. So I strongly do support and urge everyone to join us.

President Gudenas - This certainly puts a great deal of responsibility on us and the Administration to actually deliver the goods, you know, because this isn't going to be all. It's very workable; but, of course, it's going to take money and time and the cooperation from a lot of people. So we're going to do it and this basically says we're starting today. Anybody else?

Councilman McTighe - I just want the people to know that this is a blessing that this Council all is in favor of this. And it just says we're looking forward to improve this building in whatever way it comes. So I don't want anyone to get mixed reactions here thinking we're going forward through this totally. It's just a blessing from this Council to go forward with support of the Cultural Centre in this City.

President Gudenas - And you promised to paint, I think, Saturday?

Councilman McTighe - Yeah. My people will talk to your people.

Councilman Lisy moved to close debate; Councilman Delaney seconded.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.

Passed.

Ord. 209-2001 (018-01) Ohio Municipal Income Tax Service, Inc.

An ordinance authorizing the Director of Finance of the City of Euclid to enter into an agreement with Ohio Municipal Income Tax Service, Inc. to continue providing distribution of the municipal income tax from the City of Euclid to the Board of Education, provide auditing and monitoring of distributions of the tax from Central Collection Agency (CCA) to the City of Euclid, provide a delinquency program and taxpayer assistance for Euclid taxpayers and to provide revenue projections based on the anticipated income tax collections at a cost not to exceed \$33,000.00 for the year 2002. (Sponsor President Gudenas by request of the Finance Director)

Councilwoman Holzheimer Gail moved for passage; Councilman Langman seconded.

President Gudenas - This is the guy that'll help us pay for all Shore stuff so Finance Director Balazs will have a few words to say.

Director Balazs - I think you're exactly right, Mr. Chairman, and City Council members. In a good year we'll collect or maybe this year we'll get about \$21 million in the City income tax collection. The City rate, of course, is 2.38. We do an additional 4.47 for the Board of Education. We give them close to \$6 million a year. It's been estimated that our delinquency rate in the collection of the City income tax is pretty close to the 7 or 8% rate. The ones who collect the tax for the City of Euclid is the Central Collection Agency. They collect for about 50 other communities. Another organization RITA, they also collect the income taxes and they collect for 50 other agencies as well.

I think that in my estimation that one of the problems of collection and delinquency program and we addressed it about in 1993 the individual that the Chairman just recognized we happens to be sitting in the audience today. He is the former director of the Central Collection Agency. In my time, he's probably in the top 3 experts of city income tax in the State of Ohio. The two others are Dick O'Brien out of Toledo and Ed Shellie down in Cincinnati. So we were able to hire Oscar Knicely. We attributed within the past couple of years directly to he being on roll, collecting our delinquency. He brought in over \$300,000 of delinquencies alone on his own effort and working with the Central Collection Agency combined with the efforts we bring in about \$1 million of City income tax in delinquent accounts.

The last several years we've been trying to, if the person is delinquent, we like to catch him right away if it's possible. The philosophy here is if you have to pay the tax I have to pay the tax, then we should be after these people so everybody does pay. And I just wanted to

introduce you to Oscar Knicely there and the other asset of this gentleman here is that it's very difficult to call in a resident and under the delinquency program here it's a difficult situation. He does a tremendous job of handling the residents and often times they walk out with a smile. We give everybody the opportunity to pay their taxes.

I do want to mention that we use the Euclid Municipal Court. That's our last recourse. If somebody gives us a problem, we take them over to Judge LeBarron's court over there. But as you can see, the program is highly effective. And, Councilman Gudenas, I suppose he was here when you were here, I'm not sure. But that very excellent program and I see that Council Delaney is on the income tax committee and I highly recommend that we go with Oscar Knicely and hope that he'll be around for another year for us. Thank you.

President Gudenas - Thank you and any tax collector that gets applause from the public...Any other comments?

Councilman Langman - Is the delinquent revenue what's collected is that pretty much steady from year to year? Does it fluctuate? Is there any figures on that?

Finance Director Balazs - First of all, the City income tax all goes into the General Fund. Our delinquency collections maybe about 8 or 9 years ago was probably in the \$400 or 500,000 range and now it's probably over a million just in delinquents. So it's because of the program it's become highly effective and I can't emphasize that this is our biggest source of revenue for the General Fund.

Councilwoman Miller moved to close debate; Councilman Gruber seconded. Yeas: Unanimous. Councilman Sustarsic moved to suspend the rules; Councilman Lisy seconded. Yeas: Unanimous.

Roll Call: Yeas: Delaney, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas

Passed.

Ord. (020-01) Electric Aggregation Program

An emergency ordinance adopting the City of Euclid's Electric Aggregation Program Amended Plan of Operation and Governance pursuant to Section 4928.20 Ohio Revised Code. (Sponsored by Councilman Gruber)

Councilman Gruber moved for passage; Councilman Langman seconded.

Law Director Murphy - The intent of this ordinance is to adopt the Plan of Operation and Governance under which the electric aggregation program which the voters of this City told the City Administration about 2 years ago, I'm sorry, a year ago to go forward and implement. We have had the services of Buckeye Energy as an outside consultant, who has found an electricity provider for the City that will result in some savings to small businesses and residents in the City. If this Plan of Operation and Governance is approved tonight, then the agreement with the power supplier would go into effect and citizens would then receive notice. As one citizen who spoke at the microphone addressed, it is an opt-out program so you would get notice that you would have to tell the City that you do not want to participate and would want to continue service with your current electricity provider.

If Council wishes to hear from our consultants, they are here this evening. You can suspend the rules and they can, perhaps better than I, answer any questions that you may have.

President Gudenas - This is the Buckeye Consultants?

Law Director Murphy - Yes, it is.

President Gudenas - Basically, what this would do is that everyone is buying power from the Illuminating Company would automatically be switched to this new company. The Illuminating Company would still give you your bills, but the power would come from another company. However, you have a short period of time to state that you'd still want to get the power from the Illuminating Company; but if you don't say anything, you're automatically switched. If later on you want to switch back to the Illuminating Company, it'll cost you \$25. The problem is that the

residents right now might save about \$1 or so a month and we don't know who this new company is. Are they going to be real good or easy to work with? Is there a better arrangement? Is there more financial incentive for the taxpayers to support this? And we would be committing, apparently, to a two-year time period. So for two years we can't do anything and they have another option to extend it another two years. So it's a pretty big responsibility. And I know that the former Council spent a great deal of time on it to negotiate it so it just can't be discounted. But because there are a lot of questions from the public and the new Council and the like, it's been suggested that we send it to our Utilities Commission for some prompt review. So that maybe the consultants, if they're available, could be at that meeting and we can go into some detail on what's available and what's not available.

Is that proper? So is that fine send it to the Utilities Committee and meet sometime soon to go over this?

Councilman Sustaric moved Ord. (020-01) to Utilities Committee; Councilman McTighe seconded.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.

Into Utilities Committee.

Ord. 210-2001 (022-01) Outside Legal Services

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into a professional service contract, after soliciting proposals from qualified firms, for outside legal services in connection with negotiations of collective bargaining agreements covering the ten City Unions. (Sponsored by President Gudenas)

Councilman Delaney moved for passage; Councilman McTighe seconded.

President Gudenas - This is a piece of legislation I sponsored along with a few others. This does not say that we have problems with the unions or problems with the current law firm that has represented the City for many years. This, basically, asks them to present their services and qualifications again to the Administration and the City Council for questions and review and, also, to see if there are any other firms that can provide professional assistance in these various areas. Doesn't say that we're going to switch, it just simply says that we'll entertain proposals and discussion with the current firm and other firms that can provide these services. We're not spending any money here or making any changes or firing any workers or anything like that.

Councilman Sustarsic - I have a few questions on the ordinance. First of all, I saw in the budget of 2000 the Law Department General Fund there were \$42,593 considered for the outside legal fees. Could you give me an idea of how much of that money would be available as of this time?

Law Director Murphy - I believe we have spent about \$10,000 of that \$42,000 right now.

Councilman Sustarsic - Okay. In relationship to that, I was wondering if anyone could relative to the yearend encumbrance of approximately \$9400 is there any idea of possible revenue that we'll be bringing in next year that it wouldn't damage us if we were to go if we were to go into the encumbrance or utilize that or whatever.

Do you understand what I'm saying? In other words, in this yearend encumbrance which was also listed in the budget it's \$9400 and it's my understanding that that could possibly be used too as well as whatever other funds towards the procurement of outside legal services.

Finance Director Balazs - It very well could be used. We don't guarantee that an encumbrance at the end of the year is going to go for the same purpose in the following year. And you'll see that as we go through the budget hearings. We will only take that encumbrance if it's justified or if it meets an obligation that has a liability in 2001. But generally speaking, when we get into hiring outside professional services for this type of purpose, we're probably talking about in the range of \$25,000. And I think that we probably, when we go through the budget hearings and that'll probably be mid-February I'll get a date with the Mayor and the Council on that, that we will be going through each department in detail and actually going through those line items to determine what level of funding that will be. So we could very well use that encumbrance and save that money for that purpose. To answer your question, yes.

Law Director Murphy - I believe that \$9400 we have asked to be unencumbered, disencumbered, whichever is proper. I think we set up a fund for legal services that we intended to use at the E. 205 redevelopment. We did use some of those funds, but have not used that counsel at all this year. That was the balance carried over from the end of last year and we have not used it this year and, I believe, I've asked the Finance Department to disencumber that already.

Councilman Sustarsic - Another question, I was wondering if it would be it's mentioned that there would be ten of the City unions that we do have. Of those ten does that include the motor maintenance because I thought they already came to an agreement. And also I was wondering in light of that how many other unions have reached agreement?

Director Murphy - There is a tentative agreement with the motor maintenance unit; that is one of the ten units in the City that are represented by various unions that was scheduled on the last Council agenda and taken off and has not yet been rescheduled. We hope to re-introduce that to this Council at its next meeting. That was negotiated here in the City without the assistance of any outside counsel.

Councilman Sustarsic - Also are there any other union that might be in arbitration proceedings right now relative to new negotiations?

Director Murphy - All of the contracts expire on December 31st so nothing has proceeded all the way to the point of arbitration yet.

Councilman Sustarsic - With that in mind I'm saying we have to take care of our own house first. And I think we should escalate these agreements as soon as we can. I don't know how long it'll take for soliciting proposals, approving the proposals and then going through the negotiations but I certainly we owe it to the City workers to bring everything to closure so that we can proceed on to bigger and better things and to help the City. And I'd appreciate any encouragement on your part that you might get and I appreciate the support of this Council as well. Thank you.

Director Murphy - Three years ago when the current contracts that are due expired we negotiated eight of the ten in house and did use the assistance of outside counsel to negotiate the police and the fire union contracts. The other eight we did in house and that is fully my intention at this point to continue negotiations with all ten unions and use these services as, I believe, this ordinance says as necessary.

President Gudenas - We're not trying to hold anything back and the Law Department has been doing a good job negotiating directly without outside services. And this does not imply that we're going to use it, but just in case, because eventually all of the unions are going to need our help with their contracts. So the idea for this and the others to move this along quickly so we have these proposals in early January for approving in January.

Councilwoman Miller - Just a point of clarification. Are you saying that if this passes then all negotiations stops and you go out for?

President Gudenas - No, this does not stop any negotiation. The Law Department will continue to do exactly as they have been doing. All this says is that we will put the word out through the Legal News, etc. that if you're a law firm or other specialists in labor relations, and maybe we need someone other than a law firm, we would entertain a proposal from you to help us have better labor relations here in Euclid as best we can. But we're not going to stop negotiations or anything else in the meantime.

Councilwoman Holzheimer Gail – Just a point of procedure. Are you expecting Council to review these proposals? Or, would that be the Mayor and Law Director?

President Gudenas – I would expect that when the proposals come in, they go to the Executive Committee for us to review them to see if they are worthy of changing or doing something different than before. They would go to the Administration, to the Executive Committee for review and our vote to see if they're worth the trouble. Just like this electric thing, is it worth the trouble to make all these changes. Maybe it is, maybe it isn't. Council would approve that subject to the Administration would have to be willing to work with those people.

Director Murphy – This ordinance, the way it is written, does authorize the Mayor or designee to enter into the contract. Typically that would not require coming back to Council. However, if that's Council's desire, then we should amend this ordinance.

President Gudenas – We should because the intent was for council to review the proposals.

Councilwoman Miller – I've negotiated a lot of contracts for the School Board. I'm under the firm belief that if they're two negotiating teams negotiating something, that when it comes to us, they've talked it through, they've decided what they want, it just needs our approval. I don't think that we are in the position or should be changing anything that has gone back and forth and has been argued and debated and negotiated and came an agreement.

President Gudenas – I agree with that. This is not the intent. This is not the intent for us to negotiate contracts or to be in the middle. This is simply to, just like they hire engineering firms, the city does, and law firms, and people who mow the lawn, this is the same thing.

Councilwoman Miller – I'm debating with you because you just got through saying that we would get the proposal, we would look through it, if we want to change anything we'll change it. I don't believe in that.

President Gudenas – This is not the proposal from the unions. This is the proposal from firms wanting to work for the City of Euclid. We would not be reviewing union agreements. This is from a new firm wanting to provide services.

Councilwoman Miller – I'm glad I asked. I wanted to clarify that.

President Gudenas – It may not be a law firm. It maybe a labor relations firm, or somebody else. Or, maybe no one was even interested other than the law firm we have already. The one we use already is probably the largest in Cleveland for that service. It would only be their proposals, not the unions. If we are actually going to do it, we should amend that. Unless Council doesn't want to look at these proposals from these firms. Does the Council want to do these proposals? We should amend it so that prior to the Administration approving it, Council would have an option to renew it.

Director Murphy – If that is Council's desire, Mr. President, then we'll amend the ordinance so it authorizes only the solicitation of proposals and not entering into the contract.

President Gudenas – We should probably make that same change for all the others.

Councilman McTighe moved to amend Ord. (022-01) to have the proposals reviewed by Council. Councilman Delaney seconded.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.

Amendment passes.

Councilman Langman moved to close debate, Councilwoman Miller seconded. Yeas: Unanimous.

Councilman Gruber moved to suspend the rules, Councilman Sustarsic seconded. Yeas: Unanimous.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.

Passed.

Ord. 211-2001 (023-01) RFP Services to WWT

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a professional service contract, after soliciting proposals from qualified firms, to provide for outside legal services in connection with the operation and maintenance of the City's sewer system, Waste Water Treatment Plant, and environmental matters such as storm water management and solid waste disposal. (Sponsored by President Gudenas)

Councilman Delaney moved for passage, Councilman Gruber seconded.

President Gudenas – This again is going out for proposals, not necessarily making change. We have the same law firm helping the City of Euclid on various EPA issues and the like with the sewer plant. At times they've become very complicated. The EPA had threatened to fine us many millions of dollars. This law firm did a very good job over the years, so it is not to say they haven't, but this gives us an opportunity for them to present various qualifications of their firm and why we should continue working with them, the rates they charge. Have a chance to review any other firms that might be interested and be in line with the others regarding legal fees that we spend for the sewer plant. There are no real pending issues right now, but you don't know what might happen. Everything seems to be under control. That's the general purpose. That would be the same day as we review the other proposals for the other legal services.

Councilman McTighe moved to amend Ord. (023-01) to have the proposals reviewed by City Council. Councilman Delaney seconded.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.

Amendment passes.

Councilman Langman moved to close debate, Councilman Sustarsic seconded. Yeas: Unanimous.

Councilman Delaney moved to suspend the rules, Councilman Gruber seconded. Yeas: Unanimous.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.

Passed.

Ord. 212-2001 (025-01) RFP Real Estate Prof.

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into a professional service contract, after soliciting for proposals from qualified firms, to provide professional real estate consulting and sales services for a period of one year. (Sponsored by President Gudenas)

Councilman Langman moved for passage, Councilman Sustarsic seconded.

President Gudenas – This is along the lines of before. In the past, the City of Euclid has sometimes used professionals to help select property like where the Suburban Auto facility is being built on the freeway. That was an outside firm to help sell it. Century Corners and others, we've been trying to do that in-house. This will help us speed up the process of getting Century Corners and the other prime commercial land at the former transfer station off Rt. 2.

The idea is to get a professional firm make some presentations on how they can help us sell that property, develop it, market it quicker, so we have something going in and some money coming back to the taxpayers. Most likely this will be a firm that will work on a commission basis. We'll provide them some support in terms of statistics and photographs and the like, but for their commission they would be the one spending the money for the advertising and the marketing and making the contacts. We would entertain firms that come in. I'm sure there will be several interested to present how they would the City of Euclid sell and market these properties. I believe we need to amend this one too. We would expect this to also be in January.

Mayor Oyaski – We have utilized this method before as you properly indicated. Is it your intention that Innvoy Inn, which is zoned for office use, not be included in this?

President Gudenas – Possibly. This is where we could discuss this further in that, the plan as proposed by some of the people, was to combine that property with other property in the area and assemble about 100 acres and then market the whole works together where you have more people interested. If someone came along and paid a good price for the Innvoy Inn property, would be fine. When these firms come in, we were going to hopefully get their professional advice on the best way to market that land. How we can work the PMX to develop, etc., see which firm can give us the best advice. After that advice, we can decide about that problem.

Mayor Oyaski – I'm hip to that. The Agenda summary mentioned industrial land. The legislation is not limited to industrial land. So I assume the Council wants to utilize this method of promotion for all available land, including what you are suggesting up on Euclid Ave.

President Gudenas – That would be correct. We just want to note we weren't trying to sell Memorial Park or anything like that.

Mayor Oyaski – Got it. Thank you.

Director Koran – Just a point of clarification, the City currently has available at Century Corners on Euclid Ave., 13.2 acres. On the incinerator site, 5.8 acres. So, there are 19 acres available that are being offered right now without a broker involved. The other major sites that you mentioned, PMX, etc. already have brokers assigned to them. For example, PMX is represented by Colliers Ken Canata. Just a point of clarification to the public and council, are you looking for a brokerage firm like Colliers to represent the City in the sale of our 19 acres alone?

President Gudenas – Possibly Colliers, they have sold property for us in the past. It would be a firm along that line. Some very large, international firm well connected with the in-house marketing and contacts.

Director Koran – Right. But not to include already existing sites that are available and already have brokers assigned and paid for by the private sector?

President Gudenas – Correct. Although a firm, if it were a Colliers or whatever, they might advise us on how we can work with the sellers of PMX and other properties to come up with a plan that would work and try to funnel the proper buyer. Instead on just relying exclusively on what the other brokers might do.

We should make two amendments on this. One would be to include commercial and industrial.

Mayor Oyaski – The legislation, I don't think, restricts the services to any particular type of vacant city property. I know the Council wants to review these proposals once we've received them, but the ordinance itself does not specifically exclude the Innvoy Inn parcel, for example.

President Gudenas – We would want to amend it at this time just for Council review as the other items on the Council agenda.

Councilman Langman moved to amend Ord. (025-01) to have the proposals reviewed by City Council. Councilman Lisy seconded.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.

Amendment passed.

President Gudenas – The intent is, I know Councilman Gruber is working with many firms and if you know of any, let them know we are looking for these proposals instead of just relying on the legal notice. I'll make a few phone calls and hopefully get some good people to help us.

Councilman McTighe moved to close debate, Councilman Lisy seconded. Yeas: Unanimous.

Councilman Delaney moved to suspend the rules, Councilman Gudenas seconded. Yeas: Unanimous.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller,
Sustarsic, Gudenas.

Passed.

Ord. (007-01) RFP Audit WWT

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a professional service contract, after soliciting proposals from a qualified firm, relating to the performance of audit and cost analysis studies of the City's Waste Water Treatment Plant, as well as other agreed upon services to be specified in the proposals. (Sponsored by Councilman Sustarsic by request of the Service Director)

Councilman Sustarsic moved for passage, Councilwoman Miller seconded.

Director Gulich – I would just like to state that in order to keep under the terms of our Consent Decree and in order to keep in compliance, the suburbs that empty into the City of Euclid with their sewer system, it is a requirement to perform this audit on an annual basis. Two years ago we all sat here and wrung our hands over a large rate increase. I don't want that to happen on my watch. The only thing I ask is that in order to complete this on time, it is due in April, I would ask Council if we could proceed with the Maximus audit and then I have no problem in the future to take this route. If there are any questions from Council, I'll be glad to answer them. I'm asking to proceed with Maximus in order to complete this on time.

President Gudenas – In other words, this firm has already started the work?

Director Gulich – They haven't started the work. Normally they do start about this time. I would just be concerned we don't get the report done in time and I don't want to be in trouble with EPA.

President Gudenas – I can understand that concern. Perhaps this one, because of the timeliness and it is a very technical thing, you are asking us to

Director Gulich – In the future if you want to pass the ordinance on that basis.

President Gudenas – You do that every couple of years?

Director Gulich – This is required every year.

President Gudenas – Perhaps because of the timing this year, we are probably a little late on that. Director Murphy.

Director Murphy – At the last Council meeting, we did have an ordinance on authorizing the contract with the current provider that was withdrawn. I would suggest with Council's indulgence that we table this item and re-introduce the item authorizing the contract with Maximus at your next meeting. Allow Maximus to perform the audit that is due in April and then re-introduce this legislation to get proposals after Maximus completes this cycle.

President Gudenas – That does make sense because an audit will probably take quite a bit of time to start from scratch in February or so.

Councilman Sustarsic – I was just going to ask Director Gulich if that would be amenable, if what the Law Direction mentioned would be okay?

Director Gulich – Yes.

President Gudenas – Okay. We'll table this. Is there a motion for that?

Councilman Sustarsic moved to table Ord. (007-01). Councilwoman Miller seconded.
Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller,
Sustarsic, Gudenas.

Tabled.

Ord. 213-2001 (008-01) RFP Engineering

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after soliciting proposals from a qualified firm, to provide engineering services at a cost not to exceed \$32,800 for the year 2002. (Sponsor Councilman Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage, Councilman Delaney seconded.

President Gudenas – This is something I had worked on 6-7 years ago. Just a quick story is that way back in the 60's and 70's, legally the engineers in Ohio got together and they set the rates for all municipalities to pay. It was the oath of engineers was that they could never competitively bid their services. They would all have to charge their same rates. These days it is called price fixing. Back then it was a Code of Ethics that no one could compete on price.

Back in 1975, then Attorney General Bill Brown, ruled that this was price fixing and illegal and all the other cities, more or less, ended up negotiating these rates. In fact paying lower rates than the City of Euclid. We, to this day, 25 years after the Attorney General ruled that price fixing, we are still paying the same percentage of work for the engineering services. Engineering services are often charged at a percentage of the project, 5% of a million or whatever it might be.

This and the piece of legislation coming after it, does what other cities did twenty-some years ago and opens it up to other firms for proposals that might be able to save us money. There might be other firms that have expertise or contacts in Columbus for funding that we might not have been using. Or, we might decide the firm we have now is more than qualified. Maybe their rates will go down. I know my last year on the previous city council back in 1995, because of all the sewer projects and the like, I added up that if we paid the same rate a City like Mayfield Heights, we would have saved about \$300,000 for that one big capital improvement year. We had a lot a work that year. We wouldn't save that much every year.

We need to save money to do other things in this city and I'd rather spend the money on Shore and things than firms that are taking money and using it elsewhere. That's what this is all about. I know we have long, long ties with many of the firms that we've been dealing with, but they'll have to come in and if we pass this, present proposals, to justify their fees and their expertise in all that. We will then decide with the administration on who's best qualified and charging the best price. It is not just the best price, it also the best qualifications. Any questions? We will amend this one as the other ones, to have Council review these proposals.

Councilman Gruber moved to amend Ord. (008-01) to have Council review the proposals.
Councilman McTighe seconded.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller,
Sustarsic, Gudenas.

Amendment Passed.

President Gudenas – I talked to one engineering firm and they told me it takes about 3 weeks to work up these proposals. They also will be coming in January. The goal is to have it submitted the first week of January.

Director Gulich – We should just make it clear that this is our annual contract for in-house services where we have our plans reviewed. Our Issue 2, storm water management reviews are done. Sanitary tap-in fees and various assistance to Engineering and other departments. That's our in-house engineer.

President Gudenas- Usually the same firm does all the other work too.

Mayor Oyaski – This refers, back when you were on the Council in the old days, we had a city engineer on the payroll who retired. We have this contract with an outside engineering firm for day-to-day engineering issues. The President was talking about hiring engineers for particular projects. That's not what this is. This is just the day-to-day needs of the Service Dept. for engineering and we are okay with getting proposals along the lines, but there's separate legislation that should be considered if you want to have the same method of procurement for proposal by proposal. Remember when the engineer retired and then we contracted.

President Gudenas – You are referring to Lake Engineering is currently doing this work?

Mayor Oyaski – I'm referring to when Mr. Cesan retired and then we hired a contract for the day-to-day consulting. This is what this is about. I hear what you are saying. If you want to, you should consider an amendment to 135.02 because those engineers are hired pursuant to 135.02, if you wanted to be consistent with this new method of procurement.

President Gudenas – To back track, right now it is Lake Engineering that is providing these services and at the same time they are providing these services, they automatically provide all the other engineering services for the Issue 2 big projects that we have. By nature of them being on this contract, they automatically get that other work.

Mayor Oyaski – The decision to hire an engineer on a project is done pursuant to existing ordinance through the Board of Control. It is Lake Engineering because they have been doing work for 40 years. What happens is that's a separate decision by the Board of Control pursuant to that ordinance 135.02. That can be modified. That's not what we are talking about here.

President Gudenas – The big money is on the other projects and historically the firm that does this work does the other work too.

Mayor Oyaski – If the Board of Control so chooses, yes. What I'm suggesting to you is that there is another piece of legislation in the same sequence that would amend 135.02 so when the Board of Control hires someone or however the Council wants to do it, for a particular project, that we solicit proposals and work with you.

President Gudenas – You are making it more confusing in that if we have four Issue 2 projects, we are not going to find four different engineering firms. It may not make the most sense.

Director Gulich – I hope we get four Issue 2 projects.

President Gudenas – Sometimes we do. The intent was with this piece of legislation to also make it known to these other firms that they we are opening up the market. It is no longer exclusive to one firm. Are you implying we need additional legislation, or we're just going to automatically do that?

Mayor Oyaski – This ordinance was introduced two weeks ago. It had hiring Lake Engineering for ongoing day-to-day consulting as needed by the Service Director. That's the contract we entered into under former Mayor Lynch when the old engineer retired. That's not exactly what the Council President is talking about. When we have major projects, whether they are highway project or sewer project, there is another ordinance already on the books where the Board of Control hires the engineer. In my opinion, to be consistent with what you are trying to do, there should be legislation in two weeks to adjust 135.02 which is used for the project engineering that is an expensive proposition, yes.

President Gudenas – All right. At the same time could we, the firms that are bidding on this work, probably would be interested in the other work. In this request for proposal we could also ask him to give us proposals for this other work at the same time. That would be acceptable? In other words, no bid for this plus what percentage of the projects they would ask to be paid for the bigger one all at the same time. Rather than have everybody come back again.

With that in mind, end result we are accomplishing the same thing. Usually that firm will end up doing the other firm because it is not really worth their while to do just a little bit. They are always going to give you a good price for that with the intent of getting the big jobs.

Councilwoman Miller – Do you think we should just table this until the next meeting?

President Gudenas – No. We'll need to get moving because you are going to have a lot of projects. I'd say get working on it. It's been tabled for 25 years.

Councilman Gruber – I would just like to commend you for the change in this policy. I know that sometimes companies get comfortable with dealing with the city year after year after year. I think this is one of the promises you had made when you were running for office. I'm glad to

see you went through with this because it is good to breathe fresh air into these old procedures. Thank you.

Councilwoman Miller – I said table it because the Mayor is talking about another piece of legislation that is going to be presented at the next meeting. I just wanted both of these presented at the same time would clarify things for us as well as for the public.

Mayor Oyaski – I certainly don't mean to stand in the way of progress. I just wanted us to be talking about the same thing at the same time. To do as the Council President is suggesting, you should amend #11 and adopt the same procedure that is currently set up in 135.02 and then you can do it tonight and go out and get the proposals.

President Gudenas – Exactly what are you saying here then? Amending #11 to say what?

Director Murphy – I think it would be easier from our perspective to pass this item and then come back with legislation that amends what is a codified ordinance, 135.02 that the Mayor refers to.

President Gudenas – We are going to go out for these proposals. We still need to send an ordinance to actually implement the proposals.

Mayor Oyaski – We'll implement your policy immediately.

President Gudenas – Thank you Mayor.

Mayor Oyaski – Your welcome.

President Gudenas – Any other comments on that, Daryl Langman?

Councilman Langman – How come it isn't just split engineering services between the day-to-day requirements and these big capital projects. Is it common, not common?

Director Gulich- The day-to-day contract with Lake, Councilman Langman, they come in and they advise the Engineering Dept. As I said they do the plan reviews, the storm water management that's necessary and make sure everyone's not flooding people downstream and those types of things. Plus, they have to determine the sanitary tap-in fees so we are in compliance with all those ordinances. They do review every plan, every plat that does come to the city. They've advise me and meet with citizens on a daily basis. That's been an annual contract for the last 14 years. We did go out and solicit proposals, we did exactly what we're talking about at that time, after we no longer had an in-house engineer. Does that explain it?

Councilman Langman – If in fact when the contracts are actually let out for bid, do you foresee working with one company day-to-day and then project-by-project. What would be more helpful to you as far as working? Is it more efficient to do it on a day-to-day advise and then return to them for the capital?

Director Gulich – The truth of the matter is we have four pretty large projects going on right now, over \$1 million each. We have 3 engineers working in the city. Three different ones. So, it is not to say a single engineer. We do have the Benza report which Council thank God passed for fixing tons of water lines that need to be fixed. Currently we are going to be finishing the F&S homes. It is going to be about \$1.7 million project. Mike Benza is the engineer for that project. Currently we have a waterline project going on Knuth, R.E. Warner is the engineer for that. We have been soliciting to different engineers. We have been getting different proposals.

President Gudenas – Professionals come in, they could also provide their position on how they normally work. In other words, if they are just interested in one part or the whole part, we could hear directly from these firms.

Councilman Langman moved to close debate, Councilman Delaney seconded. Yeas:
Unanimous.

Councilman Lisy moved to suspend the rules, Councilman McTighe seconded. Yeas: Unanimous.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.
Passed.

Ord. 214-2001 (024-01) Proposals Engineering

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a professional service contract, after soliciting for proposals from qualified firms, to provide professional engineering services for the Waste Water Treatment Plant for a period of one year. (Sponsored by President Gudenas)

Councilman Sustarsic moved for passage, Councilman Lisy seconded.

President Gudenas – This is the final piece of that stuff. We've had one firm that has advised us quite a bit on the major work on the sewer plant. I don't think we have anything major over there right now. But this would again have the existing firm come in, make their proposal and any other firm. It is often a specialized expertise for the sewer plant. Maybe the other firms can do it, but often one firm that specializes in that doesn't do the other work. Or people who do the other one can't do this one. That's why its separated, only to give us a greater option to look at all the various firms that might be interested.

Councilwoman Miller moved to amend Ord. (024-01) to have Council review the proposals. Councilman Langman seconded.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.
Amendment Passed.

Director Gulich – For many, many years Havens & Emerson were our exclusive engineers with Waste Water Treatment Plant matters. I believe it was about 9 years ago we did solicit proposals in just this fashion. For the last 9 years we've been using the existing contractor. To get back to your point before, right now, the only thing big cooking down there is we've got the Honeywell Project, where we are retro-fitting everything that's electric down there. That project is costing us nothing out of pocket. The savings are paying for itself and we are realizing some good benefits down there and I'm pleased to report that.

President Gudenas – So it's CT Consultants that are at the sewer plant now doing most of the engineering, as of today? As needed, they would be the ones we would have called?

Director Gulich – Correct.

President Gudenas – They would be interested in making a proposal.

Mayor Oyaski – Sure.

Councilman Langman moved to close debate, Councilman Lisy seconded. Yeas: Unanimous.

Councilman Langman moved to suspend the rules, Councilman Lisy seconded. Yeas: Unanimous.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.
Passed.

Ord. 215-2001 (006-01) Amend Shade Tree

An ordinance amending Section 909.22 of the Streets, Utilities and Public Services Code of the Codified Ordinances of the City of Euclid, by the addition of three members to the Commission and changing the name to the Shade Tree/Municipal Beautification Commission. (Sponsored by Councilman McTighe by request of Parks & Recreation Director)

Councilwoman Miller moved for passage, Councilman Gruber seconded.

Director DeMinico – It is hard to believe but it was 1995 when the Shade Tree Commission was established at the impetus of our current Council President Ed Gudenas. I have found over the years in dealing with many Euclid residents there's a lot of people that like to volunteer their time. There's a lot of people who have areas of expertise that are just waiting to be asked to be involved on different commissions and committees. One such person has recently passed away, that was an absolute dynamo on our Shade Tree Commission, that was Jack Fraier. Under Jack's auspice of the Chairman, we instituted the Commemorative Tree Planting Program where people dig into their pocket and donate money for planting trees. We have raised over \$4,000 in the four years of its existence. It is just amazing how people buy into programs and they see the success that is put out there when people go out and take some time to do that.

Our Arbor Day ceremonies are second to none. We get the grade school kids involved and they draw pictures and make poems. The Shade Tree Commission is putting all of their time and effort behind that project and making sure it is a success.

They were instrumental in the Street Tree Inventory. This April the City of Euclid is hosting over 60 cities from northeast Ohio, 250 people coming into our community to celebrate Tree City USA. It is an opportunity to show these communities around northeast Ohio the tree care and loving that Euclid has into our urban environment. By the addition of Municipal Beautification, I think we are going to be able to tap-in to residents in our community that take an interest in beautifying the grounds. Recently City Council has two years ago given us additional funding for the grounds at Euclid Park Clubhouse. We are making improvements to the entrance at Briardale Greens. We've made improvements at Willo Park. We have plans and improvements for the sign at Sims Park. Right now we want to expand this division and expand their responsibilities and get some additional members involved in Euclid's Shade Tree Commission and Municipal Beautification.

Councilman McTighe moved to close debate. Councilwoman Miller seconded. Yeas: Unanimous.

Councilwoman Holzheimer Gail moved to suspend the rules, Councilman Langman seconded. Yeas: Unanimous.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.

Passed.

Ord. 216-2001 (009-01) Amend Code

An ordinance amending Section 505.08 of the General Offenses Code of the City of Euclid as they relate to animals care requirements and cruelty. (Sponsored by Councilwoman Miller by request of the Police Chief)

Councilwoman Miller moved for passage, Councilman McTighe seconded.

Chief Maine – This ordinance allows the City to take some steps so we don't become a caretaker of an animal if somebody doesn't appear for the Court case that they've been charged with. If somebody is presently charged with either cruelty or neglect of care requirements and the animal control division takes control of that animal, if the person fails to appear in Court for either their preliminary hearing or subsequent hearings, the City of Euclid hold onto that animal until they are finally persuaded to come to Court, arrest on a warrant, whatever. This would allow a 14 day period to elapse and if they don't appear in Court, then the City can either in most cases adopt the animal out, or if the animal is un-adoptable, then the animal will be euthanised. It is simply a housekeeping change.

Councilman McTighe – Is this increasing more and more in the community with the cruelty to animals and having to pick up residents' pets? Are we seeing a problem that we need to go forward with? I'm supporting this, but is this becoming more of a problem?

Chief Maine – I don't think it happens that often. What happens is we end up keeping an animal for an extended period of time. The one we have there now has been there since August. It is a very adoptable animal, but because the owner hasn't picked up on the warrant, hasn't shown up

in Court, we have been holding onto it. That's a temporary care facility. It is not a permanent home.

Councilman Gruber – The Police Dept. issues warrants for arrest for the people that don't appear in court for these charges?

Chief Maine – Our policy has always been, unless the circumstances are extraordinary, we generally try to work with the pet owner to get them into voluntary compliance. But when the Animal Control has to go back for subsequent calls at the same residence, then we charge and generally by warrant.

Councilman Gruber – So the person who has left their pet there since August, would it be fair to assume that there's a warrant out for their arrest?

Chief Maine – I think that would be very fair assumption.

Councilman Gruber - It is sad that the animal has to be euthanized if it doesn't find a home. So it is really more a burden on the animal than the people that are actually committing the crime. I'm glad to see you actively pursue that. Thank you Chief.

Councilman McTighe moved to close debate, Councilwoman Miller seconded. Yeas: Unanimous.

Councilman Langman moved to suspend the rules, Councilman Gruber seconded. Yeas: Unanimous.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.
Passed.

CEREMONIAL RESOLUTIONS

Res. 199-2001 (002-01) Councilman Gallagher

A resolution of appreciation to Patrick J. Gallagher for his distinguished service to the City of Euclid while serving as Councilman-at-Large. (Sponsored by Mayor Oyaski and Council)

Res. 200-2001 (003-01) Councilman Flowers

A resolution of appreciation to Daniel P. Flowers in recognition of his dynamic and committed Council service to the City of Euclid. (Sponsored by Mayor Oyaski and the entire Council)

Res. 201-2001 (010-01) Cherry Aikens

A resolution of congratulations to Cherry Aikens for exhibiting great creativity and receiving a Certificate of Excellence for her submission to the National Weed & Seed Poster Contest. (Sponsored by Mayor Oyaski and the entire Council)

Res. 202-2001 Assyrian & Arabian Waller

A resolution of congratulations to Assyrian Waller, a second grader at Upson Elementary, for receiving a Certificate of Excellence for her submission to the National Poster Contest for the National Weed & Seed Program. (Sponsored by Mayor Oyaski and the entire Council)

Res. 203-2001 (012-01) Councilwoman Valencic

A resolution of appreciation for Councilwoman Beverly Valencic in recognition of two years of dedicated service to the residents of the City of Euclid. (Sponsored by Mayor Oyaski and the entire Council)

Res. 204-2001 (013-01) Councilwoman McGarry

A resolution of appreciation for Councilwoman Meg McGarry in recognition of her six years of excellent service to the citizens of Euclid. (Sponsored by Mayor Oyaski and the entire Council)

Res. 205-2001 (014-01) Councilman Korosec

A resolution of appreciation for Councilman John Korosec in recognition of his six years of dedicated service to the citizens of Euclid. (Sponsored by Mayor Oyaski and the entire Council)

Councilman Gruber moved for passage, Councilwoman Holzheimer Gail seconded.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas.
Passed.

COMMITTEE OF THE WHOLE

Councilman McTighe moved to go into the Committee of the Whole. Councilman Delaney seconded. Yeas: Unanimous.

Mrs. Dorothy Fike – 20271 Delaware Rd. To the Police Chief, I'm very glad you are going to enforce jay-walking. The new signs that have the orange hand-up. I see many people disobeying that. Doesn't that mean they aren't supposed to cross unless the white comes up? When that orange hand is up, like at the bottom of Grand Blvd. at Euclid Ave.

Chief Maine – You are talking about the electronic ones at crosswalks?

Mrs. Fike – Yes.

Chief Maine – That means you are not supposed to cross there.

Mrs. Fike - Then there has to be a lot of education on that one because people ignore it all the time. The orange hand is up and people just walk like there is no sign there. I think that's one thing the police should be looking into.

I do commend you on some of the changes in the traffic patterns, like the one at E. 222 and the underpass and 260th, I think they are wonderful. But can anything be done about the 222 and Miller Ave. I've been almost clipped there a couple of times, especially with the construction on the one side and the people come down and all of a sudden they see Miller Ave. and there's barrels there. All of a sudden they want into the curb lane because the street narrows. I know it is difficult but can anything be done about that traffic pattern there?

Chief Maine – The problem has been exasperated by the construction that is going on. It is our hope the Mayor and Service Director Gulich and I have talked about changing the traffic patterns for 222 Street to bring it more in line with the other north and south main streets that we have. To make the two curb lanes, either north or south and make the center lane strictly turning lane. We've been waiting for the construction to be completed. It is our hope to do that in the spring when the weather breaks.

Mrs. Fike – Thank you. I think it will be a help. One other thing, I want to commend the Service Director. Last meeting I talked about the pot holes on Grand Blvd. They have been filled, thank you.

Director Gulich – Our Superintendent is in the back. I've got to give him some credit, Steve Markel, our Superintendent always hard at work for our city.

Mr. Joe Janosik – 26381 Farrington. First and foremost tonight, I would like to extend a warm welcome and my congratulations to the 6 newly elected council members. Mr. Council President, I strongly supported you during your campaign and assure you of my continued support as you lead the city back on the right track again. From what I have seen and heard here tonight, you're off to a good start. Mr. President, your visions can and will become realities.

To the three re-elected council members, I encourage you to enter this two year term with open minds and to support your new colleagues and president.

I would like to thank the voters for cleaning house on election day. I want to thank, Jerry Corbran, of the Euclid Taxpayer's Alliance for the opportunity to get involved in the recent election that ultimately resulted in a sweeping change. Last but not least, I want to thank MaryJo Minarik, publisher of the Euclid Observer. Had she not taken the time to investigate and report about the Janosik family's continued battle with the ruthless Euclid Housing Department, I would have never gotten involved in the campaign to elect a new Council.

In light of the overwhelming change to Council, a close friend asked me what I was going to say to the outgoing six council members. I told him I plan to say, that they were the weakest links, goodbye. Then I get a phone call from Jerry Corbran, about a week later. The Monday night that was the final council meeting for the six ousted members. Jerry said, you won't believe it Joe, but Harvey Mlachek stole the night by saying the outgoing council members were the weakest links. I think called Harvey and jokingly told him that I had an almost identical statement to make. Harvey said to me, well Joe, great minds think alike.

Since then I could not think of anything else to say. So, this afternoon, I called my good friend Alex Greenspan in Coconut Creek, Florida. Alex is the father of actor-comedian Jason Alexander. I needed some material for tonight, I told him. So to the six ex-council members that ignored me, sneered at me, and did nothing about the housing department's Gestapo tactics and allowed the continue persecution of the Janosik family I say to you wherever you are, if you were all in a group studying to be idiots, you'd flunk. Did you hear that former Council President Cervenik, flunk, f-l-u-n-k. Now go look up the word in Harvey's Funk, f-u-n-k and Wagner's dictionary.

And of yes, the power of the media, including the telecast of Euclid City Council meetings. I have spoken at a number of these council meetings beginning last June 18th. At the September 4th Council meeting I wore a very tropical, floridian short-sleeved shirt. My daughter-in-law's mother is the manager of a complex of apartments here in Euclid. She told her daughter that the man in the Hawaiian shirt that spoke out vocally against the Housing Department and former City Council was the talk of the complex. The feedback was, that the vast majority of the people there did agree with me, that Mr. Tollerup and his Department, is out of control. This new City Council now has the opportunity to bring this Housing Department back in line and I think a complete revamping is in order.

First, Mr. Tollerup needs to be fired. The outrageous 1997 law approved by Euclid City Council needs to be repealed. The law gave Mr. Tollerup excessive powers of which he has misused and abused. Council members I ask that you please review the information in the brown envelopes I have provided tonight and to take action immediately. Bear in mind that Mr. Tollerup has issued warrants for my wife, one for debasing the overall appearance of the neighborhood.

Please listen to the message left on our voice mail just a few days before the election. This is by a gentleman named Kent Smith. This is Kent Smith, I (oops), the Executive Director of Euclid Community Concerns. I'm calling leaving a message for Patricia Janosik and family. You guys won, we at Euclid Community Concerns started a program in 1999 called the Euclid Housing Awards. You guys won the home improvement award for Ward Three. You guys were actually nominated for four times and our judges took a look at that, your property and some other nominations and gave the award to you guys. Unfortunately, at this point now, it gets a little confusing because I am no longer the Executive Director of Euclid Community Concerns. But, why don't you give me a call back. My new work number, I work at Hilltop Village, which is area code 216 obviously, we are right at Euclid and Richmond. 261-8383. Okay. Mr. Janosik – Basically it was giving an award. Time is up? Okay, thank you.

Mr. Dale Vernon – 1497 E. 196 St. I just want to commend City Council tonight on a fine job. Mr. President, a good start. I'm glad to know we have a hip Mayor. I think Clerk of Council deserves a raise for her work tonight.

Mr. Joe Udovic – 21371 Naumann. I borrowed Harvey Mlachek's Funk & Wagner dictionary over this past weekend. My holiday wish list for this group and city council and directors are the four c's: communication, compromise, cooperation, compassion.

First three I see we are on the right track. But I'm more concerned about the fourth one. We need to extend an open hand toward one another and to greet one another. Last Council Meeting I noticed that current Mayor of Wickliffe Judy Morales, attend this City Council Meeting, as well did some of her directors and other council people. Nobody here was here to welcome her as she came in here. No one her introduced her to the council at the time. To me it seems like President Bush at the White House will always greet dignitaries. Why aren't we greeting mayors, from other cities who come here who have something to say at our council meetings. We need to acknowledge one another and we need to acknowledge these important people.

I've known Judy Morales for about twenty years. It was her and Salvatore Taricci, who got me involved in attending city council meetings. This shows on our part that we have very bad etiquette and it leaves a bad impression. This is a woman who is a mayor of another city, and no one greeted her except for myself and Mr. Gudenas talked to her after the meeting. No one acknowledged that she was her, be it Mr. Cervenik or the Mayor. This is a woman who is in power, who's trying to look at for her community and she's coming to our city to visit us. We should show respect to one another. In my school, if a visiting teacher comes by, my teacher greets that teacher. She'll sit down with them, talk to them, if she knows them, they'll hug each other. If she doesn't know them, she explains to them what her school is all about. We need to do this as well. I own my own corporation. If a fellow businessman, or if I meet a fellow

businessman in line of business, I will greet them. Recently I was at a luncheon. I met 5 people. After the meeting I went home and I wrote 5 thank you notes to people who I never met before saying thank you for showing interest in my company.

I have some questions, first to ward 4. Can you tell me what the current status is of the Corner Deli? It used to be a Dunkin Donuts. I was opened at one time, now it is closed. Are they out of business? Why can't small business people like that succeed in our community.

What is the current status of the old fire station on Euclid Ave.? If another businessman would come in there, it could be reused like a car wash or possibly a limo service.

Ward 2, what is the status of Memorial Park Elementary School and Russell Erwine School? Can one of these two be converted into some type of new senior center instead of putting the seniors at the golf course? Thank you.

Councilman Gruber – As for the Corner Deli, it is currently closed. The owner is having financial trouble, spreading themselves a little thin. They also used to own a rock-n-roll bar on Euclid Ave., that has also closed.

As far as the fire station, I believe we passed legislation earlier in the year to offer that for sale to the neighboring property owner. I believe he did not take that up and I believe it is scheduled for demolition. The building is in poor shape and probably wouldn't pass any type of inspection for another type of business. It should be brought down. Thank you.

President Gudenas – How soon do we expect the demolition?

Director Koran – The City Council passed an ordinance mandating the demolition of the ex-fire station #2. Our plan is to ask for the money in the capital budget, very soon. We are already getting proposals from contractors for that demolition. The plan is to grade the site and then market it for development. Maybe we can put that in the rfp when we go out for brokerage firms to also market that site.

President Gudenas – I know we're going to hear a comment real soon about another park on Euclid Ave., so we should consider that also.

Director Koran – The Council has passed the ordinance just to demolish. It would be up to this Council to deem what to do with the vacant parcel.

Councilman Langman – As far as Russell Erwine goes, I don't know what is easier to look at you or to talk into this. As of right now, there are no plans to move forward with any demolition of that site. The residents would like some input into what ultimately happens with that building. As far as resolution goes, we're still a long way off on that particular building.

President Gudenas – It is owned by the school board and they have not yet officially decided to sell it. They might very well keep it as a school for the future.

Mr. John Lennon – 22450 Seabrooke I have a couple questions and a couple of comments. First of all, Mr. Balazs on the CCA, on the delinquent taxes, does that include interest? Does this municipality get the interest from CCA? As long as the ex-big kahuna is here, I thought I'd address that. The penalties and interest, are those brought back to the city also? Or, is that something the CCA keeps?

Director Balazs – That is brought back to the city as well, penalty and interest is also brought back to the city. Of course they get their money through the service charge, about 1% of the collection. With the investment on the money, penalty and interest, all those come back.

Mr. Lennon – Its all about tax base. The city's been pursuing industry and I applaud the new council's attempts to increase the tax base along the lines of a marina and Shore as well. If marketed properly, I think it would be very advantageous to the tax base of the city.

Question for Jack Johnson. Would it be possible to put some cameras over at Shore? As long as the commitment is there now, maybe it might be time to get some cameras over there so that we can get a good close up of Joe Mayer when he's playing with the Euclid Civic Orchestra. He's in the back and we don't get a good shot of him all the time. They do a wonderful job over there and when I'm over there I don't see as big an audience as could be there.

I had another question for you, how do you feel with the upcoming budget talks in January, of having control over the finances for Channel 23 instead of the money going into the general fund? What are your views on that so the new council can hear how you feel about that?

Director Johnson – I've talked very briefly with President Gudenas about some of the plans that are printed in the Sun Journal of locating video equipment at Shore Cultural Centre. We are very much in favor of doing that. I think we can do that. As I explained surrounding the finances. As you know, I annually make an impassioned speech to Council to consider allocating franchise fees totally to Community TV. I'm still an advocate of community TV. We provide a vital service to the community. That's the purpose of the franchise fee.

Mr. Lennon – I just wanted to fire off one more question. My intention is not to step on any toes, but I feel the past decision to put the Polka Hall of Fame over at the Old City Hall was a bad decision. That's my personal opinion. I feel it should have been utilized. My imagination was to see people walking across the sidewalk to visit Euclid's history, to see maybe a museum of the police or fire department. We are the first suburb of Cleveland. I don't know if anybody really knows that or not, we are. This is where the first suburbs, the surveyors were allocated property to sell it. We are the first suburb. The history should be right here in a city building that has had so much integrity and so much history its all in the past. My personal opinion is that anything over there right now, or anything planning on going in there, shouldn't stay or be at Shore. As long as Shore is planning on staying there, it might be worth considering reversing any past decisions if that's possible. That would be a question for Mr. Murphy.

Possibly some millage, for passing, I don't know if its too late, but getting some millage to give Shore a jump start. Thank you and congratulations.

Mrs. Madeline Scarniench- 1511 E. 221 St. I would like to congratulate all the newly elected and renewed-elected council people. This is number one of 40. I look for 39 more really exciting meetings. Couple of questions, at the last meeting I wasn't at but I did watch it. Director Gulich, you said leaves were going to be picked up this past week and I haven't seen leaves picked up anywhere. I keep getting phone calls, are they going to be done this week?

Director Gulich – They are in Ward 4 right now. And probably be finished with Ward 4 tomorrow maybe not finished with Ward 4 tomorrow.

Mrs. Scarniench – The electric aggregation. Is there no way, I know this is going to Committee, but its food for thought. Is there no way to make this program that you have to choose to belong to it? Or is that the way we actually voted for it? If it was, then we didn't do a good job of explaining it, because I didn't understand it then either. Mr. Nagy made a comment earlier and he forgot to say it up here, this is tantamount to the same thing as slamming in the phone company. It shouldn't be. People are not going to understand that they have to let you know they don't want to be part of it. It is not fair to the older people and then to find out it is going to cost them \$25. I hope you will really look at this and come up with a better way to do this.

The last thing has to do with comments that were made by Mr. Janosik. As President of the Heritage Park Community Association, I've worked with Erik Tollerup since the day he started here. I know that no one likes to be cited. No one likes to be arrested. No one likes to be yelled at. So we pick on the people who do it, but they are doing their jobs. City Council has no say over who the Mayor appoints to positions. Its the Mayor's job, its his duty. If we feel the Mayor hasn't done a good job, then when its time to re-elect him, you change things.

I have nothing but praise for what they've done. Things have been reported from our area, and I get calls, they don't like it. Well you know what? You have to clean up your own yard.

As far as the phone call that was played here. Kent Smith had no right to speak for Euclid Community Concerns. He was already unemployed by Euclid Community Concerns. He had no business to tell anyone anything. Those awards are picked by judges. Mr. Janosik's house was not chosen. I resent the fact that he comes up here and he plays games. That's not the way you do things. I've been coming up here for an awful lot of years. Whether I've won an election or not, and I never have, and that's okay. I come up here with honest to good questions. I don't slam people. We know they are all gone because the citizens of Euclid made a choice. We all did. I'm excited to see who's up here. Because I made a conscience choice on who I wanted to vote for. There's one person I didn't want, but that's okay. I know he'll continue

doing a great job. That's the way it is. To slam people after they're gone, there's no point in that, shame on Joe Janosik.

Mr. Dennis Berzinskas – 20890 South Lake Shore Blvd. Or, Lower Lake Shore Dr. I like the sound of that. First of all the Agenda, it looks better. It explains things. Thank you for whoever is responsible. Council, thank you for passing the legislation on #4. We appreciate the hard work. It's a good building. Thanks to the citizens before they were elected, getting involved in the city is what we need. We need more involvement people. There are a lot of good people here, there's a lot of good ideas out here. Get involved with the city. This is a great city. Thank you all. I would like to thank Pat Delaney, Kirsten Holzheimer Gail, Fay Miller and former Councilwoman Meg McGarry for helping us with Shore. They are working hard, good people. Thank you. Keep up the good work. Thank you for having people sharpen their pencils so we can get the best deal on everything. Thank you.

Mrs. Sandra Bowes – 21520 Miller. I wanted to say "Miller" kind of distinctly so that Hank can take this comment. We've had our leaves picked up wonderful. Thank you. Thanks Steve. Late at night we hear this truck going and they're picking up leaves. I hope you have just as much success with all the snow that's going to hit us someday.

We did receive our blue recycling bags like you promised. I just want to say, good luck to Mr. Gudenas. But I have to sincerely say, I do miss Bill Cervenik. The charm, soft-spoken, but firm person that he generated the charisma was there and I hope you live up to his wonderful charisma. Thank you.

Mr. Lou Nagy – 1483 E. 250 St. I did intend to say that and I want to confirm that I was going to. I forgot to say it before and I was going to come up here now and say it, but Madeline said it for me. That statement about slamming.

I remember Buffalo Bob Smith of Howdy Dowdy time. If you're over 55 you probably remember it. He made a comment that he was asked one time how he got the word peanut gallery. He said that it was a bunch of little nuts who thought they were having fun. I know where the peanut gallery is sitting.

I want to tell you a little story. Many years ago, three people went in front of City Council and the first one got up to talk and he was told to go sit down, he couldn't speak. The second did the same and the third one did the same. They asked finally why they weren't allowed to talk. The Council President made a statement, I do not recognize you. I do not recognize you, so you cannot speak in my city council. I was one of those three. So I know it to be true. Because of our efforts, a lot of military air men became citizens of that city and in the next election, this person, the day after the election, this person said, I can't understand why people didn't put me back in office. I'm not saying anything to cut down the previous council in this city, they did a darn good job. But, I believe that this podium here is a duty of all citizens, residents of Euclid, people who do business within the city and even the tourists who just pass through. To stand up to this city and it is their duty to speak and tell you exactly how they feel. You are required, it is your duty to listen to them with both ears. Thank you.

President Gudenas – I would definitely agree with that, sometimes you may hear people say things that other people may not like, or challenge people or whatever. But I'm not really going to interfere with that. I know in the past some people have been told not to talk or you can't say anything, but generally speaking, I'm not going to be that kind. You can say whatever you want. You can hurt my feelings, etc., because it is a very important thing to say it exactly as you feel. I'm not going to be very disciplined let's say in terms of what the residents, who are our bosses, have to say. If you're more or less within whatever legal right you have, say anything you feel like.

Mr. Harvey Mlachek – 23831 Lake Shore Blvd, Euclid, Ohio. Mr. Gudenas, believe it or not, I wasn't going to say anything tonight, but I couldn't pass up your personal invitation. A few notes that I have and a few observations. First, welcome to the legislative branch of the City of Euclid. Many people have put faith and confidence. Faith and confidence in you. They elected you to a position of great responsibility and power. So much power so that you can regulate my every day life, the way I live in my house, the way I keep my yard, the way I do a lot of other things.

With Mr. Janosik, I agree with him and in some things I disagree. I think we have a very many invasive ordinances that violate my little piece of America. When you come by and you

try to enforce purely aesthetics. My yard is no botanical garden, but I'm not ashamed of it. With unconstitutional ordinances, there were two of them that were just overturned. One of them and I'm not sure if it was Mayfield, Mayfield Heights, South Euclid or whatever. It took an attorney 7 years to have cutting his weeds back to 8" declared unconstitutional. You can't do it. If my grass is in excess of 8", does that make me a bad neighbor? I don't think so.

You talked about the Cultural Centre and I think its part of your duty. I certainly hope that before you start paying a ton of taxpayers money in there, which I understand we can ill-afford, and I've been a proponent of this for a long time. Find out what you are going to do with, how you are going to do with, and give the voters a shot. Just because there's a lot of people here tonight applauded your program, there's another 50,000 people out there that have different opinions. Give the taxpayers a shot at it.

One of the things that disturbs me very much about the city is the city's building being ADA accessible. You signed two leases at the Old City Hall, which is not ADA accessible. There were a couple of functions here at the city where people came up to the podium for awards, proclamations, whatever, this Council Chamber is not ADA accessible. They got a hell of a time coming up the steps. They have to be assisted up the steps and down the steps. There was a gentleman here in a wheelchair at the Swearing in Ceremony. He was the one that brought it up, how come I can't come in and how come I can't get out. My questions are with the ADA compliance is number one: do you have a definite program? Do you have an amount of money allocated to become ADA accessible? Do you have a definite day for completion and compliance? So that we can get these people, as much as their own help and their own ability as they can. Don't take their pride away from them. Don't take their help away from them because they are incapacitated in form or another. Anybody would like to answer my questions on the ADA accessibility?

President Gudenas – I'm sure Daryl Langman is going to look at it regarding this Chamber. To be part of his special committee to see how this one could be in compliance and more accessible to everybody. Not just looking at it, but getting up here. The Old City Hall, would be the Heritage, Pat Delaney's Committee and Shore, etc.

Councilman Delaney – Harvey, as far as usage of the Shore Cultural Centre, I'll show you the full resolution to that. Yes, we will have the Heritage properties committee that will ADA accessibility to all the buildings.

Mr. Mlachek – About 5 years ago when I filed a complaint with the Ohio Civil Rights Commission, there was a program there that the City never complied with and nobody ever enforced it. When you get one political entity against the other, you ain't going to come up with to many good answers. Thank you very much.

Councilman Langman – I just want to respond to Harvey and sitting up here for the first time and trying to see the people, all these issues need to be addressed, relatively quickly. That's what I hoping Harvey to do. If that's a concern of yours then we'll have to look at the entire set up here to make it more conducive, not only to handicapped folks, but to the audience members also. It is very uncomfortable to have to turn around and look at the audience. Hopefully there is a resolution to it that doesn't cost a lot of money because we are under some budget constraints, but we'll definitely explore those issues in great detail.

President Gudenas – But for now, until we make changes, we should always talk towards the microphone because then people won't be able to hear you.

Councilwoman Miller moved to rise and report. Councilman McTighe seconded. Yeas: Unanimous.

COUNCILMEN'S COMMENTS

Councilman Delaney – I would just like to say what an honor and humbling experience it is to have the opportunity to serve the people of Euclid. Everyday I'm sure I'll be waking up with that in mind and everyday I'll be trying to win the re-election. Thank you.

Councilman Gruber – You'll also be waking up to your answering machine full of calls. Which isn't a bad thing. Director Gulich, I've had calls and questions on the railroad tracks on Chardon Road. Do you know of any plans in the near future to maybe smooth those out a little bit? They

are getting treacherous again and I know we are dealing with the railroad and Cleveland and all that stuff, but anything going on?

Director Gulich – I do have a request in to Norfolk & Southern. They have yet to give me any type of schedule of when they plan to do that. It is on their list of things to do. It is pretty hard to exercise control over a railroad. They've been pretty good in the past about that and you are right, I've been over those tracks and it needs attention.

Councilman Gruber – E. 225 & E. 226 are sidewalk and aprons just replaced. I've gotten a couple of calls. The people are concerned that their water main shut offs have been covered by the aprons with new concrete and if those mains need to be accessed, they have to be jack-hammered out by the Water Dept. It is our understanding the company will come back and repair those that are covered?

Asst. Director Driscoll – I'm aware of a couple of situations where we have problems involving the curb boxes and because of the importance of being able to get on the valves, the contractor is being required to get out there and locate them, expose them, make sure they are functioning properly. I think you'll see there's flags out there where the gas boxes are and they have been located and plan to take advantage of the good weather and open them up.

Councilman Gruber – I'd also like to remind people not to put their trash out before 6:00 PM. I've gotten several complaints on that. Any movement on the project Beverly Hills?

Director Gulich – We are hoping on December 20th to find out whether or not we have a 50% Issue 2 grant on that. I'm hoping to come back to Council with good news on that and waiting for the outcome of that. The money is set aside for that use with the Peterson Fund. I've worked with Mr. Balazs on that and hopefully we'll come back with some grant money from Issue 2.

Councilman Gruber – To touch on the subject of the liquor permit from earlier this evening. Director Murphy, we know that is a dry precinct even though the precinct has been re-districted, the address remains dry and it would probably be nice to put something into the letter, the objection down to Columbus stating that?

Director Murphy – Yes, Council did vote tonight to object to that permit. When the Commission does its investigation into the authority to issue the permit, they should find, by checking with the Board of Elections that it is still a dry area. However, putting your objection on the record will ensure that a hearing is scheduled and the Commission doesn't act without investigating all the facts.

Councilman Gruber – Manager Tollerup, I'd just like to pledge my support and look forward to working with you for the next two years. I think we have some people who are probably suffering from squeaky-wheel syndrome and maybe that can be cured in a short time. I'd also like to wish Lynn Jackson from the Emeritus House Euclid Senior Programs a Happy Birthday and my wife, Jennifer a Happy Birthday.

Councilwoman Holzheimer Gail – Director Gulich, thank you for getting the recycling bags out to people. I did receive a call afterwards from a resident just suggesting that perhaps next time we could put some instructions of what is recyclable materials, if there's any procedure. We did some education when we began the program but there's many new people that have moved in and perhaps we could do something on Channel 23 or the local papers and just remind people what is recyclable and what the process or procedure is for combining or separating. Thank you.

Councilman Langman – Mayor, I believe you attended the program today at the City Club. If you would, give a brief overview of what was discussed, some of the issues involved. Obviously urban sprawl is a great concern to our community. Thank you.

Mayor Oyaski – Thank you Councilman Langman. I did address a group at the City Club on urban sprawl. I was supposed to be joined by Representative Jerse. Representative Jerse was in Columbus voting on the budget meeting. We discussed what I believe the causes are of sprawl and some of the ways the state could try to assist us in rebuilding our community and attracting new investment. State Representative Jerse also asked me to pass on his comments. It was well

received by the group of people at the City Club and I appreciate you asking about it. Obviously as Representative Jerse said, the Governor of the State of Ohio is not long on vision when it comes to this particular topic, as is the Governor of Maryland, Parris Glendening, where they did adopt smart growth. We are continuing to try to organize throughout the State of Ohio to try to get some significant legislation passed in the General Assembly to help older suburbs. Thank you for asking.

Councilman Lisy – I hope Mr. DeMinico is right that there are volunteers that want to work with our committees because we have Marketing, Downtown Beautification, Euclid Avenue Beautification, Education, Income Tax, Memorial Park, Grant Writing which I'm on, Homeowner Association and Council Meetings that we need citizen volunteers to participate on these committees. I would like to work with the City and get this out to the residents so that they know who to contact and how to sign up for these committees. The only thing I wanted to share is that yes, some of these overlap and duplicate existing programs in the city. We want to assure them we are trying to work with these other programs rather than duplicate their efforts. We want to leverage support, leverage volunteers and really make an impact on the city. Thank you.

President Gudenas – These new committees are going to be fairly small. Mostly around 3 people, one councilman, one expert and maybe one resident.

Councilman Lisy – Yes but we could definitely use the residents' inputs.

President Gudenas – Any interested resident should contact the Council Office and let us know you're interest and try to work altogether.

Councilman McTighe – It is my honor to represent the citizens of Euclid here. I look forward to working with each and everyone from all the Directors and to you the Fire Chief and the Police Chief. Also with all of my colleagues up here tonight. I have one quick question. I know this is a complaint thing and as I was walking up, there's the walkway coming up. If we're going to enforce codes onto our residents, I'd also like to see our own City Hall look as great as it can. So if someone could help me fill this out afterwards, I'd appreciate it. Thanks.

Councilwoman Miller – First of all I'd like to welcome all of you. I think your first meeting you accomplished quite a bit during this meeting. Hopefully the rest of the meetings will be just as, right on the go, progressing. Chief Maine, you mentioned you are going to start ticketing for the jay-walking and you've put the information out about that. I think it is a great idea because of the safety feature too. I also hope that you will also take into consideration to renew the handicap parking. I have seen people park in the handicapped areas. This is one of my concerns that people need it and they can't have it because of someone else being parked there. Also, I hope your police will also continue checking on cars that are parked on yards. When the weather is nice, that seems to be a problem and they should not be doing that. As well as parked on streets overnight. I've noticed there are some areas where complaints from people that state that cars are being left overnight on the streets and they should be ticketed.

Chief Maine – Our officers in the course of their duties look for these kinds of violations anyway. I would like to let the citizens know that if they observe these kinds of things, call 731-1234 and we'll be glad to send somebody out as soon as we can. Obviously calls are prioritized and if everybody is busy they are not going to be there right away. Our officers always respond, I'd say 99.9% of the time.

Councilwoman Miller – I agree. I know they respond when there's a call in, but I also think they should also stop on their own and at least get a warning into them and say this is an ordinance that is in existence, you are not supposed to park in your front yard, you are not supposed to park overnight. Then, if they continue to do it, then ticket. That's up to your department.

Chief Maine – We encourage that and continue to encourage that.

Councilwoman Miller – During election time I try to walk the city. I'd like to do it every summer but my feet won't let me. After one season, I have to have a year to rest. Eighteen years ago when I started out and I went door-to-door, the biggest complaint from the citizens was they didn't want their property value to go down. They started complaining about homes throughout

the block, throughout the city, that were not being taken care of. That was one of my goals and it is still my goal. If we want our community to be attractive, to have people want to come and live here and stay here and they drive up and down the street and they see the homes are being taken care of, that's a plus. I compliment and I'm 100% behind the Housing Department. I was even cited on my house. My aluminum siding was turning gray. It was a choice, either paint it or change the siding. I thanked them for that and I think its important. No one is exempt. I changed the siding. I now have a nice looking brand new home and it helped the whole street plus there were other homes along the street too. I'm a firm believer in that. Thank you.

Councilman Sustarsic – I'd like to thank the people of the Third Ward for having the confidence in me to put me in this position. I look forward to working with a new, energetic council. I see a lot of old familiar faces in the administration that I'm looking forward to getting back with again. Let it be said, I want to thank President Gudenas for letting me have my old chair back..

Mr. Gulich, I was wondering if there was a timetable for the F&S development? When will the preliminary meetings regarding those streets?

Director Gulich – Currently those plans and specifications are being prepared. We'll have to take those to the EPA and Water Department for their approvals. We are planning on construction starting and being completed in the 2002 construction season. I'll be glad to call the residents in here. What we've been doing is meeting at Forest Park with the Association and I'm in contact with those people as well. We always do hand out our letters with all the information on them well in advance. We'll keep those people well informed.

Councilman Sustarsic – Living on Willow Drive, which would be one of the streets, I'll be looking forward to that. Chief Maine, I appreciate the effort being taken as far as the jay-walking. There has been one continuing problem throughout the city that I've found from Goller to Miller to Walnut. That is a problem with cut-through streets. Individuals that might be coming from Lake County or off of a major street. Going down the street at excessive speed, consequently putting pedestrians at risk or parked vehicles. I would like to work on something with you with that as well as with the Safety Committee. Hopefully we can resolve that and come up with some type of solution.

Last but not least, an article in the Plain Dealer, I read last Wednesday and this can be thrown down as somewhat of a challenge to Council and the Administration as far as being progressive and trying to bring something worthwhile into the city. It seems that Governor Taft just made a trip to South Korea in an attempt to lure the Hyundai motor company to build an automotive assembly plant in the State of Ohio. There is competition, there is Tennessee, there is Georgia, there is Alabama. The Governor and his staff seem to think that southeast Ohio would be, because it is impoverished, that would be the place to put it. In the article it does say southeast Ohio lacks the major highways and railways that manufacturers want. If you take a look at the PMX property and if you need more land, the adjacent Euclid Square Mall property, plus two parcels that are presently owned by the City of Wickliffe which we might be able to conduct a land swap for the incinerator property. Again, you have a plant, railroad access, interstate access. I think it is very, very worth looking into and I would appreciate if we could get the ball rolling and see what opportunities present themselves regarding that. Thank you.

Director Koran – Welcome back. We saw the article last week also with the same idea in mind. The PMX site and the mall, information that we had on file we forwarded to the Governor's representative here in Cleveland who we have a very good relationship with. She was going to show that information to the Committee that is looking at sites within the State of Ohio. I'm meeting with her next week, hopefully she'll have some more information about specifically what they are looking for, how many acres, etc. We agree with you 100% and have started the ball rolling on that.

I hired Erik Tollerup a couple of years ago. You may recall we had a previous Housing Manager that only lasted 12 months. We did a very extensive search to replace that individual. Erik is not the Director of Housing, he is the Manager of Housing. He works directly for me. I think he is doing an outstanding job all throughout the community. New Councilman Daryl Langman met with myself and an apartment owner last week. That apartment owner stated that because of the housing inspections that are vigorously enforced in apartments, that many of the apartment owners are being forced to fix up those apartments and Daryl I think you would agree with that comment. I support Mr. Tollerup 100%. Residents calling for his being fired because of a citation is uncalled for.

President Gudenas – I would like to thank, first of all the residents for being so patient and kind these past few weeks. Very supportive. Thank you very much. Thank you for the large groups that have come out to the swearing in a week ago and today. Thank you to the Council for being so helpful and cooperative and willing to work together. It is greatly appreciated by myself and of course thank you to the Mayor and all the Directors and staff, they've been more than helpful. I say more than when I was in Ward Two a few years ago. I believe as long as we keep this momentum going we'll have a lot of good, positive things. Many things are already in the works. We're talking to a lot of people that have expressed an interest in helping us redevelop the city so we are no longer the inner-ring suburb but the east-side premiere lakefront suburb and we'll keep it at that. With that I'd like to close the first meeting of this group. Thank you very much.

ADJOURNMENT

Councilwoman Miller moved to adjourn. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council