

**COUNCIL MINUTES
DECEMBER 17, 2001**

The regular Council Meeting was held on Monday, December 17, 2001 at 7 PM in the Euclid City Hall Council Chamber. President Gudenas presided.

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

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, Zoning Commissioner Hayes, Housing Manager Tollerup, Asst. Law Director Vento, Asst. Finance Director Beckwith, Senior Programs Manager Hastert-Wolf, Sgt.-at-Arms Novasel, Clerk of Council Cahill.

Liquor Permits

Councilwoman Holzheimer Gail moved to receive and approve without objection a request for a new C1, C2 liquor permit to First Choice Food & Beverage at 525 E. 185 St. Councilwoman Miller seconded.

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

Council has received a request for a stock transfer of a D1, D2, D3, D3A, D6 liquor permit to BBBE Euclid Inc., 26159 Euclid Ave.

Councilman Delaney – I would like to know what their doing business as is. I don't see that on the permit.

Chief Maine – This is at 26159 Euclid. This is the place of the old Toppers. Councilman Sustarsic called me earlier today. We haven't been able to find anything that would preclude them not having this license. They appear to be a new business that will start up soon. We have no objection.

Councilman Gruber – About the sign, Mr. Hayes isn't here yet, but I'll question him later about the size of the sign in front of the establishment.

Councilman Sustarsic moved to receive and approve without objection. Councilman Lisy seconded.

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

COUNCIL MINUTES

Councilwoman Miller moved to approve the Council Minutes of December 3, 2001. Councilman Lisy seconded. Yeas: Unanimous.

President Gudenas – It was brought to my attention there should be a minor correction on Page 7, it talks about Council President Cervenik, which should be Council President Gudenas.

COMMUNICATIONS:

Council received the following communications:

A letter from Adelpia announcing changes in their channel lineup.

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

ADMINISTRATIVE REPORTS & COMMUNICATIONS

Director Gulich – The preliminary Issue 2 scores came out this week. I'm pleased to report our Beverly Hills Drive project received a top rating in all of the first district. We stand to receive a grant of \$1.665 million to go towards this project. We are very pleased with the hard work of the Engineering Dept. and our consultants, Lake, Inc. has paid off again. The last 6 years we've gotten 0% loans, this is a grant. It is not final until the final voting in January 17th or 18th, we will be there in attendance.

Regular leaf pick-up is ended. We'll still get your leaves, all you have to do is bag them, put them out with your regular garbage and we will see that they are taken away with the regular hauling. Thank you.

Mayor Oyaski – I do want to commend the Service Director. Since that program began in 1989 the City of Euclid has received far more financial assistance from Issue 2 than our population would generally warrant. This latest project will exceed a grand total of \$26 million of neighborhood improvements and investment in infrastructure. This is a tribute to Service Directors Piscitello, DiNero and Gulich. It is indeed something to be pleased about.

The Administration wants to congratulate the company of Orbital Research, Inc. I believe Dr. Lisy is the vice-president. That company was listed as one of the Weatherhead Top 100, as well as two Euclid companies, Park-Ohio and PreEmptive Solutions.

Mayor Oyaski and Director Koran presented Res. 193-2001 to Tylok International for receiving ISO 9001-2000 Certification.

Mayor Oyaski - Invited the public and anyone interested to the Annual Euclid Community Concerns Housing & Neighborhood Awards on Monday, January 7th at 6 PM in these Chambers. We look forward to congratulating the winners as they do their best to improve the neighborhoods and the housing market and beautify their community.

We have a flyer here the Council has gotten and the public is welcomed to look at. During the inauguration of Council President Gudenas, he correctly noted that January 1, 2002 is the 50th Anniversary of Euclid's own constitution, our Charter. We are going to have a small ceremony in conjunction with the Historical Society. We would like to invite any of the family members of the original 15 charter commission members. Their names are listed here. This is an article from the Sun Journal in 1951 briefly explaining why a charter is important. We hope all interested persons can join us for that celebration of a very legal document.

The Administration and I wish you and the Council and the public a very Merry Christmas and a Happy New Year and best wishes for a great 2002.

Councilwoman Miller moved to receive the Humane Officer's Report of November, 2001; Police Officer's Report of October, 2001; Waste Water & Utilities Com. Minutes of 11/27 & 11/28/2001; Organizational Meeting of Council for 12/3/01 and the Board of Control Minutes of 11/19; 11/26 & 12/3/ 2001. Councilman McTighe seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

Councilwoman Holzheimer Gail moved to go into the Committee of the Whole for Legislative Matters Only. Councilman Lisy seconded. Yeas: Unanimous.

Mr. Mike DiDomenico – 24770 Farringdon Ave. Welcome to the new Council. I looked at the Agenda that I got earlier this week and saw #17. As I read #17, just a synopsis, it really doesn't say anything. However the one sentence clarification that was added by this Council, talks about an increase of a public dance fee permit and dance hall security. I was curious about that. Went to City hall today, picked up a copy of the proposed ordinance and it states here that you want to increase the dance hall permit fee from \$10 to \$100, which is a ten-fold increase, in case you're not up on that. Then you want to take the number of police officers from one to two. I can understand ten bucks is very reasonable and having one security police officer is also very reasonable. Increasing this to \$100 and then doubling the fee that an organization is going to have to pay for security, is a little ridiculous. It says for public dance halls, but there is no definition of public. I don't know whether the junior high school that wants to have a dance is going to be paying. I say no. If the Irish American Club wants to have a dance, has to pay this? If a wedding reception has to pay this? I don't know that.

I think there's two probable reasons that you are doing this which aren't explained. The more far-fetched reason but within in the realm of possibility is that you just want to make more money for the City. If that's the case, that's a bad idea.

If you are having a specific problem with one specific location, then punishing everybody that wants to have a dance isn't the way you accomplish that. If you are having a specific problem with one specific place, get them for the laws they are already breaking. If they're serving under age alcohol, that's against the law. If they are carrying weapons, that's against the law. If there are fights, that's against the law.

Target the problem and don't penalize everybody with a ten-fold increase on a dance hall. You can end up ruining people that just want to have a public dance. I use this as an example, where the Irish Club, Recher Hall, want to have a dance. I don't know if a wedding qualifies under this. I know that when I had my reception in Euclid, that was just included in the fee. Are you going to all of a sudden raise fees for that and people are going to say, we'll I'm going to go to Eastlake and have my wedding reception. I don't know that. It's not spelled out here.

I hope you consider these when you get to this point on the legislation and discuss it. I thank you for your time. Please excuse me for being rude, I have another obligation I must return to. Good night.

President Gudenas – Your concerns have been brought up by other people including members of Council and one proposal would be to exempt property that's already zoned UR, which would exclude all of the churches and city properties, schools, etc. The other examples you have given would not be part of it. It is geared mostly to one-time events in abandoned, older factory buildings and the like where people might put on events that we don't know who these people are and what's going to happen and they are just coming in to do one thing. Where we have a greater expense in investigating and researching and things like that. It wouldn't affect our traditional regular people here who are doing these.

Mr. Dale Vernon – 1497 E. 196 St. With reference to #2, I recognize that this measure is not recommended for passage by the Service & Utility Committee. I was here during that Committee Meeting and my issue with this particular measure wasn't so much Euclid's electric aggregation program, except that the residents really need to have an opt-in policy on that rather than an opt-out policy. There are a lot of people in this city, seniors especially who would be confused if they have to request in writing to stay with their present supplier. I just wanted to express my opinion to the whole council tonight that if this measure's passed as it stands, a lot of people are going to be angry and upset about this. Thank you.

President Gudenas – To clarify, the Council actually meant no recommendation, without recommendation, not to be against it, but to be neutral as it sent it to this full body. Your issues are important. We looked at them and it seemed that based on the way the state law and the legislation was passed that we have no choice but to do it this way. We cannot legally do an opt-in program at this time even if that is what we wanted to do.

Mr. Vernon – I'm sure I won't be the only voice you'll hear about this.

President Gudenas – We'll go into greater detail when it comes up.

Mayor Oyaski – The people of Euclid on November, 2000 adopted the opt-out procedure by a 75% vote. It is something that people have to read carefully, but the question was presented to Euclid voters more than a year ago and they indicated strongly their support for this method of presenting the offer to them.

Mrs. Dorothy Fike – 20271 Delaware Rd. I have a question on #1. I'd like to know where the Tops proposed fence is going to go. It just doesn't say, just an 8 ft. fence. It doesn't say where it is going to be. Also, doesn't it have to go to P&Z because doesn't it require a variance to have that tall of a fence, when our regulations say 6 ft. fences?

President Gudenas – First, the fence is already up. That's the fence you'll see in their parking lot that separates their parking from the municipal right-of-way and parking lot. That's up. Yes, normally a variance is required, that's why this is on our agenda. Six foot is the standard. There was a little bit of mix up in communications. They turned in an 8 ft. fence as part of their plans and that detail was overlooked and we're here to correct that, hopefully.

Mrs. Fike – Technically its after the fact they're going to be legal?

President Gudenas – Yes and no. They did turn in an 8 ft. fence.

Mrs. Fike – But they didn't get a variance, Mr. Gudenas.

President Gudenas – We'll go over that in detail and find out, I don't know that answer.

Mrs. Madeline Scarniench – 1511 E. 221. #2, I agree with Mr. Vernon. I said this last time. Unfortunately I was one of those people who voted for this. I guess I didn't understand it as well as I thought and I had attended all of the meetings. If we were to put this back on the ballot and change it to an opt-in, is that a feasible idea, can that be done? If it can't be and we have to go with this, I have a problem with the 21 days. Can't that be extended to a month or even 60 days? So that people really understand they have to do this so they don't get penalized. If we have to go with this, maybe that can be arranged?

#12, can you tell me what the appraised value of the property is? When this first came to Council I said it was a great idea. It will be wonderful to see new building, new construction going on at the old site. I support this. I just wonder how much money we are going to get compared to the appraised value.

#14, my one question was when does the public get to see this? I see the plans are out front right now. I'm a little confused with #14 & #15. I assume this means that if we don't like what those plans are, we are going to go and forget about the seniors altogether and just go with fixing the club house and you can talk about that a little bit. The seniors have a right to know what is going on. Pretty soon I'll be one of them, I want to know where I'm going to go. Hopefully you'll be able to talk about that.

#17, I don't agree with Mr. DiDomenico. \$100 is not a big deal. When you are having a public dance, you make a lot of money. I agree this needs to be worded differently. More wording needs to be in there because one of my questions were what about the places that already have dances. As you said, that's not included, but that needs to be addressed in here. As far as I know there's only two places in the city where a public dance can be held and one of them is in my back yard. I don't have a problem with this at all. I don't see any reason why we shouldn't have two policemen, as far as I'm concerned there should be three of them of there. If you just change the wording and emphasize that it is not going to affect the people who are already doing business, I don't have a problem with that at all.

President Gudenas – The 21 days for the opt-out, is that set by legislation? Who would have that answer regarding the electric program.

Asst. Law Director Vento – The 21 days is actually 28 days. You get an extra 7 days from CEI. Once the 21 days has elapsed, you receive a letter from CEI saying you have another 7 days to change your mind. The supplier we are proposing tonight also has an extra 5 days built in there.

President Gudenas – Is that set by negotiation or legislation of the State?

Asst. Law Director Vento – I'm not really sure. One of the representatives can answer that.

President Gudenas – When we get to that we can go over that. There is an appraisal on the incinerator property. This is slightly less than the appraised value. The appraisal was done in 1999 and we'll go over that further. As far as the senior and rec thing, we'll go over that with comments from the council people when it comes up.

Mr. William Hilf – 891 E. 237. I would like to second the comments that were made by Mr. Vernon on #2 on the Agenda this evening. I really don't want to have to go through with having to contact them to let them know I still want to stay with them. I get enough calls now just with long distance, having to tell them I don't want them. I don't want to have to deal with other utilities. I've picked the one that I have and I would like to stay with it and not have to worry about it.

#16 on the agenda, for the parks and recreation department to handle rentals of all of City of Euclid public buildings. I wonder what new buildings or rooms or whatever are being added or subtracted by this legislation. Has there been any study done as to the effectiveness of Parks

& Recreation's handling of the property they do rent now. Has anyone seen that they are handling these properties and getting the maximum value from them?

#17 on tonight's agenda, I would hope that public buildings, especially the auditorium at Shore would be not be held liable by this ordinance because as it is now, we already have to pay for one police officer for each performance of our play. Which generally shows with 80 children between the ages of 6-15 usually don't have to many crowd control problems and we really don't want to try to scrape up the money to pay for another officer. We generally take the money that we make on our tickets and put it right back into the show and don't make that much of a profit. That would cut into our budget. Thank you.

President Gudenas – Can we answer that regarding Shore, will that legislation for the dance hall have any effect on renting Shore and the number of police officers required?

Director Murphy – If somebody wanted to rent Shore and hold a dance, it probably would apply, yes. But not a play, no.

President Gudenas – Let's say the Polka Hall of Fame wanted to have their dance there, it would apply to them?

Director Murphy – Yes.

President Gudenas – Now that we're exempting it because it is UR. It would not apply to Shore because hopefully we can exempt it when it comes up.

Mr. Joseph Udovic – 21371 Naumann. I want to address #12. I was here at the Planning & Zoning Commission meeting when Mr. Calabrese was here as well as several members from the City of Wickliffe. When it passed, he said the reason why Wickliffe was against this is because they're jealous.

The reason why I'm against it and I agree with the City of Wickliffe, this is a concrete crusher. Not only is he going to be making noise, but he is going to be making dust. The dust will affect the residents of Wickliffe, the businesses in Wickliffe, the residents of Ward Three that live in the Forest Park area.

I'm only a landscaper, I'm not a professional concrete person. But from what I understand the deal was, he was going to have concrete brought in onto the site. They are going to come down Lloyd Road. That is weight. The weight will give the roads excess tearing, which means the roads will need to be replaced sooner. This is what concerns me.

Recently I was at a Christmas Party for the City of Wickliffe and I talked to the new Mayor-elect and he has the same concerns. The residents do not want the dust on their homes. They do not want dust on their cars. The business next door on the border of Wickliffe, he does not want to hear the loud noises. He does not want dust on his employees' cars as well as his employees' building.

Those are the two main reasons why I'm against it. Also, the way I see it, we have a group here called Euclid Community Concerns, which means we are concerned about our neighbors. Wickliffe is a neighbor of ours. We should take their weight and their objections into this as well. We should be concerned about our residents as well as other cities that border the City of Euclid. Thank you.

President Gudenas – I'm sure many people share your concerns.

Mrs. Abbie Vernon – 1497 E. 196 St. I also have a comment about #2. I attended the meeting and as I understand it, under the opt-out program, if someone is switched from CEI to the new program, they don't really want to be there and they switch back, there's a fee involved. I'm not one of the people who voted for this, for the electric aggregation. It seems to me that if this is the only way that can work, Council should set aside some funds so that people who don't understand and don't send paperwork back in a timely fashion and end up having to pay that fee for switching, the city covers the cost of the fee. Thank you.

Mr. Harvey Mlachak – 23831 Lake Shore Blvd., Euclid, Ohio. #17, (037-01). Mr. DiDomenico he said that a dance hall has not been defined in this ordinance. According to my Funk and Wagnell's a dance hall is a large, usually public hall for dancing. Mr. Gruber, do we have a dance in Euclid?

Councilman Gruber – There is a facility that has been used as a dance hall.

Mr. Mlachak – Has been used as a dance hall, well so has Recher hall and the Irish American Club and so forth. The other thing on this, I'm going to spin wheels or whatever, but I have a few other comments. You're claiming there is going to be under this ordinance immunity granted to the Recher Hall and Irish American Club, Polish Club and various other party centers which usually always have dancing as a regular function of the club. Or, for weddings, showers, anniversaries and so forth. How can you pass an ordinance and exempt certain organizations? If they are exempt is this not a discriminatory piece of legislation and they're denied equal protection under the law? Mr. Murphy, in an ordinance, can you pass an ordinance and say that we're going to force this on you and we are going to force this on you, but you, you and you don't have to obey the ordinance? Is that a discriminatory piece of legislation?

Director Murphy – I can answer now or later on when we talk about this ordinance?

President Gudenas – You have three minutes left, do you want your answer now?

Mr. Mlachak – Certainly.

Director Murphy – Mr. Mlachak, I would refer you to the entire ordinance. If you note the ordinance that's in front of Council tonight amends only two sections of an entire chapter. The chapter 761 starts out with Section 761.01, which defines both a public dance and a public dance hall. The ordinance as its already written and as it was written and passed 21 years ago in 1980, defines a public dance as a dance to which admission can be had by payment of a fee. Or to which the public generally may gain admission by payment of a fee. I think that means as Mr. DiDomenico's question about what a public dance is and to whom this would apply.

The ordinance also again as written and enacted 21 years ago, and is not proposed to be amended in any fashion, defines a public dance hall as any room, place or space primarily intended and used for the holding of a public dance, except however the term public dance hall does not apply to school buildings, churches, club rooms of fraternal civic social organizations, organizations of the veterans of the United States Army, Navy or Marine Corps.

In answering your question, the ordinance already says who it applies to. There is no proposal to amend the ordinance tonight insofar as to whom the ordinance applies. The only amendment tonight that council is considering is increasing the fee to obtain a permit, which fee was adopted 21 years ago. To increase the amount of security that is required at such a dance. The amount of which security, again, was enacted 21 years ago.

President Gudenas – Basically every 21 years we'll review the fees.

Mr. Mlachak – Thank you very much, however on this perhaps I'm in another state of confusion, the \$100 fee, is that an annual fee, or a fee per dance?

Director Murphy – It is a fee each time you apply for a permit. You must obtain a permit each time you want to hold a public dance in the city in a public dance hall.

President Gudenas – The Recher Hall, Irish American Clubs, they don't need to get this permit so they wouldn't be applying for it.

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

LEGISLATION

Ord. 217-2001 (034-01) Tops Fence

An emergency ordinance granting a fence height variance allowing Tops Supermarket, located at 22501 Shore Center Drive, to install an 8 foot fence. (Sponsored by Councilman Langman)

Councilman Langman moved for passage, Councilman Gruber seconded.

Director Koran – To answer Dorothy’s question right off the bat, as Council President Gudenas stated, this fence has already been erected by the contractor. Let me describe the process the city has gone through to get to this point.

It’s been approximately 10 years since Finast started looking for a location in what is known as our downtown. It wasn’t until fairly recently when Mr. Robert Spies who was Man of the Year for the Chamber of Commerce entered the picture and we were able to find a site suitable for a new Tops grocery store. That site was chosen about 18 months ago. The past 18 months, at least the first 6 months of those 18, the City of Euclid administration, specifically the Building Commissioner, myself and Mr. Gary DeWine, started rigorously working with the developer and contractor on their plans to build this new grocery store.

Originally what was submitted many months ago, is not what you see right now. What was submitted by the company, Tops, was a white store with red stripes that we knew would not be appropriate in this community and would probably be rejected by the Architectural Review Board. We on our own decided we would work with the contractors, with the builders prior to the submission to the Architectural Review Board, trying to anticipate what the Architectural Review Board would be looking for.

We actually hired our own architect at the city’s cost. Half of it was paid by Mr. Robert Spies, the owner of the project. To negotiate with their architect’s to come up with a suitable facade, suitable design, site plan, pedestrian walkways, landscaping, signage, all the intricacies of what you see today. A lot of that was due to the city getting involved early in this process. We were actually commended by the Architectural Review Board once the project was completed. We are doing a lot of the hard stuff first before it came to the Architectural Review Board. The plan was submitted to ARB on two different occasions and then it went to the Planning & Zoning Commission for a variety of variances. Most specifically with the Planning & Zoning Commission, there was a significant parking variance that was required. There were also set back variances and the Architectural Review Board was very specific about what type of material they wanted to see and where they wanted to see it.

Right from the original plan, Tops had proposed an 8 ft. fence on approximately 120 ft. area between Robert Spies’ property and Miles Carter’s property, to clarify the answer that was mentioned previously. This is not a buffer between the Robert Spies/Tops property and the City’s parking lot. This is a fence between the new parking lot for Tops and what is now the rear-end, the back of Miles Carter’s property. The City of Euclid actually wanted this fence to be 8 ft. high. It screens the new beautiful Tops grocery store parking lot from the back-end of the Miles Carter strip, where the new dollar store is, etc. If you’ve been back there, you know historically there’s dumpsters and it is not a very attractive area, there’s utility poles, utility lines. We wanted from the beginning to buffer that from what is going to be brand new.

The contractor received what he thought were all his permits and all his variances to go. He went. He built an 8 ft. fence. In our Code, the Planning & Zoning Commission cannot legally give a variance to a fence over 6 ft. Only City Council can do that. That is why it is on the Agenda tonight. Our Building Commissioner doesn’t miss a trick. He saw the fence was erected and it was 8 ft. It requires the City Council to approve it. I’ve spoken to our new Ward 2 Councilman and he was in favor of it and hope the rest of City Council is also. I hope you shop at Tops and I hope you are appreciative of the way it turned out. It surpassed many of our expectations.

President Gudenas – We might want to consider changing our ordinances to allow 8 ft. fences because they are more often more appropriate to screen industrial, commercial and multi-family from residential. Maybe more people would prefer 8 when you are screening big uses like that.

Director Koran – I think that’s a good idea and perhaps City Council, you yourself or someone else can sponsor legislation. It wasn’t too long ago when the City did not permit 6 ft. fences. It has been kind of a gradual, getting used to these things. They can be successfully used to buffer. This is a perfect example, you only have an area about this wide where you can actually put something. It is a perfect solution for aesthetic and buffer that we needed.

President Gudenas – We can have that on our next agenda.

Councilwoman Miller – I don’t have a problem with this and I agree with you, I’ve mentioned it many times that I think shopping areas and such would be very nice if they had 8 ft. fences going around the block so the residents can’t see the parking lots, etc. My only question is, since they went ahead and did this, it was slipped through, I just hope this is not a practice. I have a

concern that contractors might go ahead. I know of one other place where they went ahead and put something up and they didn't get the approval and we're having trouble with that at this point. I hope this doesn't start something where they just go ahead and build what they want and then they come back and ask for the variance once its done. I hope you will be extra careful in checking this so different situations like this will not slip through.

Director Koran – Just because the contractor put it up and now is requesting a variance does not mean that you have to vote yes. If you vote no, the Building Commissioner will be out there tomorrow in order to remove that fence. We have done that in the past with a variety of residents and business owners that do work without a permit, put up a shed in the wrong spot, put up fences in the wrong spot, Mr. Hayes is out there the next day making sure that is corrected. This does happen quite a bit with residents or someone does put a fence up without a permit. That doesn't mean we can't come out and enforce the code.

Councilwoman Holzheimer Gail – At one of the Architectural Review meetings on this, there was a comment by John Carter, I believe it was, regarding some plans they do have or maybe thinking of for the back of their building. I just wonder if there has been any complaints from that side. If they open up the back of their building and want to have access, has that been discussed?

Director Koran – Yes. Right from the get-go, as I said, this was viewed as a screen from what is new to what is old. Miles Carter and his son were involved in this process because they are adjacent property owners. There was talk that Miles Carter was going to fix up the back of his store and there is no animosity between these two property owners. If that occurs, I'm sure this fence can come down and we can all work together. At this point, we feel this fence should stay until something changes in the rear-end of the Miles Carter property.

Councilwoman Holzheimer Gail – I agree. I've always found Robert Spies to be agreeable to what's in the best interest for the downtown district and the community. I would think that if Carters do proceed with improving the back-side, that it would be beneficial to both to have that come down. We can discuss that if and when that happens.

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

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

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

Passed.

Ord. 218-2001 (020-01) Electric Aggregation

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 Langman moved for passage, Councilman Lisy seconded.

President Gudenas – Just to recap, this legislation and the plan and all, is here only because the City of Euclid voters approved it. What the voters say, the legislative body and the administration need to follow through. We cannot lightly ignore an election that took place and the majority of the voters' decision. The plan that we are working on today is a direct result of that. We have to follow the way the ballot language was put on. This opt-in provision was the way it was presented and at this stage we cannot change it, other than possibly going through a whole new election, etc. We have to keep in mind the majority of the people wanted us to shop for reduced electric rates. This is a two year plan, it isn't like a cable thing were we sign away 30 years. Basically it is about a 2 year commitment.

After all this process went through and it was determined that the average resident would save \$1-\$2 a month, some more depending on how much electricity. The City Council went back to the power company and negotiated further and I'm happy to report this City Council came up with a little bit extra money for our recreation programs. The power company has agreed, as

soon as this 28 day period is over to donate at their expense, \$1 per household that signs up. They expect about 20,000 customers, so they are going to kick in about \$20,000 for the first two years that will hopefully be earmarked for our Sims Park recreation programs.

We do have something now for the City of Euclid now that we didn't have before in addition to savings by the residents. That's somewhat significant. We can address some of the important questions about how people would be notified, procedure, fees and things like that.

Mayor Oyaski- The administration does support this offer pursuant to Issue #74 that was passed resoundingly by the people of Euclid a little more than a year ago. We have been shopping for the last several months to try to find an acceptable offer to submit. I have confidence the people of Euclid will be able to read and understand and make a choice on whether or not they want to opt-out of this process. Ms. Vento has been working on this and Mr. Chairman, if you have no objection, we have the Buckeye people as well as WPS to answer any specific questions. We do believe it is worth pursuing further. This is about the sixth time it has been discussed and if there are any questions, these people can answer them.

President Gudenas – How will the residents be notified regarding their switch unless they respond back? Will it be a postcard, letter? Will the language be in English, or like a credit card?

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

Mr. Tom Bellish – The residents would receive a notice in writing, in plain English. The Public Utilities Commission of Ohio has laid out what that notice has to include. It will be sent by the supplier to all the eligible residents in the City of Euclid. There's a question raised earlier about the 21 days. That's basically the Public Utilities Commission's recommendation in the rules that it be 21 days. Other communities have gone as little as 10 days, some 14 days. Twenty-one days is what the Commission finally decided on as an appropriate time period. As Ms. Vento also pointed out, once the 21 day window is over, the local utility, CEI will be sending another letter to all the people that are about to be switched giving them another chance if they've failed to turn in the notice and wanted to turn it in. There's another 7 days where they can contact CEI to stop the transfer. Once that's done, WPS Energy, the supplier will be sending a welcome letter out. That letter will have about 5 days in there where they can also call WPS and say look, I didn't see my paperwork or whatever and I don't want to be part of the program. All of that transpires into 34 days. Really it makes the 21 day period, 3 opportunities in about 34 days.

As far as confusion, maybe for some folks there's going to be a lot of consumer education going on and there has been already. There's information here at City Hall, WPS will have a consumer education kit that anybody can get for free by making a phone call. The website has information on it. Two public hearings have been held and they are on cable TV. Buckeye Energy would be happy to attend any kind of meetings around town to speak and help explain this program. There's going to be a number of ways the word will be getting out.

President Gudenas – Three mailings to each residence to make sure, basically everyone would get three mailings unless they respond to one?

Mr. Bellish – Correct.

President Gudenas – If people are willing to make no changes, will they have to respond by phone? Or, can it be by return card, simply sign their name and send it back?

Mr. Bellish – There's two options. They can return a business reply card that will be at the bottom of the form.

President Gudenas – Postage paid?

Mr. Bellish – I'm not sure about that. We have negotiated for a toll free call. Pick the phone up, make a 800 number call and you can be over with in a matter of minutes. There's two options, the return business reply card or a toll free phone call.

One of the other questions asked tonight was why opt-out versus opt-in. Just like to point out that a number of consumer advocate groups fought real hard to get the opt-out concept

available. In other states that had deregulated prior to Ohio, they found that opt-in programs were very expensive to administer, they had limited enrollment and hence little savings were able to be passed on. In Ohio, the Ohio Consumer's Counsel, Public Utilities Commission of Ohio and a lot of Mayors around northern Ohio, fought very hard for the opt-out aggregation concept because it has greater participation and better savings.

President Gudenas – Regardless of what happens, all of the residents will continue to receive their bill from the Illuminating Company? It will be the same billing and you'll make the check out to the Illuminating Company or the other company?

Mr. Bellish – CEI is still responsible. You won't notice any changes really. CEI is responsible for reading your meters, generating, sending your electric bill. They're the ones to call if your lights flicker or if you have a downed power line or power outage. They are the ones that will send your electric bill once a month as they always have. On there it will show a reduced amount from WPS. I'd also like to point out, if you do nothing, if you don't read your mail or if you get confused, chances are you are going to save money, so that's a good thing government is doing for you tonight.

President Gudenas – The Illuminating Company will continue to read your meter, provide the service, do the billing, and you'll just see a little line item that you save a little bit of money because of WPS.

Mr. Bellish – Correct. It will show WPS' charges on there and it will show what the Illuminating Company has taken off your bill.

Councilman Langman – A question about the consumer education portion of this. Is the notification a part of the \$20,000 being proposed for the educational component? Or is that different?

President Gudenas – The \$20,000 that they are going to spend is separate from the money they are going to give us. They still have their own budget.

Ms. Teresa Ringenbach – There is a separate budget. There is a pamphlet we put together. There's a booklet we put together. It's different for every city. We basically look at this city and see what the residents are looking for and try to focus our efforts towards whatever they need.

Councilman Langman – Will this education program, how will the city's efforts tie into what you are doing, if at all?

President Gudenas – Are you looking for the city to help educate the public about this?

Ms. Ringenbach – We don't require the city to help us. Anything the city does on their own because it's your program too, we are appreciative of. Having it on your own cable network, articles in the paper. That doesn't come out of the \$20,000. That's something that we do separately.

Councilman Langman – The point here is that it has been brought up that we have many elderly residents and so forth and they are more than likely going to call us. I would like to, I think the Administration should have some information so we can direct them to the appropriate numbers.

Ms. Ringenbach – The city will get stuff this thick, that will have my name because I'm the customer service person. If they don't want to call our call center, they can talk directly to me. I have no problem with that. I talk to people everyday. As far as the opt-out notice, we ask the city's permission to put the city logo on the outside of the envelope, not WPS's logo. It says on there, you guys need to approve it. Basically it says city document, open immediately, city aggregation program, something like that. So it doesn't look like junk mail. It looks like something coming from the city.

President Gudenas – Will that be okay to do something like that? This would be at your expense.

Ms. Ringenbach – You guys would approve the opt-out notice.

Mayor Oyaski – We did many of these same things with the natural gas offer that we circulated back in August and September. Mr. Jost will be available to talk to anyone from the public, Councilman Langman, who has questions. Natural gas was opt-in, this is opt-out. But there will be a number of steps taken to make sure everyone knows what the offer is and we're open to further suggestions.

Councilwoman Miller – You made a comment that you negotiated and got some extra money and you said it was going to Recreation. Don't we vote on that?

President Gudenas – Right, this is a suggestion. We are not actually spending the money. It is going to be set-aside.

Councilwoman Miller – Council votes where the money is going to go.

President Gudenas – We have not suspend those rules, yet.

Councilwoman Miller – You mentioned it was going to go to recreation and I thought it was a decision already made and I just wanted to clarify that Council votes on where that additional money goes.

President Gudenas – That would be correct.

Councilman Gruber – On the heels of Councilwoman Miller's comments, in this agreement no where it states the proposed agreement that you had brought up tonight about the additional monies or where it would be funded or anything. Should that be included before we vote on this, or can we amend this now? Do you have something?

President Gudenas – There is a supplemental agreement that was past out that is now part of the main agreement and as a result we do not need to amend it because it is already incorporated in the agreement. Is that correct, Law Director Murphy?

Director Murphy – That is correct.

President Gudenas – What this says in the supplemental agreement which we just received today because this was just confirmed on Friday of last week. It says that WPS shall make a one time contribution to the City of \$1 for each residential customer that remains in the City of Euclid's electric aggregation program after completion of that initial 34 day period. We are presuming late February, March or so. They hope to have 20,000, it might be less, it might be more, so that's how we came up with that \$20,000.

Councilman Gruber – So we do have something in written form?

President Gudenas – It is in writing. It does not state where the money is going. You didn't get that? If you'll like copies, we could make them.

Councilman Lisy – I looked up the ordinance that was passed by the citizens November 7, 2000 and there appears there maybe some confusion in this but when you read this ordinance, it is very clear that such aggregation is to occur automatically unless an individual opts-out of the aggregate under Ohio Revised Code. It is clearly stated in here. This is what the citizens voted on overwhelmingly to approve and the citizens elected us to vote on their behalf for this. I felt our responsibility was to make sure this was a good deal for the citizens. We've sat with several meetings with the energy provider and they basically addressed all our issues. They are a reliable, reputable company and I think this is a good deal for the citizens. I crunched numbers to see how much my family would save and it is anywhere from \$40-\$70. Yes, we do use a lot of electricity. Thank you.

Councilman Delaney – CEI has been ruled as a monopoly in the State of Ohio and they do encourage this type of business. I'd also like to thank Ms. Phyllis Vento and Mark Burns and his staff from Ohio Buckeye Brokerage for having the patience for putting this presentation on for

two city councils and answering several questions twice. I, for one, will be very diligent and looking forward to answering any constituents questions. I'm more than grateful for Wisconsin Power to be creative enough in times like these to offer up extra amount of money that we can earmark for future projects. I'm certain my household will be signing up with Wisconsin Power.

Councilman Sustarsic – Based upon the Committee hearing we had and everything else, I think it was pretty actively explained. Councilman Lisy just brought up a point that it was adequately explained on the ballot. However, I would like to put the company on notice and the Administration, I still think we have to make it as clear as possible to all of the citizens. There were some questions brought up at the committee hearing in the sense about snowbirds, those people that go down and might have left town already, might not come back until March. They won't know. Is the company planning on getting more people based on those people that will not respond?

President Gudenas – The question, if people are gone for months at a time ...

Ms. Ringenbach – The people that go to Florida for the winter and things like that, our experience in the past is most of the time they forward their mail. If they explain their situation, we're very comfortable letting them out and not charging them that fee. We work with everybody on their own unique situation.

President Gudenas – Any volunteers to deliver the mail in Florida

Councilman Sustarsic – I would have to say that I will go for this even though I don't think \$15 a year savings amounts to that much. But at the same time to just be diligent that these people will get the word out and so we can eliminate as much confusion as possible.

President Gudenas – I think that could be done.

Councilman McTighe – This is a win/win situation for any resident. For those that don't understand the opt-out, it is clear, plain and simple. We've moved it pretty quickly in the Utilities Commission, but I think this should have been discussed a little bit more. Here we present it here, it is a win/win situation for the residents. If you don't meet the criteria here, you will not be enrolled into the program. For the seniors, if you look at it, there's plenty of pamphlets left out there so you can pick it up and read it. I move to close debate and get on with the Council meeting.

President Gudenas – Any other questions?

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

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

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

Passed.

Ord. 219-2001 (038-01) 2001 Final Budget

An emergency ordinance amending Ord. No. 107-2001 which makes the Annual Appropriation for all expenditures for the City of Euclid for the period ending December 31, 2001. (Sponsored by Mayor Oyaski and the entire Council by request of the Finance Director)

Councilwoman Holzheimer Gail moved for passage, Councilman Lisy seconded.

Director Balazs – This evening for your information I've past out a packet indicating the revenue and expenditures. Revenue for the general fund through November. In your packet that you'll receive in January you'll have the figures through December for the revenue and expenditures of the general fund. Also in that packet is the information on the city income tax. That is a final

figure because we can tell at this point, it looks like over all we are down \$688,000 in the city income tax alone.

If you recall at the last meeting I indicated there were two items that we would have to go forth for consideration and that's the amendment to the budget as well the temporary budget for 2002. Basically for the 6 new council members, this amendment to the budget is really not your budget, you've only been here, this is your second meeting. Realistically though, we are amending the general fund budget to the tune of \$687,000 and that's a relatively small amount. You go to the Waterline Fund and that's being amended for \$2.9 million. Basically the Waterline Fund is based on previous ordinances passed by the City Council. We had a bond issue back in March and these are the expenditures that were taken out of those source of funds which is the Waterline funds. These are all based on City Council ordinances.

The appropriation measure is the budget guide and is the budget tool for the administration and you'll see this when we go through the budget hearings which we'll schedule about the middle of February. The appropriations have to be certified by the fiscal officer, the Finance Director that the city has available those funds for the appropriation.

For the General Fund which is the largest fund in the City of Euclid the appropriation is going to be \$37.1 million. As of my last projection a week ago, I think the expenditures for the City of Euclid for the year 2001 will simulate about \$36 million. You can see the variance between actual expenditures and appropriations is about 2 ½ -3%. We won't have that privilege next year of having that variance within the appropriation. We have to immediately, when we come out of the box in 2002, is that we are going to have to retract on expenditures that were spent in 2001 and that's how we are going to run the budget hearings in February.

The city income tax I will probably project that it will continue to go down in 2002. Hopefully it bottom out. We originally projected last March that the tax would have a short-fall of about one-half million, but the 9-11 crisis, the economists have indicated that we are still in a recession. Hopefully that news will turn around and the consumer confidence will turn around the market and we can see things happening. Hopefully it will bottom out, hopefully by the first quarter or mid-summer of next year.

We've only had two amendments to our budget this year and hopefully next I would recommend at least 3-4. The Executive and Finance Committee is well on top of the budget. If something comes up in February and I recommend that we pass the temporary on the next piece that is going to be a temporary ordinance, but if something comes up in February you can amend your ordinance anytime you so desire.

You have to take my confidence on the amendments that I have proposed on this appropriation measure to be a final amendment for the year 2001. I assure you in the budget hearings that we'll be a little bit more microscopic in the columns level will be tight.

Any questions on the amendments set forth here for the final 2001, I'll be glad to answer them.

Councilman Gruber – #370, additional funds needed for wetlands study per council.

Director Balazs – That takes in more than the wetlands study. It also takes in the real estate study that we are encumbering. We might have some TIF expenditures that we are doing the study on that maybe part of that as well. We have some engineering costs left over from the Edgecliff job. Also the \$250,00 which is our biggest item was transferred into the capital funds to build a roadway north of Euclid Ave.

Councilman Gruber – The wetland study, has that been done, or is that proposed work?

Director Balazs – That is proposed work and I believe it will be in process soon.

President Gudenas - That is for the property next to the PMX property that we've been trying to redevelop and it also helps us to clarify the wetlands at the retention basin too.

Councilman Gruber - Thank you.

President Gudenas - And actually that was all approved somewhere around 1995. Any other questions?

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

Councilman Gruber moved to suspend the rules; Councilman Sustarsic second. Yeas: Unanimous.

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

Ordinance passes.

Ord. 220-2001 (039-01) 2002 Temporary Budget

An emergency ordinance which makes the temporary appropriation for all expenditures for the City of Euclid for the period ending March 31, 2002. (Sponsor Mayor Oyaski and entire Council by request of Finance Director)

President Gudenas - Basically this falls in line with what we just talked about.

Councilman Gruber moved for passage; Councilwoman Holzheimer Gail seconded.

President Gudenas - Are there special comments on this?

Director Balazs - Just a few, Mr. Chairman. It is a temporary appropriation. It's only good up until April 1st. If we will be concentrating during the budget hearings microscopically setting the appropriations for the final year and all those adjustments will be done prior to April 1st. We plan to start the budget hearings around mid-February. I'll check with the Mayor and President Gudenas on the exact date. We will have all the final figures of the expenditure figures prepared for you and, hopefully, I will give you advance notice before those meetings start.

I met with perhaps almost all of the Councilmen except for Councilmen Delaney and McTighe. We will be meeting and getting them up to speed. And if anybody has any questions concerning the budget or the process or any recommendations, I would certainly be glad to accept them and, hopefully, we would have a good start at the budget hearings.

President Gudenas - And basically, this is to keep the City open for business while we create the budget because without this temporary budget we cannot be spending any money so it's required.

President Gudenas - Okay, we can just suspend the rules on this because we didn't have any debate to close.

Councilman McTighe moved to suspend the rules; Councilwoman Miller seconded. Yeas: Unanimous.

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

Ordinance passes.

Ord. 221-2001 (028-01) Portion of Municipal Income Tax to Board of Education

An emergency ordinance authorizing the Finance Director of the City of Euclid to make a payment in an amount not to exceed \$110,670.00 to the Board of Education as required under Ohio Revised Code Section 5709.82. (Sponsored by Mayor Oyaski)

Councilwoman Holzheimer Gail moved for passage; Councilman Lisy seconded.

President Gudenas - Basically, I think this has something to do with the tax abatement given to, was it Lincoln Electric, over the years. Kory Koran will answer all these things.

Director Koran - Like the previous ordinances, this is something that has to be done. It's required by law. Back in 1994 the State of Ohio passed Senate Bill 19 which required that any tax abatement application a municipality approves that increases the amount of new payroll over \$1 million, the increase in payroll tax has to be shared with the school district that's impacted by the tax abatement.

Since 1994 we've only approved one tax abatement that meets that threshold and that criteria and that was back in April of 1995 when we approved the Lincoln R & D Cored Wire Project. It was a ten-year tax abatement and the new payroll was significantly over \$1 million.

In fact we were estimating that because of this property tax abatement approximately \$9.3 million in new payroll was created.

What the State law requires is that at the end of the year where this tax abatement is in effect, we must calculate, it's very difficult, we must work with the company to get their payroll exactly to the penny. The number of employees that are associated with the project, how much they make and determine how much we have to reimburse to the schools to comply with the State law.

This is a relatively new Council just so you're clear on this. The schools already receive the .47 of our 2.85% income tax. What we are sharing by State law is the half of the 2.38% income tax. This is basically a good thing; hundreds of jobs were created. Unfortunately, the payroll is down a little bit because Lincoln's bonuses, which just went out last Friday, were slightly lower than they were the previous year. And the year 04 and 05 will be the last year that we'll have to share the income tax with the schools as per State law.

If there are any questions, I would be happy to answer them.

Councilman Delaney moved to suspend the rules; Councilman Sustarsic seconded. Yeas: Unanimous.

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

Ordinance passes.

Ord. 222-2001 (030-01) Continue Unions' Contracts past 12/31/0 while in negotiations

An emergency ordinance expressing the City's agreement to extend all collective bargaining agreements currently in effect beyond the December 31, 2001 expiration date, in the case of any agreement for which a new agreement is not negotiated prior to that expiration date. (Sponsored by Mayor Oyaski)

Councilman Miller moved for passage; Councilman Langman seconded.

Law Director Murphy - This ordinance asks you to indicate your approval that all of the current collective bargaining agreements that are in existence and expire on December 31st of this year will remain in effect beyond that date while negotiations go on to reach new agreements. This is standard legislation in the collective bargaining arena. It is typically done and approved by City Council so when there is not sufficient time to negotiate and in particularly in this City where there are 10 separate bargaining units and all the contracts expire at the same time.

President Gudenas - Okay, so this will continue what we have right now. Any questions? I see none. We have one from Councilman Sustarsic.

Councilman Sustarsic - No, not a question so much as a comment. It's always nice for workers to have the security to be working under contract and especially in this troubled times and with things happening the way they have lately. So I think it's great and I wholeheartedly support it and I look for everyone to support the same thing.

Councilman McTighe moved to suspend the rules; Councilwoman Miller seconded. Yeas: Unanimous.

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

Ordinance passes.

Ord. 223-2001 (029-01) Retroactivity of collective bargaining agreements

An emergency ordinance waiving the provisions of Ohio Revised Code Section 4117.14 (G)(11), relating to the effective date of Conciliator's awards made pursuant to the collective bargaining process for public employees. (Sponsored by Mayor Oyaski)

Councilwoman Holzheimer Gail moved for passage; Councilman Lisy seconded.

Law Director Murphy - This, again, is a type of housecleaning legislation. If this ordinance is passed, it will state the City's intention to make retroactive to January 1, 2002 any contracts or awards that are achieved during the negotiation, mediation, conciliation process.

President Gudenas - Very good. See no questions.

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

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

Res. 224-2001 (005-01) Motor Maintenance Union Agreement for 1/1/02 - 12/31/04

A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and the International Association of Machinists and Aerospace Workers, Local 1363, as exclusive bargaining agent for all Motor Maintenance employees. (Sponsored by Mayor Oyaski)

Councilman Delaney moved for passage; Councilman Sustarsic seconded.

Law Director Murphy - I've provided you a fairly extensive memorandum on this item that I hope all had the opportunity to review. This is the first of the ten separate collective bargaining agreements that I referred to earlier.

The Motor Maintenance Unit is represented by the International Association of Machinists and Aerospace Workers. They approached the City several weeks ago after received a letter from the Mayor requesting the unions to consider a wage freeze as part of the negotiation processing for 2002. This union stepped forward, contacted me, wanted to negotiate within those parameters. I'm happy to advise you we reached a tentative agreement with this union that does, in fact, agree to a wage freeze for the year 2002.

The other relative terms of the agreement we have negotiated include having discussions about wages, termed a wage re-opener with respect to years 2003 and 2004. The City would agree that there were be no layoffs of employees within this union during the year 2002. Each employee in this unit would receive a \$200 increase in their tool allowance. That allowance now is \$800 so that allowance would be increased to \$1,000. That's a one-time increase; it is payable annually. It's not a \$200 increase each year, but one-time increase and that number stays constant over the 3 years of the contract.

This unit, I believe, has 12, 11 members now. There is a vacancy in the unit so in the best of time there are 12 employees in this unit. About half of those employees are still eligible to receive longevity pay which the City pays their employees that have been here a long time. Longevity was negotiated out of the collective bargaining agreements in 1994. Beginning in 1995 the employee hired by the City was no longer eligible for longevity pay. The employees in this bargaining unit had some concern about half of their unit who are ineligible for longevity. About half the employees are eligible and do receive it; the other half do not receive it. So in the spirit of union brotherhood they stepped forward on behalf of their half membership who do not get longevity and wanted to address that situation, try to get something for those employees. So we did negotiate a provision that a form of longevity would be reinstated in this contract. However, since it is a new benefit and since it is within the context of the longevity payment, I took the position that it needed to be addressed just like current longevity and that is you would not be eligible to get this payment until 5 years from now. So no payments under this agreement would made until 2006 until every current employee not receiving longevity completes 5 continues years of service. Those payments then rather than current longevity which is based on a percentage of your base pay and that percentage increases every five years. What starts now people eligible for longevity receive 3-1/2% of their base pay after 5 years, 5% after 10 years and so on on the scale. Under this plan, an individual who is not entitled currently to receive longevity after completing 5 years of service with the City would get a \$200 payment. After 10 years they would get \$250 up to after 20 year \$350 and that's the maximum anybody would get.

The final provision that we negotiated was something the Mayor requested we try to do in this round of negotiations and that is to put a cap on the longevity that employees currently get and for this unit that was capped at \$3500. The current employee that gets the most longevity gets about \$3200. So there is still room if his service continues to grow and he gets to the next

step could still get an increase but no employee of this union would ever get a payment of more than \$3500 in longevity pay.

Again, this is the first unit that stepped forward and came to terms within the parameters of the Mayor's request to receive a to accept a wage freeze for the year 2002. The union is made up, as I said, 12 employees. They work in the motor maintenance shop in the City service garage up on the Marginal. They're responsible for handling large number of City equipment vehicles. They repair lawn mowers and weed whackers. They fix rescue squads and police vehicles. So they have a wide range of duties. And if you have any other questions, I'll try to answer them.

President Gudenas - I see no questions.

Mayor Oyaski - I do want to publicly thank the members of the mechanics' union for agreeing to the wage freeze. I think it's an important first step and we hope it sets a precedent for our ongoing negotiations. But I do want to thank them for their cooperation in this time of some economic sluggishness. Thank you.

President Gudenas - I'm sure we all thank them.

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

Resolution passes.

Ord. 225-2001 (031-01) Contract with Home Instead Senior Care

An emergency ordinance authorizing the Director of Community Services and Economic Development of the City of Euclid, to enter into a contract with Home Instead Senior Care for the provision of Home Health Services in the amount not to exceed \$26,850.00 for the period of January 1, 2002 through December 31, 2002. (Sponsored by Councilwoman Holzheimer Gail by request of CS&ED Director)

Councilwoman Holzheimer moved for passage; Councilman Gruber seconded.

Director Koran - This is an ordinance that we request City Council to approve every year. As you know, we received approximately \$1.2 million from the Federal Government on our Community Development Block Grant Program.

One of the many programs that we fund from CDBG is our Senior Programs. This is one of the, we're talking about tonight, is one of the many services the Senior Programs provide and this is to provide to the frailest, homebound elderly daily and weekly bathing service. Knowing that this new City Council would want us to go out to bid as often and as early as possible, about a month ago I asked our manager to get proposals, request for proposals, for this service. This is a new service provider; we have not used this program before. Margaret Hastert, our Senior Programs Manager, is here to further this discussion and answer any specific questions the City Council may have.

Manager Hastert-Wolf - We do, in fact, also have the President of Home Instead with us here in the audience and her associate, Amy Severino, and that's Betty Bowers who could answer any additional questions. But we did go out with an RFP process, competitive bids were submitted and this agency ensured us or guaranteed us a continuity of service providers which is among our top priorities. So I can answer any additional questions and we will look forward to working with a Home Instead team.

Councilman Langman - First off, thank you, Director Koran, for competitively bidding those, appreciate that. My question is these services are they for R.N.-related, nursing type services or is it just more of a maintenance care, bathing, straightening up the house, etc.?

Manager Hastert-Wolf - This particular service is a bathing service that it provides. It is personal care. That there are other services in the agency that provide for homemaking, but this is limited to just the personal care issue where the person wouldn't have any other opportunity to do the personal care in a safe manner.

Councilman Langman - Thank you.

Councilman Gruber - This will be the first time we've dealt this company?

Manager Hastert-Wolf - Yes, it will.

Councilman Gruber - Do you feel comfortable with the screening of their employees and the background checks that go on because this is a pretty, we'll be inviting strangers into the home of seniors and everything? I'm sure you looked into it, but just to rest some fears.

Manager Hastert-Wolf - Yes, not only did we obtain many references; we talked to other providers. We have assurances from the agency and we also checked the Better Business Bureau on the company. And we have come to know the company as well through our professional organizations and they come highly recommended.

Councilwoman Holzheimer Gail - Thank you, Margaret, for your good work. Could you just remind those who are watching that may need the service or have parents that need it or neighbors how they could seek the services, obtain it?

Manager Hastert-Wolf - The services are obtained by contacting Senior Programs either at the Emeritus House or the Knuth Senior Center. The service is forwarded to Home Care Coordinator Kelly Braddock, who is the social worker. She assigns the duties to the care providers. The telephone number for Senior Programs is 289-2985.

President Gudenas - Are their restrictions on income, etc to be part of this program?

Manager Hastert-Wolf - No, Council President. There are no restrictions; however, prioritization is done so that the neediest and most frail are given the service.

Councilman McTighe - Just out of curiosity, how many residents currently use this program or have used the services that are being offered?

Manager Hastert-Wolf - This service is offered, we contract for 40 hours a week of service which makes, which reaches a limited number of clientele. Annually we serve 75 total clients and 44 clients on a quarterly basis.

President Gudenas - So it's 75 plus 44?

Manager Hastert-Wolf - At any one quarter we are serving 44 clients and then because people come in and out of the program annually we serve 75.

President Gudenas - So it's about \$3,000/client.

Manager Hastert-Wolf - It's definitely a labor intensive service.

President Gudenas - \$300, I'm sorry.

Manager Hastert-Wolf - Well, I don't have my calculator. My husband would say I'm mathematically challenged so I couldn't do that math in my head.

President Gudenas - Any other questions?

Councilman McTighe moved to suspend the rules; Councilman Gruber seconded. Yeas: Unanimous.

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

Ordinance passes.

Ord. 226-2001 (036-01)NPDES Discharge Permit for WWT Plant

An ordinance authorizing the Director of Finance of the City of Euclid to expend \$25,900.00 as payment for the annual NPDES discharge fee as required by the Ohio Environmental Protection Agency. (Sponsored by Councilman Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage; Councilman Langman seconded.

President Gudenas - Basically, this is a fee we have to pay every year. I don't know that we need to add any more to that. We've got to pay it and it's due and let's just pay it.

Councilman McTighe moved to suspend the rules; Councilman Langman seconded. Yeas: Unanimous.

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

Ordinance passes.

Ord. 227-2001 (026-01) Contact with Maximum, Inc

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to execute a professional service contract with MAXIMUS, Inc., formerly known as "DMG-MAXIMUS, Inc.", 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 specified in the proposals. (Sponsor Councilman Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage; Councilwoman Miller seconded.

President Gudenas - We went over this a little bit last time that it's a required thing. We have no choice; we have to do it. This firm already knows about us and they're going to have to be done by March and then for the future we can look at other firms. But this is another requirement and we have to proceed so let's proceed.

Director Gulich - We will share the results of this study with Council and we will have a series of meetings and be able to discuss all of its contents with members of DMG and the City Council.

President Gudenas - We look forward to that discussion.

Councilman Langman moved to suspend the rules; Councilman Sustarsic seconded. Yeas: Unanimous.

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

Ordinance passes.

Ord. (035-01 Sale of Incinerator Property to Calabrese Enterprises, Inc.

An ordinance authorizing the Mayor of the City of Euclid to enter into a Purchase Agreement with Calabrese Enterprises, Inc., for the sale of 7.8494 acres of municipal property located at 27700 Lakeland Blvd. (P.P. No. 648-16-001), the site of the former incinerator, and further described in Exhibit A attached hereto, in the amount of \$534,454.55. (Sponsored by Mayor Oyaski by request of Service Director)

Councilman Gruber moved for passage; Councilman McTighe seconded.

President Gudenas - This, again, relates to the land that used to be part of the Euclid incinerator property next to Route 2 off of near Lloyd Road. It is available for purchase. We had discussed at the last meeting to invite a professional real estate firm to market this property. We have not yet used those firms and it would seem appropriate to put this into Committee, if it's agreed, so that we can get the benefits of professional firms, especially with the City of Wickliffe having very strong objection to this. So we have a question first by Councilwoman Miller.

Councilwoman Miller - No, I was going to move it into Committee.

Councilman McTighe - What's the amount that it's appraised at? Did you say in 1999 there was an appraisal of the property, just out of curiosity, what is the value?

Director Gulich - In 1999 the State urges appraised at \$65,000/acre with provision that there would be no environmental concerns that would need to be remedied.

President Gudenas - And the total then was about \$800,000 or something like that?

Director Gulich - Actually, the

President Gudenas - He's not buying the whole parcel.

Director Gulich - That is correct, Councilman. The whole area was appraised, originally, the City was only looking to sell 6 acres. Mr. Calabrese could not be here tonight. He's attending to an illness in the family. I want to make sure that this Calabrese is not associated with the Calabrese that owns property on Euclid Avenue. Two different entities completely.

Mr. Calabrese initially made us an offer for the 6 acres. He wished to purchase the additional 2 acres to the rear which abut the railroad tracks. The offer we have at this time for the 6 acres that we originally looking to sell is \$80,000/acre. For the rear 2 acres which have considerable soil remediation problems, he's offering \$60,000 for those 2 acres.

President Gudenas - And we'll go into that in greater detail. My suggestion is to the Executive and Finance Committee so everyone has a role.

Councilwoman Miller moved to move the Ordinance to the Executive and Finance Committee; Councilman McTighe seconded.

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

Ordinance moved to Executive and Finance Committee.

Ord. 228-2001 (027-01) Purchase vehicles for Police Department

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to purchase nine (9) vehicles for use by the Police Department through the State of Ohio Cooperative Purchasing Program. (Sponsored by Councilman Sustarsic by request of the Service Director)

Councilwoman Miller moved for passage; Councilman Sustarsic seconded.

Mayor Oyaski - Mr. Chairman, I'd ask the Council to amend this to authorize immediate purchase of 6 vehicles. The City is still reviewing its various Capital Budget requests. There is an opportunity to buy some vehicles now. I'd like to go ahead and buy 6. One of them is funded by a grant. The other 5 would be funded by the 2002 Capital Budget while we can make a final determination on how many extra vehicles we can afford to buy after the budget hearings. So I do believe we need to go ahead but I would like to only purchase 6 at this time.

Councilman Sustarsic - That's all right with the Chief?

Chief Maine - I would be amenable to the amendment as long as the topic is still open to conversation during the budget hearings for additional vehicles.

President Gudenas - And what does a police car run these days?

Chief Maine - I know this is being purchased under the State Cooperative Purchasing contract. I believe that it's in the area of to equip each car is somewhere in the area of \$22,000.

President Gudenas - Do we get that 0% financing?

Chief Maine - Only if you go to Serpentine's.

Councilwoman Miller moved to amend from 9 to 6; Councilman McTighe seconded.

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

Amendment passes.

President Gudenas - Any other questions?

Councilman McTighe - Yes, Police Chief, just out of curiosity, would you be able to give me a rundown on how many cars you currently have on the force and the years like we have 5 that are 1990, just want a breakdown of all our vehicles?

Mayor Oyaski - On that point, I gave Council President a complete breakdown and he can give that to you with all the mileage and everything else.

Chief Maine - That sounds like a good idea. It would take too long now to go through all the vehicles.

Mayor Oyaski - Council President asked for that, Councilman McTighe, and it breaks it down. Mr. Zigman from our Motor Maintenance Department has that and that would give you everything you want to know.

Councilwoman Miller - Could we have that before our meeting?

President Gudenas - Absolutely. We'll make sure everyone has it. If you don't have it, you'll have it in the next packet for sure. You'll have ample time.

Mayor Oyaski - Mr. Chairman, if the Sgt.-at-Arms would like to copy, there it is.

President Gudenas - Here we go. We're efficient.

Councilman Gruber - It's also important to note that the vehicles can be recycled to other City departments when they're done with Police service, are usually recycled through other City departments. They don't all go to auction. So some of them do stay within the City service.

President Gudenas - And I know in the past, though, it's been considered that's not always the best thing because these are gigantic engines and a lot of gas usage.

Councilman Gruber - Some of them were for like transporting seniors and stuff where larger cars it's a better and more comfortable ride for them. So some of them do stay in the program.

President Gudenas - I understand. Any other questions?

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

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

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

Ordinance passes as amended.

Ord. (016-01) Solicit Proposals for Architect for Senior Center

An ordinance authorizing the Director of Parks and Recreation of the City of Euclid to solicit proposals for an architect to implement the plans and designs prepared by Brandstetter, Carroll and Zofcin for the construction of the Knuth Center to accommodate all Senior Programs and a Golf Course Club House on the grounds of Briardale Greens. (Sponsored by Councilman McTighe by the request of the Parks & Recreation Director)

Councilwoman Holzheimer Gail moved for passage; Councilman McTighe seconded.

Mayor Oyaski - I would like to bring Council up to date. I know that several of the new Council members have doubts about the wisdom of this plan. I do want you to know that the last two Councils before this one have looked at the future of Shore, the future of the Senior Center and

the future of the Golf Course Clubhouse. The last Council in June had indicated after long study that the best plan that they would approve would be to remodel Knuth and the golf course simultaneously. Mr. DeMinico, indeed, several people at the golf course have been anxious to proceed with improvements to the clubhouse for many years. There has been talk about renovating Shore since the Fall of 1996 and the Senior Center is something that the Knuth people have been interested in for several years as well.

The last Council in June authorized an architect to do some conceptual planning. Councilwoman Holzheimer Gail and Councilwoman Miller sat in on all those meetings. And Mr. DeMinico who, I think, has been persevering throughout all these various studies can answer any questions you have about the concept; but we're anxious to move on to the concept that Council wants us to proceed with and implement some time in the very near future. So, Mr. DeMinico, do you have any comments on this particular concept?

Director DeMinico - Not on the concept, I'll wait for Council to interject some questions. I would like to thank Councilwoman Miller, Councilwoman Holzheimer Gail. We had a Steering Committee. Margaret Hastert Wolf was very involved. Carolyn Chekayne, Burt & Mary Nicholson, Joyce Timlin, Denny Valencic, Tom Sloat and Bob Holmes, all of the group put a lot of hours into the thinking, renovation, demolition, expansion. And what you have in front of you, I believe all the Council members have received a packet the recommendation at this point in time, is for complete demolition of the Knuth Center, relocating it on the property and the expansion and a brand new building approximately 19,000 square feet would be for the Senior Center another 3,600 square feet for a golf course facility that does not include some outdoor pavilions, covered areas. It's a very dynamic plan. We knew we would be able to put a comprehensive design package that would get the seniors and the community excited about this concept and it is in front of you for your critiquing. And I would hope that our Council would make a very intelligent decision for the future not only the Golf Course Clubhouse, but a senior facility as well.

President Gudenas - And I should add, there was a third City Council also involved in this back in 1994-1995 when then Mayor Lynch appointed a committee with people from ISAC, Euclid Community Concerns, City Council and I know it was directed by Parks & Recreation Director DeMinico. And that group spent about a year working on this and it came up with a completely different direction, basically, going along the lines of a multi-purpose civic recreation, senior center which is what is in the state-of-the-art what other cities are building. And if we proceed with this, we basically will be telling this generation and the next two generations that we will not have a civic recreation center in the City of Euclid. Because we demolition this and build all this stuff at the golf course we'll have no more money left to ever do that. And it might be a fairly short-sighted decision because we will forever be not competitive with other cities that have realized that seniors are the future and today looking for something bigger and better, has more of their needs attended to in terms of recreation and wellness and socialization and involving a greater amount of our own residents. And I should add that Councilman Delaney had approached the YMCA, who had been approached back in 1994-95, and they have an interest. I think it's official in working with the City of Euclid on possibly putting something together very soon. And we're going to proceed with that.

The goal is to, obviously, have something built quickly. Make decisions on it and now Councilman Sustarsic would like to add something.

Councilman Sustarsic - I was champing at the bit for this. I was wondering if we couldn't, based on the fact that it was mentioned at the last two Councils were looking at different projects, based on the last election of November 6th, the majority of the last two Councils aren't looking at anything right now. But what I would suggest is that either this be put into Committee for the time being because obviously there are other ideas out there, I myself have another idea.

I'd love, again, to re-introduce a separate facility at Sims Park for the seniors. During the campaigning and everything else that they wanted it, why they didn't get it, I have no idea. Phase II to such a proposal would be turning Knuth Center into a, if you will, a full banquet facility where you could go out and you could possibly lease that building to the catering company in the likes of Manikiki, Pine Ridge, that type of thing. And I would think that would be the most utilization that you could get out of that building.

In reading the report that was attached to this particular ordinance, it seemed it was almost a 2-1 negative comments as opposed to positive comments as to what the Knuth Center provided or didn't provide to the senior citizens in particular. And I would think a new facility in

Sims Park or wherever could address all of those needs, be it exercise rooms or like you say possibly in touch with the YMCA or that type of thing.

So consequently, I would suggest that this possibly be put into Committee and then we have a full discussion on their ideas.

President Gudenas - That's one suggestion. And the Knuth Building is a nice looking building that probably could very well be reused for the golf course and it might be a very big shame to just tear it down without giving the golf course the chance to use the entire building as it is.

Councilman Delaney - I'd just like to discuss a little bit about the context of that meeting, how I arrived at it. I am no stranger to the senior center debate. I was brought into the Mayor's ad hoc committee in 1998 over the senior center at Shore. And since that point had followed many of these meetings. I had also contacted other communities, other senior centers that are built new. I went to the YMCA because there was a plan just a year or so ago with them. Apparently, that plan was to build on the existing lot and right now I suggested that a new civic center across the street that is also not a new idea but be revisited.

It's not a new plan. It goes on in other communities. Right now, they're working with North Royalton and that is somewhat successful. They've also found not so successful meetings with Westlake, Macedonia, Middleburg Heights. So there is a history for this and it's not out of the realm that we'd be scratching new territory here.

I had a very productive meeting today with Fred Lisy and Council President Gudenas today with the Director of the Y, William Misenehimer, and the Area Director, Rick Hopkins. They're very, very enthusiastic about it and they also bring a lot of personnel to the table. Just in the brief conversation, they were happy with a lot of the issues that we could easily put behind in Euclid that were hurdles with other communities. I'm very excited about this. I'm going to continue to work on it. One of the first concerns was with the seniors. And when I reviewed their wish list, a lot of their, a lot of what it is wants is the location and I'm not so sure that the middle of the golf course is the best place for the seniors. So with them being in mind first, I'd like to pursue this vein with the Y. And they're certainly going to go to their CEO and they have a retainer with a feasibility company in Georgia and will bring them up as well. So the dialogue will continue with them and they're very excited about it.

President Gudenas - And we should make it clear that we're not talking about the YMCA taking over the responsibility of our senior programs that is quite ably run by the City. So the City of Euclid would continue to run those programs with, this is obviously just an idea. That's the way it's looking at. The proposal is not for the YMCA to take over that responsibility, but just work with the City constructing a new facility and some additional programming.

Councilwoman Miller - Well, there seems to be a lot of discussion here involved with this Knuth Center. Of course, it is a new Council. But in order, I think it's a good idea to put this in Committee because at least then everything can be taken into consideration. Not only what Councilman Delaney is saying, but I think they're different ideas and if we're going to start all over again, then we should start all over again with all of the ideas. And I think, therefore, this should not be defeated; I think it should just be put into Committee and we'll go from there and we'll find out where the best location will be for the Knuth Center.

As far as the golf course goes, Director DeMinico has the money to begin and I don't think that we should hold that up any longer. I think that this golf course people, I think part of the Knuth Center can be used; but if you looked at the plans for the golf course, I think they have an excellent, very realistic building. It covers everything. They can use part of the Knuth Center, but they also need a lot of parking, too. And I think we should make a definite decision on the golf course, the clubhouse, so they can at least start that this spring if nothing else to get going on it. And since he does have the money, we don't have to worry about that part of it. It's there; he has it set aside ready to start.

President Gudenas - It's probably the taxpayers' money, I would guess.

Councilwoman Miller - Well, he's saying...

Director DeMinico - No, it's actually the golf course users which is part of my belief to let everybody out there know where Briardale is. Strictly, strictly golf course revenues.

President Gudenas - We can put that into perspective. It's only being termed that way because the golf course never had to pay for the golf course. In other words, never had to pay for the demolition of the buildings, never had to pay the \$1 million to construct the golf course, never had to pay any property taxes, income taxes. So as a result, the taxpayers subsidizing the golf course well over \$1 million, never getting a penny back, the golf course never having to pay its full overhead and taxes etc. They have some money left over. So it's hardly the golf course money. I have nothing against the golf course.

Councilman McTighe - This is just a matter on what currently the previous Council brought up saying this is a whole new Council from my perspective. I think we should vote on this matter, end it now or continue with it one way or another not push it to Committee.

Just to let you know, I am the Chairman of Parks & Recreation. I do enlist the support of everyone else I say not to vote for this. I plan on after the first of the year to hold a Committee for Parks & Recreation where Mr. DeMinico will be there and other Council people may have and other public may come in and we will discuss the future of a new combination civic center whatsoever. But I'm not in support of this piece of legislation and I move to close debate on this.

President Gudenas - Well, we're not quite ready for that.

Councilwoman Miller - I had a motion to put it into Committee.

President Gudenas - Okay, we can, seconded by Councilwoman Holzheimer Gail. So we'll first debate the motion to put it into Committee. We're not closing debate on that exactly yet because I would like to add that I am 100% against putting it into Committee. It just draws out the process. It confuses the people. It makes us waste a lot of time for something that will never get done. And if we know we're not going to waste, it's in my opinion, a bit of a preposterous idea to take a perfectly good Knuth building and tear it down. And then build a building next to it that won't be as good as that building and then build a senior center that will never be as good as what any other city does. And we'll always have an outdated building and the parking will be a tremendous mess because if you actually have all of this stuff going on and banquets and everybody at the same time it would become extremely tight and difficult to get in and out of that and people will be complaining and wondering what we were thinking. And there'll be another City Council probably doing changes to what we did over here to go along with that.

Councilman Gruber - Well, if we build at Memorial, they'll have to put up with the baseball traffic so that won't be as bad I'm sure.

Talking about wasting time, I think the people are going to be offended that were on these Committees that did put a lot of time and effort into it. So they are to be commended. Let's not forget about the Emeritus House. All I want is paper and a little paint and some carpet, okay?

And when you do have discussions with the YMCA that's wonderful. Who is the senior that attended those discussions?

President Gudenas - Today?

Councilman Gruber - Yeah.

President Gudenas - No, there were no seniors.

Councilman Gruber - Oh, okay. Thank you.

President Gudenas - Let's just remember what happened back in 1994-95. It also had a large group of citizens who spent a great deal of time on this. That came up with different conclusions and there were seniors on it and there was ISAC and all these other groups. And that entire amount of work was thrown into the dumpster. In fact, it's never been mentioned again.

Councilman Gruber - Isn't that what we're doing tonight?

President Gudenas - Well, basically, we're going back to what 1994-95 had concluded properly, in my opinion. But that, of course, is why we have the City Council and 9 people voting and that's what we're here to do is to vote.

Councilwoman Holzheimer Gail - I agree that we need to at least send this to Committee and to have a discussion with this as one option. Whether you agree that this is a viable option or not is not the question. The question is if we're going to have an open discussion on different proposals we need to have this as one of the options. And the current Council and the members of the Committee spent a lot of time looking at it. The architect spent a lot of time looking at it and decided on the demolition for a reason. There were some structural problems; there are some problems there that maybe if we have them come in we can be enlightened on. So that decision was made for a reason not just pulled out of the air.

I am open to looking at the idea of a multi-generation civic center. I think that would be a wonderful asset to the community. I think the previous Council thought so, too; but economics were a factor. There were a number of factors.

We did talk to the Y. Factors have changed there. We're not looking at their site; we're looking at a new site. Their site was limited space-wise. Money was a question at the time and maybe that's still an issue, maybe it's not. But I think all of these need to be looked at. If we're to be open about it, let's at least consider this as an option. It took a lot of work to get to this point and I just want to reiterate what Council President Gudenas said. When we're talking about the senior programs, we are a municipal aging service provider; the Y is not. There are certain advantages and certain grants and funding that go with that. And we really need to make sure we guarantee that we keep those projects and services running.

So I would, again, I would agree with Councilwoman Miller that we need to send this to Committee. And I'd be happy to have a senior and we can combine it with the Parks & Recreation Civic Center Committee, have a meeting and hash this out early. The other danger is that I don't debate this again and have it wait for 6 years before we see something happening.

President Gudenas - Well, we're having things happen already; let me assure you of that. And, of course, as we mentioned before, no one's talking about the programs and funding being taken away from the City of Euclid.

And just to clarify something about being open about it and how the citizens participated. I went to one of those meetings earlier this year that claimed citizen participation was asked for on what should be part of the senior center. And I went there thinking that's what they wanted. I said well, did you consider this about multi-purpose and whatever. And I was told they will not even consider that. In fact, they were ordered not to consider it. And in fact, there was nothing open about those meetings because the decision was made prior to all of the meetings what the result was going to be. And it was a flawed process that resulted in this flawed plan because they were instructed to begin with not to have a civic center, not to have a multi-purpose center, not to have it available to anybody else other than a few people. And the architect who was there admitted that if it was open to the City being 40-50% of our residents would use it as opposed to the design that he was proposing it might be 10 or 15%. And that's a significant flaw that we would be building something for 10 or 15% instead of 50% or more. And it was because they were instructed to do so not that they thought it was the best idea. And that was not done through a public vote or any other way, but through some private instructions that civic centers were taken off the book.

Councilwoman Holzheimer Gail - I disagree. That decision was made by Council. Council debated it for a long time. We looked at Sims; we looked at this option as a compromise. Council directed Brandstetter to look at expanding the current Knuth Center and golf course clubhouse. That was their direction from Council. Council made that decision to look at the Senior Center, Golf Course Clubhouse expansion. That was done with public meetings ahead of time.

President Gudenas - They were instructed to do that and not to look at a civic recreation center for all the residents. They were specifically instructed not to look at that, but only at the golf course.

Councilwoman Holzheimer Gail - That's right.

President Gudenas - Okay, well that's a closed process.

Councilwoman Miller - But that Council decided on that.

President Gudenas - That Council decided that and God rest her soul.

Councilman Sustarsic - If I could get back to the clubhouse. I think that it's a pretty much of a done deal. That there's a lot of debate that will be forever as far as the senior citizen center as far as where it should go, what it should contain, who should run it. But at the same time if Mr. DeMinico could, at least, help us out at this particular point in time, the relationship with this ordinance and the next ordinance. In other words, this one looks like it just might be going to Committee, but at the same time, will that stifle the implementation of plans and designs for the expansion of the clubhouse?

President Gudenas - Our motion right now is to send this Committee and now we're going into the second piece of legislation. We can bring that up. Let's just take a vote on it. We've already expressed a few points of view.

Councilman Lisy - Second class to a private is no validity of its importance. So just because we spent a lot of time and money on a project does not mean we should keep going forward with it. That's how you go out of business. Second, we've, from what I've heard a multi-generational facility is what we're looking for and this is not a multi-generational facility. So that is why I'm not in favor of going to Committee.

President Gudenas - Right. By voting no right now we'll actually make the process go quicker and have a plan in place quicker. So with that we can close debate.

Councilman Delaney - I agree that sending it to Committee is not a decision right now. We can decide whether we're going to put a senior center on the golf center or not. To Councilman Gruber's comment earlier, no a senior wasn't there, but we were alluded to the fact that the YMCA right now has more seniors and more senior programming than the Knuth Center and the Emeritus House put together. So more Euclid citizens are already using the Y. They were very sensitive to the overlap programming and funding and they're been through it before. I don't feel that to be righteous to our seniors, I don't think you should drag it out in Committee. I think we should move ahead with the best possible plan and eliminate the golf course.

President Gudenas - Okay, so what we're voting on simply right now is if we're going to send it to Committee or not and then based on that vote we would decide what we're going to do with the legislation. We're only voting if it's going to Committee or not and we didn't even say what committee.

Councilwoman Holzheimer Gail - Senior.

President Gudenas - Well, we have a different

Councilwoman Holzheimer Gail - Community and Senior Programming.

President Gudenas - So that's the Committee on the discussion, to send it to that Committee.

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

President Gudenas - Okay, so it's not going to Committee. So now the discussion is what we do with this legislation. We either approve it or not approve it. I think we've covered all the ground so I would ask that we close debate on this ordinance and vote on it.

Councilman Langman moved to close debated; Councilman Delaney seconded.

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

Ordinance fails.

President Gudenas - We're going to have to take a break real quick while they switch the tape. Okay, recess is over. We need to get back.

Ord. 229-2001 (017-01) Solicit Proposals for Architect for new Briardale Clubhouse

An ordinance authorizing the Director of Parks and Recreation of the City of Euclid to solicit proposals for an architect for the design and construction of a new Club House for Briardale Greens. (Sponsored by Councilman McTighe by request of the Parks & Recreation Director)

Councilman Langman moved for passage; Councilman Gruber seconded.

Mayor Oyaski - Just to bring the Council up to date, about a year and a half ago the Parks & Recreation Director asked the Council to allow him to go ahead with improvements to the clubhouse. Because there was at that time no consensus on the senior center, Mr. DeMinico was able to develop a concept to build around existing Knuth and leave Knuth as is. That legislation then became tied up with a similar discussion which just ensued with the senior center and this legislation is reminiscent of that legislation a year and a half ago when Mr. DeMinico wanted to improve the golf course, by the golf course, and leave Knuth by itself.

The Council President is correct that the public assisted in the development of the golf course in the 70s and the 80s and that Council has always permitted those funds to remain in the Enterprise Fund. For the longest time there was no profit; there was no carryover. But under the management of Mr. DeMinico and Mr. Sloat and Mr. Holmes we have managed to amass several hundred thousand dollars of proceeds that still remain in that Enterprise Fund. So I do think that Mr. DeMinico's handling of the course because of the 70s and the 80s that was operating at a breakeven pace. And now thanks to good weather and a better course and better management we do have a fund that we can proceed with improvements to the clubhouse if the Council wants to just leave the clubhouse separated from all the other various issues. Do you have anything to add, Mr. DeMinico?

Director DeMinico - The Mayor was being generous with the year and a half ago. It was in April of 1998 when we first approached City Council about this concept of a standalone clubhouse. We had a 3500 square foot facility designed, free standing ready to go and you heard the Mayor and the conversation that has since ensued.

What I'd like to believe and I'm pretty sure we can accomplish is by sending out a request for proposal, hiring a professional architect and we would be able to design, once again, a free standing clubhouse on current property where the existing pavilion and the clubhouse, starter shack sits. With the future in mind sizing all of our mechanical, electrical placement of the kitchen make the kitchen now large enough so that in the future when the banquet room is expanded to be able to sit 200-250 people with the concept of a caterer in mind, that some day you know we're very good at running golf course operations. And I think I can speak for Mr. Sloat we're average when it comes to food and beverage. We do a sufficient job. There are professionals out there that probably turn a much larger profit with a flat out guarantee of cash flow right into the City of Euclid's coffers and into Briardale Greens.

It has been successful at Mannikiki, at Pine Ridge. There's models already set up. I would like the support and the confidence of this Council to move forward in hiring an architect, design the building, again with the future in mind. Knuth does have many problems. To move golf course operations into Knuth, we have 10,000 give or take a little bit on the first floor. There's 10,000 square feet on the basement floor. The buildings that we're proposing right now are no larger than 5 or 6,000 square feet. We may approach 7,000 square feet with the enlarged kitchen and banquet space. I really believe unless we have other programming ready to go into Knuth that we would be renovating that building without a real plan for the use of the extra space. We have a basement that goes under the entire building. Unless we have some programming, unless we want, clientele at Briardale is not looking for locker rooms. I think that would be an added expense and a drain off operating budgets to run such a type of facility. I know that has been mentioned before.

What we envision through golf course and Administration is a new building with future development in the works and depending on how the outcome of a senior center, civic center shakes out down the pike.

President Gudenas - And I'm sure there's great support for the goals of the golf course having banquet facilities and other programs, etc. And we're going to be more than helpful in helping you plan for these things and coming up with all 10,000 square feet of usage for the existing beautiful Knuth building that would be a shame to tear down for no reason other than you feel

like building another building next to it. And I'm just going to recommend that we vote on this also today. Because in light of the other legislation we voted on it looks like that we'll have a new senior center elsewhere other than the golf course which would then free up the Knuth building for the golf course. And I think let's give that a chance to redevelop that beautiful building just as we redeveloping some of our other City-owned buildings which will probably end up with a more spectacular significant improvement to the City of Euclid. So any questions, comments?

Councilman Langman - Mr. DeMinico, who would be the increase in cash flow from the increase in usable space?

Director DeMinico - We have anticipated, and I would have to pull those numbers back up, we anticipated our food and beverage, and this was running it in-house, perhaps doubling our food and beverage revenue. I don't have those numbers in front of me. We're taking in approximately \$140,000 for food and beverage. That is revenue-generated. That does not include our expenses. We do not utilize the area, well, we utilize the area 100% to its maximum. You fit in 16 people in there; you can't fit in any more. We chase a lot of people out. We lose a fair amount of golf outing revenue because eating outside steak dinners underneath the pavilion with cars driving by is not the most enticing.

Councilman Langman - Thank you.

Councilwoman Holzheimer Gail - Director DeMinico, this specific ordinance is to design a building with Knuth standing there?

Director DeMinico - Correct.

President Gudenas - You're going to keep the 10,000 square foot building and build another building next to it and have 17,000?

Councilwoman Holzheimer Gail - What are we going to do with the seniors, excuse me, but what would we do with the seniors until this new community senior civic center was built? In the meantime we have a golf course clubhouse that's falling down that really is an embarrassment. If this can be done on the same property with maybe in mind that we can use the Knuth Center or something or maybe it'll come down and then they can add on, I believe Director DeMinico at least should look at that possibility.

President Gudenas - Well, we've been at work here two weeks and I believe, how long have you been Director? Eight years?

Director DeMinico - Yes.

President Gudenas - Well, what I'm simply trying to state that there's been ample time to come up with good plans and the plans have not come up. And the plan we have today is not a good plan. We propose to develop a good plan that we're all proud of; that will last the test of time; that will bring in even more money than just another \$30-40,000 that can be a significant access, a significant draw to the City of Euclid. And, basically, the plan we have here doesn't address a building that's already there and you can't have move one without the other.

Councilman McTighe - I respect and understand where Councilwoman Holzheimer Gail. But correct me if I'm wrong with this piece of legislation here is just saying that we're going to go out and accept proposals for the construction of a new golf course building and after we accept these proposals they would go into the Parks & Recreation Committee to talk about these proposals and then they'll come back on to Council with the recommendation from that Committee?

President Gudenas - And spending some money for an architect to draw up these, quite a significant amount of money for something that may never get built.

Councilman Gruber - That would be similar to the money we just through away on this. Now you've been Council President for two weeks and Director DeMinico has been at his job eight

years, but all of a sudden, it's a better idea because you came up with it? I mean, that's what I'm starting to see. If you don't come up with it, it's not a good idea.

President Gudenas - Well, what is your idea?

Councilman Gruber - Well, I'd like to go along with the professional here. I don't think you've run many golf courses. You might have played on a few. The Director wants to do a specific project here. I think we should go along and try to work with him on it.

President Gudenas - So your idea is to keep the existing Knuth building, 10,000 square feet, and build another building next to it of 7,000 square feet and have 17,000 square feet. Is that your plan?

Councilman Gruber - Director DeMinico, is that what you would like?

President Gudenas - No, no. I'm asking Councilman Gruber the question is that his plan?

Councilman Gruber - I'm asking the expert here.

Director DeMinico - I think if I get the gist of all the conversation is that we would love to be able to afford a civic center for the City of Euclid. If we're going to build a civic center in the City of Euclid, this professional Parks & Recreation Director would be the happiest guy in northeast Ohio. I think our residents deserve it and it would be a wonderful asset. We are probably four years from breaking ground on that. Not breaking ground, from opening the door because it takes a long time. If this Council so wishes for us to operate our golf course for another minimum of three years, that would be this Council's decision. I would like to think that we can build a new golf course clubhouse, again, with the future planning in mind. It will be a dramatic improvement to the playability of Briardale Greens, the enjoyment of Briardale Greens.

We sent surveys out to our users and I have to tell you that most of our, a lot of our users are Euclid residents. Please build a clubhouse; put it to a vote; we need one now. Build a new clubhouse now. We need a clubhouse. Demol old buildings and move the new building. You need a better entrance to the gold course. Build a new one. Great idea. Maybe we could have a golf banquet facility here. And the list goes on and on. These are people that are using the facility every day and want to move forward.

It's up to you, Council. I understand the philosophy, Council President. I don't know if it'll be a 7,000 square foot building right now that we're going into. Service Director DiNero prior to Director Gulich had a study that building 6 or 8 years ago needed over \$150,000 net. A lot of money was not put in to it. It's been cosmetic; it has been deteriorating. Perhaps to rest everybody's mind we take a look at the condition of that building to see if it really, truly can be modified into a golf course facility. With money we can do anything. The recommendation for a new building was because of the 75-80% to renovate that building rather than tear down and build new.

There comes a cost factor and breakdown where do we put this much money into to renovate it or do we finally say it's outlived its usefulness and it's time to build new. The temporary pro-shop that was built 25 years ago which Briardale will have its 25-year anniversary next year, was just that. It was temporary. And I've been under the philosophy that you don't want to put good money in that building; but if we wait another three years, we're going to be putting significant dollars into that facility right now. The windows leak; the roof has some issues. The restrooms are so small. The carpeting is worn out. And I could go on and on and I'll get off my soapbox and I apologize.

President Gudenas - But again, the plan as presented is to build a new building around 7,000 square feet next to a building that's 10,000 square feet on one level and 10,000 square feet on another level so we'll have about 27,000 square feet.

Councilwoman Miller - If I'm not mistaken, Mayor Oyaski, you can correct me, I believe that when they built that Knuth Center when Mayor Giunta had that going it was supposed to be a tentative place at that time. That it was not supposed to last for a very long time. Then the seniors decided they didn't want to move that they wanted to stay there. So when the Knuth building was originally built, not Knuth building

President Gudenas - The little shack next to it.

Mayor Oyaski - Very interesting, informative discussion. The seniors at Knuth have always been reluctant to move. Always, always, always. Mr. Koran can confirm this that both Mayor Giunta and Mayor Lynch had promised the seniors at Knuth that they would never ever have to leave. I was able to get the seniors willing to leave to the Sims Park site which the former Council did not care for. But generally over the past 26 years, the seniors have been very reluctant to consider any other location besides Knuth.

Councilwoman Miller - But wasn't that building originally built as a tentative building instead of being there? I was under the impression

President Gudenas - It's actually the smaller building built next to the Knuth Center was the temporary. The Knuth Center, actually, was the clubhouse for the old Briardale Housing Projects.

Mayor Oyaski - The clubhouse was built by senior personnel in 1975 or 76. Mr. Gudenas is correct. When the housing project was there in 1941, surrounded by 800 units, that was the central rental office, meeting space, the rest of the housing project is long gone but the original meeting building is still there.

Councilwoman Miller - Okay.

Law Director Murphy - I just want to follow up on a point Councilman McTighe made. This ordinance was written consistent with the desires this Council expressed at its last meeting. And that is that we simply solicit proposals and bring those proposals back to Council. So I don't think any money is spent under this ordinance other than perhaps a limited amount to put the proposal package together and go out and get them. This ordinance would simply authorize Mr. DeMinico to get the proposals, bring them back to Council and Council has the discretion then to accept one or reject them all.

President Gudenas - Right, but again, it clearly says that proposals are for new and not to reuse what we already have and that would be excluded.

Councilman Lisy - Can I make a motion to amend the ordinance to include both, proposal to modify the existing Knuth Center and building a new center?

President Gudenas - Well, you can do anything you want. The concern would be that architectural firms have to spend a lot of time and money looking at these proposals and putting them together. And if they're going to see we don't know what we want, we may not get anything that's very good.

Councilman McTighe - It just seems to me; this is just plain out simple. If we just voted down before that, we're not going to go with a senior citizen center or golf course, then we bring up legislation next to say we're going to go out and solicit proposals on new design. When Councilman Gruber saying we just went out with some study before, this is coming out of the golf course fund which already has money in it so why don't we go out, look at the proposal he had, he brings it back to Council and we say, hey, we go off of that. Or we could just table and let it go on. I don't know why we're sitting here discussing this. It seems like it's cut and dry and what we're going on with.

President Gudenas - I'm not exactly sure what you just said.

Councilman McTighe - We're all discussing like plenty of different opinions here, but what this ordinance is for is just what Law Director Murphy has, just understands completely that we went before saying we need proposals to come up. So what this is saying is going out to solicit proposals for a golf course, reconstruction of the building or whatever, or new building.

President Gudenas - This is not what it says.

Councilman McTighe - It just says we're here to solicit proposals for an architectural design and construction of a new clubhouse.

President Gudenas - A new.

Councilman McTighe - A new, so we go on and if we don't like it, we don't accept it.

President Gudenas - You just have to understand that if we do this and we waste other professional firms' time, they'll be less likely to provide us with proposals in the future.

Councilman McTighe - Then let me go find someone else.

President Gudenas - If they want to do business with us.

Councilman Delaney - I agree with Councilman Lisy. We've been in this. It's not too much to ask that an architect to put together after looking at Knuth, making another suggestion. It's more information and it's helpful.

President Gudenas - Okay, so you'd like to have it amended stating that we would do what?

Councilman Delaney - Consider the Knuth Center and its re-adaptive use and, you know, or the construction of a new pro-shop or golf course house.

Councilwoman Miller - I second that.

President Gudenas - Okay, Law Director Murphy is that an understandable amendment?

Law Director Murphy - I believe it is, Mr. President.

President Gudenas - Okay.

Director DeMinico - Mr. Chairman, I'm going to write the RFP. Okay so, we're going to ask the architect to submit a proposal. That all RFP's now are all coming back to Council. You guys are going to review all the submissions of the RFP's and help us get the architect if I'm correct. And we're going to have him or her design a standalone building, knock down our existing clubhouse, free standing with possible expansion as an option. And also as an option the adaptive reuse of Knuth as strictly a golf course facility perhaps some additional programming that we might be able to use if we find that we don't have all, don't require all of this space.

President Gudenas - That would be correct.

Director DeMinico - That's the way I understand it; that's the way Council understands it.

President Gudenas - You're able to prepare such a proposal?

Director DeMinico - Yes.

President Gudenas - Okay. Any other questions?

Councilman Sustarsic - I was avoided before. I basically understood a little bit what Councilman McTighe said. I have two kids that are older than him so I've lived through that and been through that. But the bottom line to this is, how much was spent on the previous ordinance that went down in as far as the architectural plans, designs?

Director DeMinico - We had an amount not to exceed \$15,000; we expensed approximately \$11,000. I anticipate another submission of a bill so I'm going to guess we're probably going to be somewhere around \$12-13,000.

Councilman Sustarsic - Because what I would have suggested and what I might suggest now, although it's probably a moot point because we have an amendment coming up, but why couldn't we have gone with that portion of that architectural rendering for the clubhouse being as it was

amenable? And then left the Knuth Center go for future development? In other words, set up a golf course, get that taken care of and then possibly building in such a way where, if you could, later on attach the Knuth Center or expand within the Knuth Center for whatever you want, hopefully not a golf course operation. But what I was saying was if there was anyway we could have isolated the architectural plans for the clubhouse that was on the previous clubhouse.

President Gudenas - I'm sure that architect would be happy to submit us a proposal on doing exactly that.

Councilman Sustarsic - Like to get more money, too. Okay, well, all right.

President Gudenas - Okay, so we have a motion to amend it as we so stated.

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

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

Amendment passes.

President Gudenas - Okay, so basically this would be voting on the ordinance to go out for these proposals. Any questions further? When will we expect these requests to go out and hope to come in?

Director DeMinico - I would hope that I would be able to have these out by the second week of January.

Councilwoman Holzheimer Gail - I just want, I guess, ask or if we're talking about re-adaptive use of the Knuth as the golf course clubhouse we're not planning on moving the seniors before we have a new facility to put them in, correct?

President Gudenas - We're not making any of those decisions right now. This is only request for proposals.

Councilwoman Holzheimer Gail - I just want the seniors not to be concerned that we're kicking them off the golf course next month..

President Gudenas - The seniors are not being kicked off the golf course. That decision has not been made and everybody's staying right where they're at.

Councilman Lisy - Director DeMinico, you had a meeting on October 15th with the Knuth Senior Center and you were looking at possibly relocating the Social Services Department and the Domestic Violence Department to reduce the crowding and congestion over there that this may benefit the seniors. Any progress on finding a new location for those two departments?

Director DeMinico - We talked a little bit with Director Koran and Margaret Hastert-Wolf but not in great detail. In fact, Councilwoman Holzheimer Gail and Councilwoman Miller were both brought up to speed with that. We haven't really examined that as a very viable option at this point in time.

Councilman Lisy - Thank you.

Councilman Lisy moved to close debate on ordinance; Councilman Langman seconded. Yeas: Unanimous.

Councilwoman Holzheimer Gail moved to suspend the rules; Councilman Lisy seconded. Yeas: Unanimous.

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

Ordinance passes as amended.

Ord. 230-2001 (033-01) Park & Recreation to Handle Rentals of All City Facilities

An ordinance amending Section 951 of the Streets, Utilities and Public Services Code of the Codified Ordinances of the City of Euclid as it relates to the Private Use of City Facilities. (Sponsored by Councilman McTighe by request of the Parks & Recreation Director)

Councilwoman Miller moved for passage; Councilman Langman seconded.

Director DeMinico - Currently when a resident calls to rent Knuth Center, they call the Public Service Director and his secretary handles it. When they want to rent the Euclid Park Clubhouse, they're calling Parks & Recreation Maintenance Garage and our secretary handles it. And when you want to call to rent Shore Cultural Centre Community Room, you call down to our Cultural Centre and that secretary handles it. What we're trying to do is streamline the process for our residents. We've had many complaints about the transfer of calls, the differences of prices, the differences of rules.

What we hope to do with the passage of this ordinance is to come under one central location which would be at the Shore Cultural Centre. We plan on designing a pamphlet that we'd be able to mail our residents with all of the information, fee structures, the do's and the don'ts. Some of the buildings you're allowed alcohol; some of them you're not allowed alcohol. We hope to streamline in the future as well, but that's an ordinance for another day.

This ordinance in front of you will address this issue of allowing it to come under our department. We will handle all the fees. We will handle all the assignments through our secretaries into our Maintenance Division.

We are addressing a cost issue here. We're looking at a \$25/hour rental fee for all of the groups. That would be all three buildings--Euclid Park Clubhouse, Knuth's Community Center, and the Shore Community Room--\$25/hour, 2-hour minimal rental. The do's and the don'ts would be handled through our department, again, and through the pamphlet of information.

Currently, there are several Euclid groups, such as, the Rose Society, the Euclid Boys' Leagues, these are non-profit entities that are paying \$10 for a six-hour rental. What we hope to do is leave it up to the discretion of the Director. We will set policy; it will be in writing. Initially, our first thought process is \$25 for our Euclid groups. When the Boys' Leagues come in at 6:00 and they rent it until 10:00 for their meetings. It's just a flat \$25; they can be there for four hours. That is our initial thought process. We want to work with all these groups. Currently, we have some of them under contract throughout the course of the year. They're paid throughout all of next year so we would honor that payment.

I just think this is going to streamline the process and make it a little bit easier for our residents and our users of our facilities to do one-stop shopping.

President Gudenas - Question, will that include renting out this facility, too, because from time-to-time it's used.

Director DeMinico - I don't believe that we've had any fees involved in utilizing this facility.

Law Director Murphy - I don't think we charge, Mr. President. I think rentals for this facility should go through the Council office, to see whether it's available.

President Gudenas - The rental of this facility would not be under Recreation, would be under the Council Office? That's a little bit different than what we have now.

Councilwoman Miller - I don't have a problem with this ordinance, but I do have a concern with the fees that might be asked. Would there be a possibility that we could see what you're planning to charge for different organizations and such so that we could have input into it.

Director DeMinico - Yes. We have something already devised. We were just waiting for Council's approval tonight. You know, again, and if you look at the bottom of the costs, the very last line of (b) the Director is authorized to waive or reduce the rental fees for good cause. People that have been associated with me know that we're very fair. We're going to be fair with everybody and if it's one price for one group, it's going to have to be the same price for everybody. Everybody's involved under that same umbrella.

Councilwoman Miller - I just think it would be to our advantage if we knew what you were going to charge for these different organizations so that when we get phone calls, if we get phone calls, we can speak to it.

President Gudenas - So we'll have it in our packet for the next meeting?

Mayor Oyaski - The general policy has been in fairness to the taxpayers the people that are using the public building have to cover the costs that are incurred by the use of the public building. That's the general principle. We have never tried to make a major profit, other than the Henn Mansion.

President Gudenas - We're just asking for the information right now which will be provided to us. That information will be provided to us with your next packet. And one thing, can we also consider at the same time, I know like for instance, the Friends of the Henn Mansion had a Christmas party there recently and they had to hire security for their event which, probably, they really didn't need to have security based on the group they have there. Can we be at all flexible with that kind of the thing in the rental?

Director DeMinico - When we get into some of those rentals, I believe, I don't know if alcohol was at that, it was Council's decision along with the Mayor and the Law Director, when there's alcohol being served, they are required to have a City of Euclid police officer, an off-duty officer, that they have to pay.

President Gudenas - Is there a reason for that?

Councilman McTighe - I think that addresses #17 here coming up with public dance.

President Gudenas - No, we're talking about the Henn Mansion for instance.

Mayor Oyaski - This has come up in these chambers many, many times. When liquor is served, there's always been a concern by the Council that there be adequate security so you don't have children being served liquor or that no one's been over served. So that's been the general policy whether we're doing the Irish Festival in Memorial Park or the Henn Mansion. That when liquor is served there is security required in order to ensure that there is no disturbance of the peace. That's what the Council set up as the policy. You could waive that, but it may prove to be controversial if Harvey's paying attention.

President Gudenas - I think Harvey left to watch at home.

Councilwoman Holzheimer Gail - Director DeMinico, we had talked, I think it was last year, about sharing a staff person with the Henn Mansion. Was there any discussion of including rental of the Henn Mansion as part of this?

Director DeMinico - Yes, I believe, through the initial designs that we were going to have a blurb on this tri-fold that had the Henn Mansion was available, you know, maybe look at their fees maybe not. We were going to work with them on that. At least, let people know hey, the Henn Mansion is another option. Here are your contact people so yes, again, initially we think we have enough room.

Councilman Lisy - Law Director Murphy, with respect to President Gudenas' comment on Henn Mansion, is there an ordinance that pertains to the requirement of having an officer when alcohol is served?

Law Director Murphy - Yes, there is. There's an ordinance that addresses a permit, obtaining a permit to serve alcoholic beverages in the City municipally-owned buildings which includes Henn Mansion, has the requirement that security be provided by off-duty policemen.

Councilman Lisy - It's my first day going through the ordinances and I couldn't find it. That's why I asked. Thanks.

President Gudenas - But of course, we do serve alcohol on the golf course. Is that correct?
Law Director Murphy - Yes.

President Gudenas - Do we have an off-duty policeman at the golf course? Okay, I just wanted to know. So our policy is not always on all City property, it's on some City property. Okay. Any other questions?

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

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

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

Ord. 231-2001 (037-01) Public Dance Permit Fee and Dance Hall Security

An ordinance amending Chapter 761 of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid by amending Subsections 761.06 and 761.11. (Sponsored by Mayor Oyaski and Councilman Gruber)

Councilman McTighe moved for passage; Councilman Gruber seconded.

President Gudenas - This has been addressed somewhat. Again, we're not creating a new program. Basically, the ones that had to pay it in the past will continue to pay it; those who have not paid it will not pay it. So this applies to, apparently, we don't need to amend it because these other churches and schools etc. are already exempted from this rule and regulation. Mayor Oyaski, anything further to add?

Mayor Oyaski - No, you've hit the high points. Councilman Gruber in the fourth ward, the Police Chief, I believe, the Heritage Park Owners Association, the Law Director and I have had a series of discussions. We've had regulations on hall dances in our code since, I think, 1930. We don't believe they're adequate to apply what the proposed uses at the Euclid Sports Plant are. The City is concerned that the curfew ordinances be observed and that when there are large crowds when liquor's being served late into the evening, that police and security is provided.

I don't think the permit fee has been changed since 1930. I know the Law Director thinks it was 1980, but it's not clear. We also get, I get these requests at the last minute. And thanks to Chief Maine he does a quick inspection. And I do think some more time is required to properly address these so that the Building Department, the Zoning Department, the Ward 4 Councilman and the other tenants in the building, the Police Department, the Fire Department, the homeowners' association feel comfortable with the proposed uses.

I have denied the last three permits under the existing ordinance. I believe additional regulation is necessary and I think Councilman Gruber agrees as well. Thank you.

Councilman Gruber - I'd just like to address the issue of to make a clarification. These aren't your junior high school dances or your church dances. These are moneymakers. The promoters of these dances intend to make money off this. They usually charge \$10 a car to park. They get \$20-25 to get into the dance, up to 500 people. So it's important, and they do request liquor permits. They have in the last two cases. So to avoid any trouble in the future and to actually help the Police Department in doing their job a little bit better it's an excellent idea to increase security and also to make incidents less likely in the neighborhood because that is surrounded by private homes on both sides. And I'd like to defer to the Police Chief. Do you feel comfortable with this ordinance, Chief?

Chief Maine - Before anything else, I think I'd like to publicly thank John Hayes from the Building Department for really getting this whole process going. John, became aware of a request, took a permit, and although the information that really helped us develop some important information wasn't required upon this. He took it upon his own to ask for some additional information.

It turned out that the parties that had requested this dance had a somewhat sorted past. At least one of them had a felony warrant. They had been involved in some other activities in a different community. We talked with that police department. They on the QT asked us, recommended to us that we probably didn't want to have this kind of activity in Euclid. This is really a pre-emptive strike to prevent anything else from occurring up in the Sports Plant area and any other venue that might look at this kind of activities as a revenue-generating machine.

We're going to have a conversation, a meeting, with Mr. Lichter of the Sports Plant on Wednesday so I think we'll all be on the same page after this. But I think we averted some real problems, potential problems, by the Mayor's quick action in turning down these permits. And I think these kind of issues that are in this ordinance will take care of a lot of the potential problems in the future.

President Gudenas - Any other discussion?

Councilman Lisy - If they're bringing in so much money, increasing it to \$100, do you think that's really going to deter them from having this event? I think we're creating changes to the ordinances to go after one problem which is, I think, is a bad idea rather than addressing the issue. Thank you.

President Gudenas - Do we have any comments regarding that we're just doing this for one particular thing?

Mayor Oyaski - The City is allowed to set permit fees to cover the costs of administrating the ordinance. We're not allowed to set permit fees in a punitive or tax way. There's a great deal of investigation involved by the Fire Department, the Police Department and so forth. I think \$100 is an extremely reasonable fee. This large building which used to be a factory is the place where the issue is arising. It could conceivably arise in other large buildings. But the permit fee is not set in any way to discourage it, it's merely be set to cover the expensive cost we have to do the background investigation on the people that are asking for the permits.

Councilman Lisy - I understand that. I'm just concerned that there are other organizations that may get hit by this increased permit fee that may not be as cash rich as the people using the Euclid Sport Plant. And so, my question is, I guess, how many times in the last year has somebody applied for the \$10 dance permit fee and what organizations were they?

Councilman Gruber - What about in the last month?

President Gudenas - Mayor Oyaski, who would have that information?

Mayor Oyaski - The Council President and Law Director indicated that this ordinance does not apply to most of the dances that you're considering. Have a received 3 permits? All of them at the Sports Plant; all of them for alleged charities late into the evening with children paying a lot of money. You know a dance at a parochial school is already exempted and this is only for a very large building that's now trying to break into a new line of business.

Councilman Lisy - Thank you.

Councilman Gruber moved to close debate; Councilman McTighe seconded. Yeas: Unanimous.

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

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

Nays: Lisy

Ordinance passes.

Ord. 232-2001 (032-01) Grant for Continuation of Domestic Violence Program

A resolution authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid to apply for and accept a grant from the Ohio Office of Criminal Justice Services (OCJS) through the Violence Against Women Act (VAWA) Block Subgrant, for an amount not to exceed

\$30,000.00 for use by Community Services and Economic Development Department to be used for training City personnel on domestic violence and victims assistance, community education, and the purchase of equipment. (Sponsored by Mayor Oyaski by request of the CS&ED Director)

Councilwoman Miller moved for passage; Councilman Sustarsic seconded.

President Gudenas - Any further information?

Director Koran - Yes, Mr. Chairman, it's getting late; I'll be very brief. This is giving us permission to apply for and receive a grant to continue our very fine Domestic Violence Program. We have two individuals that are social workers, licensed social workers, who deal with domestic violence on a daily basis. Margaret is here to answer any specific questions you may have.

President Gudenas - Any questions? Otherwise, we'll just proceed. It's a resolution so we won't need to suspend the rules.

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

Resolution passes.

President Gudenas - And with that, that ends our legislative portion. We go back to the public portion.

COMMITTEE OF THE WHOLE

Councilman Langman moved to go into the Committee of the Whole; Councilman Gruber seconded. Yeas: Unanimous.

Krystal Skivora - 26161 Lake Shore. I have a comment and a question. The comment is involving item #2. I just wasn't sure if the new Council was aware that in my current position with the Euclid Police Department I work for and represent all of the neighborhood associations. So in the terms of educating the folks about what to do as far as, you know, opting-in, opting-out, all that kind of a thing, I'd be happy to help with that education.

I send out a monthly letter to all the association leaders and pretty much attend almost all of them. So if it's possible if I could get a copy of the envelope and what the notice will look like, I can help with that education. There's about 34 current neighborhood associations so it does, you know, kind of help.

President Gudenas - And that'll come from the Law Department, Mayor's Office, who will provide that information?

Mayor Oyaski - The WPS will be giving us various promotional information. Ms. Skivora, I'll be very happy to forward to you and all of your clients.

Ms. Skivora - Great, thanks. And the other one's just a question because I'm an idiot. Item 12, why is this going to Executive & Finance Committee?

President Gudenas - Item 12 is for the sale of city-owned property. And being an important decision to sell city property, it's going to be considered by that Committee.

Ms. Skivora - Okay, because I thought you said it was going to go into that Committee because we needed to hire a real estate firm to look at selling major pieces of land. And we already have an owner, or potential buyer, so I don't know why you have to get a real estate firm to find potential buyers.

President Gudenas - Well, because we also have an entire City of Wickliffe, Mayor, Council President, Service Director and other people that have expressed a great deal of concern over this thing that would cause a lot of pollution in terms of dust and noise and the like. That would be very detrimental to their neighborhood and to our neighborhoods. And they provided us some very good information showing that this would not be a good deal. So, of course, you could sell

short-term and get whatever you could get and have all these problems and complaints where we to this date still have complaints about odors and the like from our neighboring sludge incinerator which is right next to this that Euclid residents and others are complaining about. And it would be logical for us not to make the same mistake by creating another source of pollution that would make that entire area very undesirable for other businesses and residents. So being an important decision...

Mayor Oyaski - There are two sides to that story and I invite you to attend the meeting to discuss it a little further. Because there are some issues about Wickliffe and how Wickliffe has some of their land used. And we here at the Euclid City Council are looking out for the City's interests. Obviously, we interested in Wickliffe's input. Wickliffe, today, told us they're not interested in buying it; but they are trying to tell the Council what the Council should do with it. So I'd invite you to come to the Committee meeting and hear all sides of that story.

Ms. Skivora - So, there are some other issues here then?

President Gudenas - There are many issues in everything.

Ms. Skivora - Thank you.

President Gudenas - You're welcome.

Mr. William Hilf - 891 E. 237 St. Unkind and unnecessary. Those two words describe some of the events and actions that have taken place in this building in the last month and a half or so. I'll start with, first, the Mayor's decision to ask for the resignations of his directors and then his subsequent review of them and rescinding of his request for the resignations. I thought it was very unkind to ask for them the day before Thanksgiving. And then to have everyone in the City who follows this type of thing be speculating. Well, will it be this director? Will it be that director? And then to decide to rehire them all, not to say that they weren't deserving of being rehired, but it may have been handled in a far better manner by taking them aside privately and doing what many companies do with an annual performance review. The changes that were made with having the lunch and the Monday meetings and the ideas and other things and proposals that the Directors now have to submit are fine. But if my bosses at the title company I work at came to me and asked me for my resignation by a certain date because they were going to review me, leaked that out to the rest of the people I had to work with and then decide to rehire me, I would take that as a bit of an insult and that might suggest to me that maybe I should start looking for another job because I'm not being treated properly. However, at least, the Mayor may have had good intentions with his idea.

On to the other unkind and unnecessary events that have happened in this, I am referring to some of the comments that were made at the end of last Council meeting on December 3rd regarding the Housing Department and the former Council. Those comments made by the particular gentleman added nothing to the public debate. He raised no questions, proposed no ideas. All he did was pursue his personal vendetta against certain individuals, accused and maligned the former Council, who had no chance to respond that evening since they're no longer here and sitting before him. If he had problems with them, he should have taken it up with them at the time. This is a new Council. If he has issues, he should talk to them about it and leave them out of it.

He also had comments to make about Mr. Tollerup. Now I don't know exactly what all of his issues are with Mr. Tollerup, but I will say this much. He didn't malign and insult Mr. Tollerup and I did have the opportunity to have a conversation with Mr. Tollerup this week regarding my residence. And while it wasn't anything in depth with any violations or anything, he did call to double check on the County program that I went through to get a second mortgage on my property. And I found him to be very professional and courteous at that time.

When you approach this podium at the beginning or at the end of this meeting, you're invoking your freedom of speech which is a right, but is also a responsibility. When you step up to this podium you should be trying to contribute to this City, contribute ideas, raise questions for the proper officials to answer. What he did last week was nothing short of a personal attack. It proved nothing; it added nothing; it was mean spirited and unnecessary. Thank you.

Mr. Dennis Berzinskas - 20890 S. Lake Shore Blvd. Not lower Lake Shore Drive, yet. Councilman McTighe, thank you. The sidewalk's been repaired, not replaced, but repaired. And

gentlemen, that goes for the same thing with the City buildings. I'd like to see this Council dedicate themselves to making sure that the repair of our buildings is taking place. Not like the City Garage, temporary repairs 8 or 9 years and then we're told it's dangerous for City employees to be in that building. We don't do things like that in our homes, our cars or our businesses. Why does the City do it? You do it, why? Well, because we have more money to spend on other projects, but in the long run it costs us, the taxpayers, more money. You're hurting us in the long run.

And thank you, Council President Gudenas, I brought this up at the Charter Review Commission. We were told it's golf course money. I'd like to see Councilman Lisy have somebody build the building for him, buy the land, put it up and give him the seed money for years. You'd have to make a lot of mistakes not to make money. And why do we need so much of an area to feed people. I've eaten steaks outside. There's nothing wrong with it. It's a summer time event. Why do we have to have a piece of property covered with all the initial costs, the longevity of taking care of it, if you do your job. And then we have to pay for it in the long run. We've done it before. We didn't ask you people at any time, any Council to go out and spend our money foolishly. Spend it on a lot of things that you don't pay attention to.

You had a study a few years ago that said you get the most bang for your buck if you have a combined center for all ages. You know, we've been holding out to a few people. We're going to do this for the golfers; we're going to do this for the seniors. This is a City. We do it for everybody. I'd like to see everybody encompass in a new center. No matter if it's rebuilt, reused or rehabbed. That includes the Knuth Center. Let's look at that center; let's see what's wrong with it. I know public officials get more prestige when they build something new. But you build it on our tax dollars. Thank you.

Ms. Kathy Vislowski - 290 E. 197 St. We were talking earlier about Mr. Carter's property when we were talking about the 8-foot high Tops fence. I just wanted to know if we could possibly approach Mr. Carter and ask him to redo the parking lot out front. It's in bad shape and the direction that traffic moves is cumbersome and if he'd consider that I think that would be an improvement to that property.

Additionally, I want to commend Kory Koran and his department on Tops. I think it's a very beautiful building, architecturally and aesthetically. I think you did a really good job on that building. I go there a lot and it saves me time from going to Heinen's where I usually went, which I still sometimes go to. But in any event, I still think it's a little redundant to have two grocery stores side by side. But I also want to say that maybe that was some marketing genius because Dave's has renovated and I've been in both stores and Dave's is coming along nicely or it's nicer than it was. And I know that many residents had complained that they felt that it was dirty when they went in there and I don't think it is any more. So I think, I don't know if that'll last a long time or if two grocery stores will, but to always improve property is a good thing. And that was good marketing to put Tops there and have them expand.

To that end to redundancy I know that, Mr. Gudenas, you have developed many different committees. Two of them being the renovation of or a committee to talk about Euclid Avenue corridor development and Lake Shore development. I'd like to suggest that those aren't the only two issues that we have in this City. And I'd like to recommend a task force for all of Euclid planning that would maybe work with Mr. Koran's department and involve citizen opinion as to what they'd like and where they'd like it.

Additionally, we have talked about before, not this meeting but last meeting, about development of the Euclid Square Mall, PMX facilities. And I know still that the Weed and Seed Master Plan is still out there somewhere. I'd like to know if Council will be reviewing that plan before you go forward with any particular development plans there? And where is that Weed and Seed proposal and is it viewable by the public?

Lastly, I, maybe not lastly, I truly believe that the Senior Center is absolutely not appropriate for Sims Park. Sims Park is one of the prettiest parks we've got for general recreation, walking, viewing the lake and to take away green space would be a shame. I also believe that the Senior Center is not the place at the golf course and thank you for turning that down. I think the golf course should be a golf course and not anything else. We can make a lot of money in a clubhouse and I think that would be a good use of our money. I think that's it so thank you.

President Gudenas - You're welcome. So first you mentioned about the parking lot in front of Carter's, Kory Koran, your comments on that

Director Koran - First of all, thank you for the compliment in regards to Tops. I think we're all very happy with the way that turned out.

Mr. Carter with the renovation and new construction with Tops is right now looking at renovating his strip and also encompassing renovation of the parking lot in front. Also, redoing the rear because a lot of people now are in the back there, which we talked about in earlier comments. He is working on that. We said that we would assist him if necessary. One of the items that we're dealing with him is to remove the ugly guardrail that's on Lake Shore Blvd. and Babbitt Road and do some improvements there and perhaps the Municipal Beautification/Storefront Renovation Program could assist in that. So we are working with him on improvements on that property.

The plan for PMX and Euclid Square Mall was released to City Council, I believe, a couple of weeks ago. I can give you a copy of that if you want to stop by my office some time. My secretary has extra copies. The first phase of the PMX study is done and have not completed the Phase II yet, but we do have the final for the Euclid Square Mall and Phase I for PMX.

President Gudenas - Right. The PMX proposal so far is very vague. They're just talking about how to deal with Korean owners and there's really no specific things. Euclid Mall, talked about various options were back office operations, things like that.

In regard to your comment about planning, we have done that over many years here with that Master Plan thing. And all of those have done surveys and comments and reports and there's stacks of it. The problem is that we often don't use that information. So perhaps it would make sense to sort of review what we've already done to make some conclusions off of those facts which we have an extensive amount of data both by doing exit surveys, people that have left, people who have moved in, who have ideas, from meetings and things like that. So it sits there.

Ms. Madeline Scarniench - 1511 E. 221 St. Item 12, I agree whole heartedly with the Mayor. I think this Council just did a disservice to the City. We've been complaining and everybody running for office said we need to be out of the real estate business. Calabrese offered a plan, good money, good buildings. It would have been a win-win for the City of Euclid. Whatever is going on in Wickliffe is not my problem. Every year I have to wash my house because of the factories off of St. Clair, the soot that's on my office; but I don't come here and gripe about it because I wouldn't want those buildings to leave, those factories to leave. This would have been the beginning of something new for that end of the City of Euclid and I think it should have passed. And I hope when it comes to Committee you change your mind and go ahead before he turns around and says okay, I'm through; this has gone on long enough.

Item #15, Briardale. Everyone's heard me more than once. I grew up on Briardale. I played in the Knuth Center. We used to have a sprinkler right where the clubhouse is right now and that's where we used to go run in the sprinkler all summer long. I have a problem with the fact that if we go ahead and build a new building before a real decision is made on the seniors, the seniors are going to be left with nothing. The Y is not the place for our seniors. First of all, they do not want to be around all the little kids. You've heard that more than once. The other part of that is, sure, they have a lot of programs; but it's all physical programs. They do not offer what our Senior Program offers.

The third part of that is they would have to go out and raise the money to build this building. Do you really think they're going to let us run it and take the revenue that we make from that program? That's like, that doesn't make any sense. If I raise the money to build the building, I'm going to run it not you. So you have to really think about where you want the seniors to go.

People keep talking about Sims and if I remember correctly in a conversation with you, Mr. Gudenas, you said that we could not by law, there's something somewhere, put a Senior Center at Sims Park. Do you remember that conversation?

President Gudenas - No. Actually, other people have said that they thought there's some kind of deed restriction or whatever, whatever there's really no rules regarding Sims Park.

Ms. Scarniench - Does anyone know does such deed restriction exist? Is that anywhere? Has anyone ever researched that?

President Gudenas - It has been researched. It came up with the Army Corps Plan came up with the beach because people were concerned it violated something. The title company looked into

it. We can say conclusively there are no such restrictions to Sims Park. And it has never been voted to make it a passive park. There's no such legislation on the books.

Ms. Scarniench - Okay. Yeah, I believe there is somewhere 'cause, yeah, I think so. Dorothy was a big proponent of that. But anyway, if you're not going to do a Senior Center in Shore, then across the street from the Y which is City property which has the parking which tentatively is on a bus line would be the most feasible place for Senior Center. But you still need to know what you're going to do and have a place for them before you oust them from the golf course.

As far as the golf course, I would like to know once this is done, Mr. DeMinico, do you plan to keep the clubhouse open year round? Would that be a facility that people would go to for lunch or something?

Director DeMinico - Absolutely. Yes, I think the long term plan is, as I said earlier, Mrs. Scarniench, is to hire a professional caterer to run the facility and have, you know, a lunch, dinner place. You know, areas for golfers, area for John Q Public to come in.

Ms. Scarniench - Thank you. I don't have much time. Number 16. The rate hikes. This really scares me. It bothers me. I know every year Heritage Park rents the Clubhouse. We have our little indoor picnic there. We're now not going to be able to afford to do that. Non-profit organizations cannot pay this kind of money to use the facility so I guess we'll have to go back outside and pray that it doesn't rain.

The last thing, I want to do this quick. The dance hall. People do not understand what's going on at Sports Plant, the people in the neighborhood do; our Councilman does. If people would have listened when they did the boxing, the fighting, the person who signed the permit doesn't own the building. He got that permit under false pretenses. We have to pay attention to what is going on in this City. Whether it's in Ward 1, Ward 2, Ward 3 or Ward 4. We are very concerned about that piece of property and what's being done. When that young man's uncle owned it and it was being taken care of by Ken Roberts, he came to Heritage Park before they even moved in there. He talked to us; he listened to our concerns and we dealt with them. What's going on there is wrong. We don't need this kind of problems in our City. You must stop this. If this is the only way, then by God this is the way you have to do it. That area is dry, but they still get to be around by doing this special permit. I think it's wrong. We should be going after the City. I'm finished. Thank you.

Mr. Harvey Mlachak - 23831 Lake Shore Blvd. I don't know what took me so long to get this communication from Mr. Tollerup to Mr. Johnson and Mr. Koran. Attention: Homeowners and Neighborhood Associations Complaint Procedures. You're conducting your visual inspections on City sidewalks and you can't see what's behind everybody's homes. Ain't none of your business what's behind my home or what's behind my garage.

You're putting fuel on a fire when you tell the people if you have a long going argument with your neighbor give us a buzz. You don't have to sign your name you can do it anonymously. All you're doing is putting fuel on a fire for a couple of neighbors that are arguing. If you want to babysit with neighbors, that's up to you. You're going to wind up with two disgruntled people. And I think the way the Housing Department has treated the citizens of Euclid had a great deal to do on the outcome of the last election. You got a lot of people out there that are mad.

Furthermore, I have one other thing. You have a sign out here in front that says foul and vulgar and public remarks tending to embarrass or humiliate or which are personal in nature are at all times out of order. I don't think so. I'm getting more and more to agree with what gripes Mr. Janosik had to say. Madeline said at the last meeting shame on you. Not so, Mr. Janosik had a perfect right to express his disdain and his displeasure at the treatment of the Housing Department. I respectfully request that you take the sign down from the back based on this:

ACLU to sue North Ridgeville over Council rules punishing speech. The American Civil Liberties Union of Ohio filed suit in U.S. District Court in Cleveland earlier today challenging on the First Amendment grounds of the rules of the North Ridgeville City Council which forbid individuals from making statements critical of their elected officials during City Council meetings. The Council rules passed in December, 2000 forbid citizens from impugning the motives, character, integrity of another person. Those rules have been used during the public comment portion of the City Council meetings to gavel down those persons expressing views critical of the City Government, Council members and the Mayor. This case cuts to the core of our democratic process, said Kay Ryan,

volunteer attorney for the ACLU of the Ohio Foundation, which is representing North Ridgeville citizens in the law suit. The right of a citizen to engage in spirited discussion and express his or her disapproval of elected officials is the foundation upon which the First Amendment was built. Courts have generally been unsympathetic to this type of content-based ban on speech at public meetings. The dangers of abuse of official discretion over speech have been well documented throughout our history said Gillian Davis, ACLU staff counsel. The adage, if you don't have anything nice to say, don't say it, it has no place in terms of healthy political debate that is mandated by the First Amendment. Public comments should be just that. A chance for the individual citizen to vote their opinions about the government and their representatives no matter how critical those opinions are. The ACLU is asking the Federal Court to declare the Council rules unconstitutional and to enjoin that enforcement.

Therefore I say, not shame on Mr. Janosik, congratulations to him that he had the courage to get up here and express his displeasure with our Housing Department. And you don't know how much I agree with him. Thank you very much.

President Gudenas - Thank you everybody for presenting your positions and opinions. It's greatly appreciated and always welcome here. So with that I see no one else.

Councilman Lisy moved to rise and report; Councilman Delaney seconded. Yeas: Unanimous.

COUNCILMEN'S COMMENTS

President Gudenas - This is the portion for our elected officials to say a few words. I think what we might do in the future is we could start with Delaney then each week we could move over one. Give everybody a chance to lead off.

Councilman Gruber - Just a couple of items. First of all, I had a real enjoyable day yesterday with the Euclid Civic Orchestra at Shore. They put on a wonderful performance. I saw you there, Council President, and I saw the Mayor there and several other dignitaries.

The Euclid Historical Society had their holiday party yesterday and they really did a wonderful job organizing that and putting that together. It was very nice.

Director Gulich, now that Beverly Hills has been rained upon with found money, do you think that we could move over to Upper Valley in the near future?

Director Gulich - Spring, I think, is only 95 days away. You'll get my request for resurfacing and curb work that I'd like to do come the construction season in 2002. Hopefully, we'll be able to do that and much more.

Councilman Gruber - Thank you very much, Director. And lastly, over the years even though I'm not the Ward 3 Councilman, I did receive complaints from the odors coming from the Kurtz Brothers compost pile, which is not in the City of Euclid. I feel bad for Wickliffe, but they better clean up their own yard first. It's pretty nasty over there at times. Thank you.

President Gudenas - I'm sure we'll work on that and take care of that.

Councilwoman Holzheimer Gail - I just wanted to wish everyone, the Directors and all the staff and Council and the residents, a Merry Christmas. Happy, healthy New Year and the Mayor, excuse me. I look forward to the Committee meetings that we will have. I'll be happy to hold a Community and Senior Committee meeting, hopefully, in January.

Councilman Langman - Well, wasn't this fun tonight? Chief Maine, a couple of residents pointed out to me that with the new jaywalking enforcement going on, now that you've changed the lighting, the street lighting, or I should say the traffic signals on Lake Shore Blvd. some of the areas that used to be signal are now not. Therefore, causing the jaywalking problem. For example, downtown Euclid, there's a bus stop right across the street from what is Key Bank. So you have senior citizens getting off there and they have to walk down to either one of the lights and cross over. And they're used to crossing the street at the apartment complexes, the Americana and Waters Edge and the Normandy, want to go cross the street you are jaywalking and I don't think it's practical really to express folks to walk down to Stevenson's or wherever and cross. Is there any way that we can alleviate the situation with a lighted crosswalk, sign in some of those particularly sensitive areas?

Chief Maine - There are three ways that you can address potential traffic problem and that's through education, through enforcement and through engineering. We're, right now, left with only two options to us. I'm talking about the Police Department, and that's education and enforcement. That's what we're doing. If you want to put the money into putting lighted crossing signals and that sort of thing that's the decision of Council and I would whole heartedly support it. But we just went through a whole traffic study, which went through the whole signalization and I realize that this is an inconvenience to some people. Maybe one way, well not me, that could be addressed by asking RTA to maybe move some of their bus stops closer that would be closer to a crossing area on Lake Shore, on Euclid Avenue.

We didn't do this capriciously; we did it because people were getting injured seriously. We did it because people were getting killed and, you know, it's my responsibility to try and reduce those injuries and fatalities. These are the options that are open to me.

President Gudenas - I will second it from what Councilman Langman said. Along Lake Shore Blvd., especially by the high rises, it's almost impossible to cross now.

Chief Maine - I understand it's an inconvenience. I do.

President Gudenas - Well, I mean it's basically, you literally have to walk almost a quarter of a mile to cross the street.

Councilman Langman - Chief, we know that you have to enforce the jaywalking. It's just that the way the traffic patterns are now you could write all the tickets you want and people are still going to get from point A to point B the quickest way. Especially folks coming home from work and they have to cross and their apartment building is there. Just perhaps it's not really your particular problem maybe it's more of a traffic engineering problem, working with RTA. I don't know if anybody in the Administration would be the point person to perhaps adjusting the RTA stops.

President Gudenas - And who would that be in Administration regarding crosswalks, things like that?

Mayor Oyaski - Give me a list of the bus stops you'd like relocated and the way you'd like them relocated. I will bring them to the attention of the RTA Director.

President Gudenas - It's not just the bus stops. It's the residents who need to cross to go to church, for example to St. Roberts, or the stores.

Mayor Oyaski - I have to tell you honestly that residents of Ward 2 complained about the jaywalking, the unsightliness, the image it presented and the fact that it was not safe. So I understand you're now the Ward 2 Councilman, we got complains from Ward 2 residents about the jaywalking, the way it looked, the fact it was unsafe. So any suggestion you have about moving bus stops that can be done, but really people have to learn to cross at intersections. I know that's a little inconvenient, but don't jaywalk. Cross like we teach children. Don't jaywalk. Your residents complained about how it looks and the fact it's unsightly. Cross at the intersection; walk a block down.

President Gudenas - If you cross at an intersection without a crosswalk is okay?

Mayor Oyaski - I'm saying cross at a crosswalk like we learned in the fourth grade. That's what I'm suggesting to you.

Councilman Langman - I'm sure, Mr. Mayor, there's some way we can adjust it and come to a happy medium on this particular issue.

Mayor Oyaski - Absolutely.

Councilman Langman - Thank you.

President Gudenas - Councilman Langman is so instructed.

Councilman Lisy - I second what Councilwoman Holzheimer Gail said. Merry Christmas to all and I look forward to next year.

Councilman McTighe - I also like to wish everyone a Merry Christmas to all the residents and I'd like to make just one quick comment. If everyone on Council and the Law Directors could say just briefly what they'd like or hope for Christmas either personally or City-wise I think maybe make it a little bit to have some fun and I know you'd probably like lakefront development or you know whatever.

President Gudenas - You mean you could stuff these gifts.

Councilman McTighe - Hey, if I win the Lotto, that's my gift; that's mine.

Councilwoman Miller - Mine's too long to tell you. I'd like to wish everyone Merry Christmas and Happy New Year and certainly hope 2002 brings everyone good health and prosperity.

President Gudenas - Thank you.

Councilman Sustarsic - Yep, I'd like to start off with a good news bad news type thing. The proposal for Hyundai, PMX plant deal, they only need 2,000 acres, which is a little more than we have to offer. But hopefully through networking or whatever like that, others might take heed that we do have a facility available with the particular utilities involved.

Another idea, I was wondering if we would have the capability we're talking about raising money for Shore. I don't know how much we could do with this particular matter, but I was wondering if, Mr. Johnson, if we would have the capabilities of possibly having a telethon. Maybe say for a couple hours on a Saturday or a Sunday, on a local channel, cable channel network, you could have members of Council, the Administration answer phone calls, we'd have entertainment. I guess there are some former officials that used to sing or whatever and we could invite local talent and try and promote the interests of Shore.

President Gudenas - We should maybe charge money to get off the TV?

Councilman Sustarsic - That would be up to you. Anyway on that note, also, I'd like to wish everyone a very Merry Christmas, Happy New Year, Happy Holidays. I'll look forward to working with you next year and having a very productive year. And Christmas wish for shorter, more productive Council meetings.

President Gudenas - And I would obviously agree wish everybody a Merry Christmas, Happy New Year and just so everybody knows the day after New Year's will be a business here because Administration would like us to have an Executive Committee to discuss our new waste hauling, recycling program with the new supplier. We're going to have some very important decisions to be made at that time regarding both who is going to do the business and the recycling program so there'll be an Executive Committee meeting on Wednesday, January 2nd, for all residents that are interested in that they should attend.

Also, Hank Gulich has been talking to ODOT regarding our sound walls along the freeway which certainly need some repair etc. And he has confirmed that ODOT has some money and we're going to ask ODOT to come in and work with us on making it look better. And you're going to set this meeting up in January?

Director Gulich - I'll be meeting with ODOT on Wednesday. We're going to talk about a laundry list of things we did preliminary plans; we did send them out. They do intend on spending a lot of money to improve the look of the sound barriers. I talked with ODOT; they'll be glad to come in.

President Gudenas - Let's have them come in January before they make too many decisions.

Director Gulich - That'll be fine because they want to know. I'll pass the word on.

President Gudenas - Okay so that'll be another Committee meeting. They can make their presentation and we could have our recommendation regarding how they're going to spend the money. And Councilman Delaney gets the last word today.

Councilman Delaney - I would like to thank Eric Tollerup for taking the time to enclose packets outlining duties. As a new Council member, I really appreciated that.

I would like to congratulate the Euclid Civic Orchestra on completing 40 years yesterday. It's quite an achievement and many, many communities can't remark on that. And just finally, I'd like to wish everyone a happy, safe and healthy holiday season.

ADJOURNMENT

Councilman Delaney moved to adjourn. Councilman McTighe seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council