

COUNCIL MINUTES
APRIL 21, 2003

The regular Council Meeting was held on Monday, April 21, 2003 at 7 PM in the Euclid City Hall Council Chamber. Meeting was opened by Roger Dorer and then presided by President Gudenas.

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

Others Present: Mayor Oyaski, Law Director Murphy, Acting CS&ED Director Gliha, Service Director Gulich, Finance Director Balazs, Asst. Parks & Recreation Director Will, Commissioner Apanasewicz, Administrative Director Johnson, Commissioner Hayes, Chief Housing Inspector Petkovic, Fire Chief Dworning, Police Chief Maine, Sgt.-at-Arms Volk, Clerk of Council Cahill.

Invocation was given by Chairperson of Spiritual Assembly Craig Farnsworth of the Bahá'í Faith.

COMMUNICATIONS

Council has received the following communications:

A thank you from the President of the Irish American Club regarding all the efforts of the City of Euclid's staff involved in the banners that were hung throughout the downtown area.

A Notice of a Hearing from the Division of Liquor Control re: Euclid Dollar for May 1, 2003.

A News Advisory from the Coalition for Public Education regarding Ohio Charter Schools.

A petition from the residents of 197th requesting the demolition of a burned out house at 274 E. 197 St.

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

COUNCIL MINUTES

Councilwoman Miller moved to approve the Council Minutes of April 7, 2003. Councilman Sustarsic seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Director Balazs – We received our April allotment of city income tax about 10 days ago. For the month, compared to last year, we're up \$169,000. Through the year we're up about \$100,000. Hopefully we'll get rid of those negative numbers. Even though we did have some one time income it is showing a trend that we maybe bottoming out, even though the manufacturing end of the economy in the City of Euclid is still feeling the pains of the economy. Hopefully they'll turn around soon.

In the packets I've handed out this evening is the Endowment Fund and TIF Accounts to update you on those funds. We will continue to hand that out to City Council on a quarterly basis.

Last week we sold our notes for the \$4.9 million, \$2.5 million for the senior center and \$1.2 million for the clubhouse and \$1.2 million for the 2003 Capital program. We got an interest rate of 1.41%, on a one year note. That could be an all time low for the City of Euclid.

Also on a monthly basis we're going to submit to you the General Fund income statement and expenditures on a monthly basis. During the budget hearings Chairman Gudenas requested a little more detail. We have received the report called budget tracking. That gives you a little more detail of the funds of the expenditures primarily. This is situated exclusively on the general fund and perhaps at the next Finance Committee Meeting we may go over this fund and enhance it further so we can track monthly activity and status of the general fund and the accounts within the city itself. Thank you.

Asst. Director Will – I'd like to take this time to invite all citizens of Euclid to the Annual Arbor Day ceremony which will be held Friday, April 25th at 10 AM at Sims Park. We will be planting Ohio Buckeye tree honoring the crew of the space shuttle Columbia. There will also be a guest speaker, Mr. Jeffrey Woytach from NASA. We'll be planting the tree directly behind the Henn Mansion.

I'd like to invite everyone to the Blades on Broadway Ice Show. It will be held at the C.E. Orr Ice Arena on Friday, May 2nd and Saturday, May 3rd, starting at 7 PM. Tickets will be available at the Ice Arena. It is sponsored by the Euclid Blade & Edge Club. It also features members of our own City Council. I invite you to both events and look forward to seeing you there. Thank you.

Mayor Oyaski – I went out to E. 197 Street on Friday morning. There's a lot of interest, Councilwoman Holzheimer Gail also contacted us and we received a petition and I'd like Mr. Apanasewicz to bring you up-to-date on that property.

Commissioner Apanasewicz – We had attempted to contact the owner, the mortgage company and the insurance company to find a resolution to this fire damaged home. In the event that we are unable to reach an agreement, I will ask the Council for an ordinance to go out for bid for its demolition and that will appear at the next Council Meeting. The owner has returned my call. We missed each other in voice mail. It is my intention to find out what his intentions are and we hope to have this resolved very quickly. The house is secure and there is no immediate danger as of yet.

Chief Maine, Capt. Doles and Mayor Oyaski recognized the following citizens through the Police Department's Civilian Awards: Mr. Michael Sharpley and Mr. Thomas Brown.

Mrs. Dolores Mihelich received the Employee Award for her long-time employment at the Euclid Police Department.

The Employee of the Year Award was presented to Kristal Skovira.

Mr. John Williams, President of the Euclid Historical Society presented Mayor Oyaski with an autographed first copy of the History of Euclid.

REPORTS & COMMITTEE MINUTES

Councilwoman Miller moved to receive and approve the Cuyahoga County Board of Health 2002 Report; Police Report of February 2003; Fire Report of March 2003; Executive & Finance Committee Minutes of 3/31/03; Board of Control Minutes of 3/31/03. Councilman Langman seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

Councilman Gruber moved to go into the Committee of the Whole for Legislative Matters Only.

Councilman Delaney seconded. Yeas: Unanimous.

President Gudenas – The items marked 2nd reading we are not voting on tonight. The other two items regarding the cellular tower, one will be sent to Planning & Zoning. The other one is not to erect a tower but consider hiring a firm to advise us on the proper location, size and safety issues. We are not voting tonight on erecting a cellular tower anywhere in the City of Euclid.

Mrs. Dorothy Fike – 20271 Delaware Rd. Which one are you talking about going to Planning & Zoning #7 & #8?

President Gudenas - #7 would go to Planning & Zoning. #8, if the city wanted someone to help us negotiate agreements.

Mrs. Fike – I'll start with that one first. I have a question about it going on Roosevelt Pool property. Does that belong to the City?

President Gudenas – That location would be the city's property.

Mrs. Fike – I know Indian Hills is on school property. The pool is on school property, even though it is a city pool. I was curious. It is city property. Do you have a map or something? Is there a map someone in this, who would have it?

President Gudenas – The Recreation Dept. has maps available.

Mrs. Fike – So I can see who owns what, which is city and which is school board. Thank you.

President Gudenas – When it says Roosevelt Pool, this is not connected to Roosevelt Pool, it is behind the American Legion Hall on Arbor where the American Legion Hall has a chunk of that land and we would be the other part.

Mrs. Fike – But the city owns it for sure?

President Gudenas – Yes.

Mrs. Fike – I still would like to see the property boundaries. Thank you and I will check with the Parks Dept. #6, I do want to thank you President Gudenas for starting this effort. But it is really not enough at all about reducing the notices of Council Meetings. First of all by limiting it to age 60 and over, I think that is age discrimination. It should be for everyone. You don't discriminate on age on something, in my opinion.

Second, according to the law, it says it shall be a reasonable fee. I have a copy of the Ohio Revised Code. I think even \$35 is outrageous. I figured out at even 40 meetings a year, which is excessive, which we only meet for 10 months a year, that's 4 meetings a month. At forty-two cents, even counting thirty-seven cents for postage and five cents for the envelope, that's under \$20. My question is, don't you always make printed agendas? I don't know if the Councilmen get it in a packet or what. I think they're already printed so I'm saying \$35 is still excessive, although it is a step in the right direction. Age discrimination is one thing and the cost is second.

Third, I know the law is quite old, I don't have the date for it, but I would like the Law Director to research case law. Because the law itself does not talk about e-mail at all. E-mail is not common back then, I don't even know if they had it. But it doesn't talk about e-mail. It talks about written, A fee, a reasonable fee, or provide the envelope. It doesn't say anything about an e-mail. The city's ordinance, I don't know what it says, I don't know if the law, that's why I'd like Mr. Murphy investigate to see if in this day in age is e-mail one of the ways of the law that they could be notified. The law does not say so.

#14, the hazardous materials from Knuth Center. I would like to know what it is and I didn't notice a cost, so I'd like to know the approximate cost of it.

President Gudenas – That is mostly asbestos and that was part of the budget and it was estimated \$85,000-\$125,000 in the original price. This is part of that contract.

Mrs. Fike – Its just the asbestos?

President Gudenas – I'm not sure if its other things but asbestos is the primary thing including in the floor tiles too. \$85,000 to \$125,000 that was our estimate by the consultant that evaluated it.

Mrs. Fike – I was here for the budget meetings, but they get kind of complicated.

President Gudenas – This was lumped into the overall construction costs.

Mrs. Fike – Thank you very much.

President Gudenas – We didn't realize you'd qualify for the senior discount, Dorothy.

Mr. Dave Strahan – 21230 Carol Ave. I'm here to address #7 & #8 the proposed cell phone tower. Or actually the ordinance repealing Ord. 1399. I don't know if you're familiar with my neighborhood, its a pretty quiet neighborhood, one way street into the Roosevelt Pool area. It is made up of seniors who are original homeowners in that neighborhood as well as young families. It is the kind of neighborhood, the kind of neighbors that you're talking about attracting and keeping in this city.

If this ordinance passes, or this item passes, it is not going to be a quiet neighborhood, and its not because of traffic. It is going to be because of all the unhappy residents that will be calling all of your offices, the administration offices. There are not to many people that are happy about this. I took it upon myself to solicit a petition in the neighborhood. I spoke to approximately 85 homeowners and I found two that didn't care one way or the other. I have a petition here with 85 signatures opposing the cell phone tower. There was probably 80 that weren't home this weekend.

I did a little research on the codified ordinances and what you want to repeal, specifically, one of the chapters in there specifically states no cell phone, no radio/TV antennas will be within 1,000 ft. of a residential use district. You want to change those rules to make a few bucks. It is not right. Approximately \$20,000 is the figure I've heard.

Another reason this is 50-75' away from Roosevelt pool. If this tower was in my neighborhood when I was kid, I would have been the first one to climb it. Who's going to be responsible when somebody falls off that tower?

I believe there's enough business, commercial and industrial properties in this city to install a tower, not in a residential neighborhood, which we specifically have ordinances against, to protect these residential neighborhoods. I encourage you to vote no and not put this to Committee. There is no place for a cell phone tower in a residential neighborhood. I hear its 120' tall. That is going to be within 50' of the closest house. There's also a property that was just sold and their building a 5 bedroom home right next to that. Do you think they're going to want to build this new home right next to a cell phone tower? I don't think so. They're not happy about it. I tracked them down, their name is on that petition also.

Don't pass this ordinance. Don't put it in Committee. End it now. It is not worth the money. You talk about attracting young families, I'll be the first one gone if you do this.

President Gudenas – To clarify things. #7 is not for this specific tower. We discovered our ordinances were outdated over the many years they were in place. I understand you're concerned about the 1,000 ft. and this was an ordinance copied after other cities. We can add those provisions in. This is just a starting point. This was not meant to be the final discussion on this ordinance. It will go to Planning & Zoning and our Committee Meetings and then changed and amended as required. This is just a starting point. Nothing to do with a specific location. This firm approached us last year telling us that our ordinances are outdated. We'll probably have many, many tower requests in the city and this would be regulating those in the future. It just so happened that we got the other proposal and we realized that we really need to update our ordinances including the cellular tower location ordinance.

Council Minutes

April 21, 2003

Page 4

Mr. Strahan – The part of that ordinance that I'm concerned with is the 1,000 ft. in a residential district. You say this is all proposed. There are stakes in that field right now. It seems like its more than proposed. It seems like there's already plans for this tower in that neighborhood.

President Gudenas – That's under our current ordinance. In other words, all the stakes, all those things are there under the current ordinance. Not under this proposed ordinance. Everything being acted on today is under the current ordinance. What we're trying to do is update the current ordinance to have additional safeguards in terms of the height, safety and location. Everything being active is under the current ordinance that is in place now that already restricts them to 1,000 ft. We're not voting on this cellular tower today.

Mr. Strahan – I realize that you will repeal the rule that protects this neighborhood from putting them in.

President Gudenas – That's not the intent at all.

Mr. Vince Gibson – 20900 Arbor Ave. I want to address the same issues. The proposed tower will be 25 ft. from my back fence, my property and it will entail the whole width of my property which is 67 ft. The reason I got concerned is because Mr. Gudenas, I talked to you last Thursday on the phone. You specifically told me on the phone that you had no knowledge of anything in regard to the tower except that there was a company that was looking into it and they might be, they might be, looking at it. There was no need for me to have concern because none of this would come up until after the May 20th when the Zoning & Planning Commission would meet.

President Gudenas – You asked if there was going to be legislation on tonight's agenda.

Mr. Gibson – That's right. I asked you if this was coming up. I told you also that these gentlemen that put up the stakes in my field behind my property told me that within two weeks they were planning on beginning to build the tower. That's what they told me. I got very concerned and so did my neighbors. If you pass an ordinance that is going to say that we are going to have these in all the areas of the city and you don't put the limitations on how far being a free enterprise system. Then maybe I would consider selling the back portion of my property and allowing them to put the tower there and taking the \$20,000 that you plan to get and put it in my pocket. I can give it to them for 50% of the price of what you're going to charge them as a city. It is a free enterprise system so I can sell my back lot and let them put the tower there. My neighbors might object to it but at least I'd have some money in my pocket and I could use it I'm 70 years old. It would help pay my taxes and so forth that I pay through the city anywhere.

I just don't appreciate it when I call a council president. Number one I called my councilman, I couldn't reach him, he was out-of-town. I called Fay Miller, I couldn't get a hold of her so I called the next person, Mr. Ed Gudenas and you answered the phone. I was glad of that. Then when I talked to you, it just seemed that the Council President should be a little more updated on everything that was going on in those areas. I didn't get the correct answers or the same answers that I read here tonight that is on the agenda. I'm sorry to say that. That's not the way I think a citizen should be treated. I thank you very much.

President Gudenas – I guess we had a misunderstanding because again the ordinances regarding zoning issues, the tower is not going to be built in two weeks. There is no agreement to build a tower.

Mr. Gibson – I understand that. The point was that you told me that nothing was going to transpire in regard to this until and I see here that you have an emergency ordinance authorizing the Mayor under #8 here that you can enter into a lease agreement with this company.

President Gudenas – We'll explain that. It has nothing to do with that. We are not entering into a lease agreement for that.

Mr. Jim Princik – I work for a company called HC Nutting. I'm here to address #7 & #8 also. HC Nutting is a geo-technical environmental consulting firm, 82 years in service at this point in time. We're an association with COMI Telecommunications services, Monroe Telecom and the Center for Municipal Solutions. The Center is the largest consulting group of its kind in the country that works exclusively on community-side. We carry no contracts, in fact we gave up all of our contracts with the industry just so there would be no error of impropriety in our negotiations.

Before you we have two items this evening. One of the items is the contract to work in association with the city and its citizens for the negotiations of wireless telecommunication sites around the city. Taking into account existing ordinances. What we're looking to do is maximize the revenues for the city while staying within the existing ordinances.

The second item is the new draft ordinance. What this will do is update and strengthen the existing ordinance that you have in place. It will address three different areas. One is revenues. Another is the aesthetics of the towers themselves. Third is safety. The revenues are the monies the city will be able to make outside of lease monies. There's tax issues that have to be taken into account. There's appreciation based on the percentage increase of revenues per year on the towers. There's co-location issues associated with the towers. There's a lot of money the city can realize in a non-tax base to realize.

The aesthetic issues within the ordinance address things like stealth technologies. If these towers do go up in areas that are sensitive. If they are in park areas, if they are in heavily residential areas, there's things that can be done to these towers that can make them very much less intrusive. We'll work with the city and with the citizens to structure this ordinance in such a way that everybody is happy with what comes out of it while still not zoning the carriers out. That is one of the things that you just can't do under the telecommunications act of 1996.

All of our efforts will be under contract and of no cost to the city. We will realize our revenues through application process within the body of the ordinance. There will be an escrow fee that will require the applicant to establish this escrow fee and have fees pulled from this escrow account. The remaining money from the escrow account will go back to the applicant after the application process is complete. Thank you.

Mr. Joe Udovic – 21371 Naumann. I'm going to start at the top and work my way down. First, I know we're not going to talk about #1 & #2, but I've got some questions on those. I noticed in Willoughby Hills, Bishop Park Apartments has like a beauty salon and other businesses inside their apartment complex. As far as the pizza shop, will they be allowed to carry a liquor license? What about vehicles doing to-go services? Is it a dine-in pizza parlor or is it going to be like Domino's where they will run vehicles out of there and into community?

#2, I was at the video store on Lake Shore Blvd., by 185th. I noticed they carry adult pornographic movies in an area. Is there anything here that is going to repel them from only carrying family-type movies versus adult pornography? That's another one of my concerns if you're going to put a video store, is it going to be a Blockbuster? Or just a local type store?

#5, from the way I see this, it is going to be strictly a day-care type service. I see no reason why other churches have day care facilities. I see no reason why Thomas Owens should not open up a day care facility over there off of 250th.

#8, I do live in the neighborhood as well. I talked to one of the residents. He went through a procedure recently called the radio frequency ablation. His heart had abnormal heart rhythms. If you put a cellular tower in that neighborhood, how will it affect people who have pace makers or defibrillators? One of the ideas that came up was children climbing on the tower. I too am concerned about that. I took a walk back there. I do see the stakes up. Another concern of mine is if we ever decide to close that pool, we want to put upscale housing back there, can we always take the tower down in the future to put some type of upscale housing? How will that effect the potential for development back there if we ever do decide to close the pool? If one of the streets wanted to make more of a rounded cul-de-sac, and put a couple of homes there. Will the future neighbors want a tower back there? I know one of the things I talked to Mr. DeMinico about was he mentioned other sites were selected in that neighborhood. Can someone please address that issue? St. Christine's has a whole wooded lot back there that is not being used. Has that site been selected as well, or looked into? I do agree with the residents, this may not be the best place to have it especially when you have a pool there and kids want to play around there.

#9, we are going to be planting trees or getting money from the Forestry Urban Assistance program to plant trees throughout the city. Yet according to Jefferson Wells, which we spent \$35,000, it stated on of the things we should be cutting is our tree planting program. One of the council members at the last Council meeting mentioned the same question. We spent money for Jefferson Wells, they make several suggestions, why are we not listening to one of their suggestions to stop the tree planting program? We spent the money. It will save us \$10,000. If someone could address that I'd appreciate it. Thank you.

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

LEGISLATION

Res. (414-03) UDE Watergate – Pizza Shop

A resolution granting a Use District Exception pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid to AERC-Watergate, Inc. to allow a U-4 (Retail/Wholesale) use in a U-3 (Apartment) Use District at 26151-26241 Lake Shore Boulevard, P.P. #644-09-004. (Sponsored by Planning & Zoning Commission)

Second Reading. Public Hearing 5-19-03.

Res. (415-03) UDE Watergate – Video Rental Store

A resolution granting a Use District Exception pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid to AERC-Watergate, Inc. to allow a U-4 (Retail/Wholesale) use in a U-3 (Apartment) Use District at 26151-26241 Lake Shore Boulevard, P.P. #644-09-004. (Sponsored by Planning & Zoning Commission)

Second Reading. Public Hearing 5-19-03.

Res. (416-03) UDE Watergate – Travel Agency

A resolution granting a Use District Exception pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid to AERC-Watergate, Inc. to allow a U-4 (Retail/Wholesale) use in a U-3 (Apartment) Use District at 26151-26241 Lake Shore Boulevard, P.P. #644-09-004. (Sponsored by Planning & Zoning Commission)

Second Reading. Public Hearing 5-19-03.

Res. (417-03) UDE Watergate – Dry Cleaning Shop

A resolution granting a Use District Exception pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid to AERC-Watergate, Inc. to allow a U-4 (Retail/Wholesale) use in a U-3 (Apartment) Use District at 26151-26241 Lake Shore Boulevard, P.P. #644-09-004. (Sponsored by Planning & Zoning Commission)

Second Reading. Public Hearing 5-19-03.

Res. (418-03) UDE Church of God - Daycare

A resolution granting a Use District Exception pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid to Reverend Thomas Owens of Living Waters Church of God to allow a UR-1 (School/Daycare) use in a UR-2 (Church) Use District at 24951 North Lakeland Blvd., Permanent Parcel #s 643-26-021, 022, 023, 024. (Sponsored by Planning & Zoning Commission)

Second Reading. Public Hearing 5-19-03.

Ord. 87-2003 Notice of Meetings - Fee

An ordinance amending Section 125.03 of the Administrative Chapter of the Codified Ordinances of the City of Euclid, reducing the payment for the mailing of all agenda or meeting notices of Council and the Council Committees to \$35.00 for individuals sixty years of age or older. (Sponsored by Council President Gudenas)

Councilman Langman moved for passage, Councilman McTighe seconded.

President Gudenas – This came up because Jefferson Wells said we should be charging. The ordinance was on the books all these years for \$50. It was brought to our attention perhaps we should charge less. Our Clerk of Council Regina Cahill and I went through the whole thing and we do have about 38 mailings. We had about 50 people or thereabouts on the list. They were routinely getting all the items, all the mailings. We told them there would be a charged we went down from 50 to 15. The others went to e-mail and the like. So this basically effects very few people. We did figure out our cost was greater than \$35 because it would include the cost of the copy, postage and the like. We are already on the books for the \$50. This is for a discount. We could go less than that \$35. We were sending out more than we had to so we are saving money already. \$35? \$25?

Councilman Lisy – Director Murphy we received an e-mail regarding this issue. Could you summarize with respect to the charges that this is not a public records it is a service?

Director Murphy – What I suggested to you in the e-mail was that the sending out of these notices is not in direct response to a public records request. Therefore the reasonable fee that has been referred to would not be the appropriate standard to apply in this instance. I'm not suggesting that your agendas and meeting notices and so on are not public records. They certainly are public records. However, this is a service that Council through the Clerk's office is making available to residents. Therefore, you have the authority in my opinion to create the fee that you will charge to residents for that standing and on-going service. If an individual wanted to come in on a weekly or bi-weekly basis and request a copy of a notice, then in that case I think we would be responding to a public records request and that reasonable fee standard would apply and we would charge ten cents a page or whatever the standing rate is for a public record request. This is not in the domain of public records requests. This is a service that Council has determined to make available to residents and you have the authority to establish the cost for providing that service.

Council Minutes

April 21, 2003

Page 7

Councilman Lisy – Ms. Cahill, out of those 15, is this a packet of information that all meetings are sent, Planning & Zoning, all our committee meetings. Is that what's included in our typical mailings?

Clerk Cahill – All Council and Council Committee Meetings.

President Gudenas – If we do nothing it stays at \$50. This is a discount. We could make it for non-profit groups too. What would you like to do?

Councilman Sustarsic – Mr. Murphy I was wondering if the charges or allegations were made about possibly age discrimination? Is there anything to that?

Director Murphy – No, I don't believe there's any basis for that allegation.

Councilwoman Miller – I don't either for the simple reason that even if you go into stores, you have a golden buckeye card to get a discount. They're other places that will honor if you're 55 years old or older. We give seniors a discount with the snow shoveling and everything available. I don't think that's a problem at all.

President Gudenas – This would be below our cost. It is insignificant. What we've done is only those that really need the agendas are getting it now.

Councilman Gruber – Are we aware of other cities charging the same amounts? Does anybody know?

President Gudenas – My guess is we're probably doing a good service because I know when I tried to get agendas from elsewhere I had to supply my own stamped envelopes. Which we can do and then its free. Somebody brings in their own envelope with a stamp on it, then we just mail it out.

Councilman Gruber – If they give you a stack of envelopes with stamps on it then there will be no charge. That's reasonable.

President Gudenas – That's what other cities usually do and that is part of the State's rules.

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

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

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

Ord. (439-03) New Code on Communication Towers to P&Z

An ordinance repealing Chapter 1399, Wireless Communication Antennas and Towers, of the Codified Ordinances of the City of Euclid to be replaced as follows. (Sponsored by Council President Gudenas)

Councilman Delaney moved for passage, Councilman Langman seconded.

President Gudenas- Jim Princik is still here from the HC Nutting Company to answer any questions. This is an ordinance that his firm provided that they considered state-of-the-art for other cities. Basically updating ours. The intent is not to make our ordinance any more liberal or looser or anything else. The first step would be to send it to Planning & Zoning and then we would have our own committee meeting in the future. It was suggested because of the wireless internet coming through, there would be many more demands for towers throughout the area. We need to update our ordinances because there really no structure where the tower should be located or height and safety issues.

Councilwoman Miller – I would like to draw attention to page 9 of the ordinance 1399.13. It says Lot Size and Setbacks. It states a minimum setback from any property line a distance equal to the height of the tower. So, if this tower is going to be 120 ft., that would mean it is 120 ft. to the property line. Is that correct? Our current one says 1,000 ft. I want to draw attention to that and make sure Planning & Zoning looks at that and checks through. I don't think 120 ft. of the height of the tower is enough of a setback.

President Gudenas – The current tower was staked out using the current ordinance of 1,000 ft.

Councilwoman Miller – It couldn't have been.

President Gudenas – The only ordinance we have is the current ordinance. We don't have anything else.

Councilwoman Miller – The gentleman is saying it is 25-50 ft. away. It can't be 1,000 ft.

President Gudenas – Apparently we're not following our ordinance then.

Director Murphy – Your point is well taken. The current applicant who has asked for permission to locate a tower in the city has their application pending before Planning & Zoning. What they need from Planning & Zoning is a variance from the current restrictions in the current ordinance. If Planning & Zoning grants that, it comes back to you and you have to confirm that variance if you choose, you don't have to. Planning & Zoning doesn't have to grant the variance, but they are in front of Planning & Zoning. That's what will be heard at the May 20th Planning & Zoning meeting is whether they will be granted a variance from our current ordinance to locate a tower at that site. If Planning & Zoning says no, they can appeal back to Council.

This ordinance that's proposed tonight again must go to Planning & Zoning for its review. But this ordinance does not have a restriction that says you can't place a tower within a certain distance of a residential district. Because under this ordinance if its enacted anyone who wants to locate a tower in the city must get a special use permit regardless of where they want to place it, residential, commercial. Whatever district they want to place a tower in, they've got to file an application. The application goes to Planning & Zoning and they must ask for a special use permit to place that tower wherever they want to place it. Again, if Planning & Zoning would grant that permit in that instance it comes back to you for confirmation. It is a two-step process either under the old ordinance, the existing ordinance or this ordinance. The difference is they've got to get a variance now under our current ordinance. They would have to get a special use permit under this ordinance if it gets adopted.

Councilwoman Miller – Why is this location

President Gudenas – This ordinance has nothing to do with this tower in this location. This is to put something in place that will hopefully apply for the next 10 years. If you vote yes, no or indifferent on this, it has nothing to do with this tower right here. This tower brought to our attention that we need to update our ordinances, just like there's many ordinances we need to update. It was brought to our attention this one specifically because we don't have a protocol, safety measures put into place, testing things, and many other issues, height limitations and how you want it for the right height and what's appropriate. If you look at it, this is much more detailed than what we have today, going into a great deal of very specific issues that aren't addressed right now. As the Law Director said, they just ask for a variance and that's the end of it. The tower that we have back here on 222 St., we have no idea if its being tested on a regular basis regarding any kind of radio emissions or things like that. This will put all that in place on an on-going basis. And, in the future, make it a requirement that the first people look at existing towers to put everything on existing towers first. So that we don't have all kinds of towers all over the place. That's one of the key things in this. Our point is to put this into the process of our system to send it to Planning & Zoning to bring it back so we can go over all these things.

Councilman McTighe – With the special permit fee, they'd be paying a fee to use that or the other process we have, there is no fee. We'd be bringing in money through that special permit, correct?

Director Murphy – That's correct.

President Gudenas – This would be a substantial fee that the tower companies would pay so that we could have appropriate safety measure analysis and all that done.

Councilwoman Miller – Aren't we given a fee for the one behind the police station?

Councilman McTighe – Application fee.

President Gudenas – In addition to the yearly rental fee that's on city property, this up front fee so we could run the analysis and all the work that goes on. Not at our cost.

Councilman Delaney – It is on park property, I don't know if Ms. Will can answer that question or Zoning Commissioner Hayes. There's an application in front of the city, why are they already staking the property which has the residents upset?

Commissioner Hayes – I believe they are out there staking it so they can show where they would locate it if their application was granted. We've not received all the pertinent information for the application as of yet. But that's my assumption. It is something that is common place for applicants to do.

Council Minutes

April 21, 2003

Page 9

Councilman Delaney – So its a common practice before it comes before Planning & Zoning they can stake the property with the application being filed?

Commissioner Hayes – As long as they have the owner's consent to go ahead and do that staking yes. They can stake it so when the Planning & Zoning Board members and/or Council goes out to look at the site, they can see approximately where whatever it happens to be is going to sit.

President Gudenas- Were they also going to set up some sort of balloon to show the height of the tower?

Commissioner Hayes – There is no requirement to do that at this point. I know that it is something in this proposed ordinance. As I said, we are very much in the infant stages of this. I have not gotten complete application for this as of yet. We will review it further when we do get all the pertinent information from the company.

Councilman Langman – Would that application that is currently before Planning & Zoning, would that be affected retroactively by this ordinance or not? It would not be.

President Gudenas – So right now that application is under the current ordinance. Although who know what will happen. It could be turned down, they can reapply under the new ordinance.

Councilwoman Miller – I want the specification to look at the setback.

President Gudenas – With a note to look at the setbacks and spacing from residential houses.

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

Councilman McTighe moved Ord. (439-03) to the Planning & Zoning Commission. Councilwoman Miller seconded.

Roll Call: Yeas: Delaney, Gruber, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas
To Planning & Zoning Commission.

Ord. 88-2003 (443-03) Telecommunications Lease

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to negotiate and enter into an agreement with Monroe Telecom Associates dba The Center for Municipal Solutions, and COMI Telecommunication Services to negotiate a lease agreement with T-Mobile USA for construction of a wireless communication tower at Roosevelt Pool property. (Sponsored by Council President Gudenas)

Councilman McTighe moved for passage, Councilman Lisy seconded.

President Gudenas – This would only apply if they have all their approvals from Planning & Zoning and the City council. All fees would be paid by the tower companies.

Councilman McTighe – We negotiated our first lease for the tower behind the police station?

President Gudenas – Former Mayor Lynch and Law Director Oyaski. We probably could have gotten more money off that at that time. At the time it looked like a good deal. We didn't know what others were getting.

Councilman Lisy – This is important because times are changing and with the internet and people getting tired of the slow data speeds with their copper lines, they are going to be going to these, they are called last mile routers. They are going to be placing towers all over the place so you can get access to the internet through wireless communications. Plus the booming cell phones and other wireless communication devices, these towers are going to be cropping up all over the place and that's one reason why I was in support of the previous legislation. That's why I'm also in support of having someone negotiate these type of deals for us. If that tower is done properly and in the right location with the support and with making sure planning & zoning, its in the right place. I'm not thrilled with the current location of that, but I do think its very important that we have a knowledgeable firm representing the city because they're to many things out there that we don't know about that's coming. That are going to be applicable to these towers and we probably could get more money if we know they could be used for these data routers and all other features that can be added to these towers in the future. Thank you.

Council Minutes

April 21, 2003

Page 10

Councilwoman Miller – I tend to agree with Councilman Lisy, however, I would like to amend it to remove Roosevelt Pool property because we don't know if it is going to be there or not. They may find another place that maybe suitable.

President Gudenas – That's a good point because that is part of their job would be to analyze a location to make sure that whatever location is good. They would negotiate an agreement with T-Mobile to present it to city council for the best location possible. If it is not on city property, then we're not voting on it. This would make the assumption they would negotiate something on city property.

Councilwoman Miller – In case we don't approve the Roosevelt Pool property that we could go elsewhere.

Councilwoman Miller moved to amend Ord. (443-03) to remove Roosevelt Pool property. Councilman Lisy seconded.

Roll Call: Yeas: Delaney, Gruber, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas
Amendment passes.

President Gudenas – This firm will negotiate with T-Mobile for a location of a tower on the best location including city property. Jim Princik is here if he wants to confirm anything. It is a clear understanding and he can say if its otherwise that all of their expenses and fees will be paid for by the tower company and that there would be no out-of-pocket costs. That's an important part of the agreement. Would that be correct?

Mr. Princik – That would be correct.

President Gudenas – We are told, again we are not in that business, but we are told that this is what the tower companies do expect to do. They prefer to do that because then they have a system in place, they know what to expect, they know how to deal with these things.

Councilman Sustarsic – You mentioned the fact that there are other companies that deal with this. Have other companies been solicited? Or was this particular company just chosen?

President Gudenas – This firm approached the City of Euclid.

Councilman Sustarsic – Are there other firms?

President Gudenas – There probably are but who they are I'm not sure of. This firm approached the City of Euclid last year and approached again as things came and made a presentation. Jim Princik can you address all that stuff.

Mr. Princik – There are other firms that do this type of negotiations. I've personally done some internet searches and what I've found is there are firms that do this but there aren't firms that do this exclusively on the community side. You'll find some certain divisions of that company will be working with the communities and enacting an ordinance to protect the community. But on the other side of the aisle, in their office they'll people negotiating contracts for the tower industry people themselves. We have an association of professionals, we're engineers, and then we have the Monroe Telecom and COMI Telecommunications who are the experts in the wireless telecommunications industry. They bring along the rf engineers who can substantiate the need for towers in specific locations to specific heights. We bring the whole package together in a form that is working exclusively and has worked exclusively on the community side. You will find an individual around who will negotiate exclusively on the community side, maybe one individual. We bring together a group of 3,000 plus professionals working in 500 plus communities in 17 state around the country. You have a great deal of experience representing you effectively and no cost basis.

That cost issue is one I need to address. I want everybody to understand how we're able to get at the no cost to the communities. We're professionals, we need to be reimbursed for our services. On the ordinance side, the situation is much akin to a developer coming into a community. The engineering costs of a particular plot of land, the geo-technical issues, water issues, are all paid for by the developer in the way of an escrow account. What we have in the body of the ordinance that your planning group will be looking at it is the establishment of an \$8,500 escrow account in the name of the City of Euclid. What we'll do is bill the City of Euclid for our costs on a time and materials basis. We break that down to one-tenth of an hour. Every 6 minutes is our break out and we'll bill the City of Euclid. The City will use the money from the escrow account that the applicant put in place and give us our money from that escrow account. In the body of the ordinance is a replenishment of that escrow account so that if it drops below

Council Minutes

April 21, 2003

Page 11

the \$2,500 limit it gets replenished back up to a \$5,000 limit. When a decision, go/no go, is made on the tower or the collocation itself, the remaining money is given back to the applicant. Often times it is much less than the \$8,500 for the application fee. It just depends on how forthcoming the applicant is with their information. If they're real up front, these things are done for \$4,000-\$5,000 worth of fees. But if they are reluctant to give us the information that we're requiring in representing you folks, then it can go much higher than \$8,500.

As far as the lease negotiations. What we do is for exchange for the option on the location that tower, this is a negotiation before we even start talking to the company about a location, we get them to agree in writing that in exchange for the option on that property, in the time frame between when the lease is issued and negotiated and approved and the time when the permit comes through, they will pay for our fees. That's the way we handle the fees on the lease negotiations. We've done this in excess of 100-125 times and every single time it has worked out that way. We don't have an issue ever of billing a community for those lease negotiations. This is something that is upfront and in writing.

Councilman Langman – Will the negotiations take place on the basis of the current ordinance or the proposed ordinance or some mixture of those two?

Mr. Princik – This is the lease you're referring to?

Councilman Langman – Yes.

Mr. Princik – As it stands right now it is on the existing ordinance. But, and I say that qualified. We're working with the City of Cuyahoga Falls right now. Their ordinance called for a variance to be issued because of the type of property that was being used. In exchange for that ordinance, we were able to get them to apply the application to the draft ordinance that you'll be looking at in your planning. There's a number of different things you can do. It depends upon how ready the applicant or the tower management company is to negotiate.

Councilman McTighe – Do you have a copy of the lease agreement of what he just mentioned about in writing? Does anyone on Council have a copy of this?

Director Murphy – I do have the proposed lease agreement. I have made some suggested modifications to it which is why it is not in your packet. It is rather marked up but I would make that available to anybody.

Councilman McTighe – I would like to table this until the next meeting because I can't vote. If this goes forward then I'll just vote no. If we have recommendations from our Law Director to modify the agreement or whatever. So either make a motion to table this until the next meeting or I have a no vote on that.

Councilman Lisy – I think we're confusing this legislation and the lease agreement between T-Mobile and their group, correct? I'm confused which agreement we're talking about.

President Gudenas – We're talking about hiring this company to represent the City of Euclid in negotiating an agreement with the current applicant. Which would be different most likely than what they propose. This legislation is hiring an outside third party-professional firm to advise the City of Euclid on what would be the best for the City of Euclid.

Councilman Lisy – Director Murphy, do you have any major problems with that document?

Director Murphy – No, there are again some things I would like to see changed in their standard agreement, but the language that has been discussed here about their fees being paid by the applicant is within that document. I would not certainly suggest any change to that language.

President Gudenas – This legislation allows the Law Director to negotiate the agreement between the city and this company. It allows them to negotiate this agreement with the Law Director. Without that, he can't really enter into an agreement.

Councilman Gruber – Will this company represent us in the future? Is this just for this one individual?

President Gudenas – This was a test to see how it goes. Rather than give a blanket approval for all of them, we wanted to see if this actually works and we're satisfied with the work and the results and everything is as we thought it would be. This firm implied to us because of the internet, wireless technology, there will be many other applicants and we'd better have our act together or we'll be talking about towers every meeting.

Councilman Gruber – I can see how their system works by motivating the carriers to accelerate their process so the billing doesn't continue and I think that's a nice feature of this. But for the record, I'd like to state right now that I'm really not in favor of any towers in residential neighborhoods. We have enough high rises and industrial land. This is probably the right step to bring in somebody that's not charging us anything, that are professionals, that can negotiate on our side to help the residents in the city also. I feel they are capable of doing that.

President Gudenas – They would advise the city of the best location outside of residential areas. That is part of their job.

Councilman Delaney – Mr. Princik, you mentioned 100-125 different deals. You did mention Cuyahoga Falls as one of the cities. How many communities have you worked with?

Mr. Princik – The association, we've got that particular application in between 400-500 communities.

Councilman Langman – Law Director Murphy, if we go ahead and prove this, how quickly do you foresee handing out an agreement?

Director Murphy – I probably would not enter into negotiations for this agreement unless and until Planning & Zoning approved the variance that said T-Mobile can go ahead with their plan. If they don't grant the variance and the T-Mobile application becomes a mute issue, I don't think we would continue with negotiating this agreement for this company to serve as our consultant to negotiating lease with T-Mobile.

President Gudenas – Or, they could find a different location for T-Mobile. That was part of the thought here for them to look at other locations. If we don't have anybody offering other locations, they are only going to look at that one. That was part of the strategy here.

Councilman Sustarsic – Is this strictly to be used in a residential vein, or will our police and fire be able to have access to this relative to their needs for communication?

President Gudenas – There was a representative from the Fire Department who looked at that location and he was supposed to look into the Fire Department's use. But the representative that was there thought this could help with transmissions to the hospital. Apparently there is some areas towards Euclid Hospital that aren't as good when they're transmitting. This could be a very positive thing for the EMS service.

Councilman Sustarsic – I would just like to follow up on the fact of Councilman Gruber made a real good point. Why do we have to target residential areas? Why have a whole stretch of land and areas of Euclid Ave. and the Euclid Square Mall area. You have a number of vacant properties in the city and a number of vacant offices, businesses in the city. I don't understand why we have to have in the middle of a residential area, and I'm sure this company will see to that insofar as the demographics and the lay of the land. I feel we're on the right track. I think we should wait with this and see everything that happens after it goes through Planning & Zoning Commission. Then I don't think it would be too late. If the motion was made to table it, I would second it.

Roll Call on Motion to Table:

Yeas: McTighe, Sustarsic

Nays: Delaney, Gruber, Langman, Lisy, Miller, Gudenas

Motion to table fails.

President Gudenas – The idea is we could probably use some help and to look at other locations so that we're not stuck with just the one location, which is all we have right now. Any other discussion? It is subject to an agreement with the Law Department working out if we're able to pass on these costs and get some expertise.

Councilman Langman – Mr. Hayes, when does the application come before P&Z?

Commissioner Hayes – I have not received complete application. What we have is the ordinance which was past through Council to the Planning & Zoning Commission to act on a motion for this site. I contacted the people from the company that we're supposed to be dealing with. They explained to me that they knew that they did not have enough information forwarded to us to be able to act on it at this point. So they are aware of the fact the filing deadline for the May meeting is the last Tuesday of this

Council Minutes

April 21, 2003

Page 13

month. They have said they have tried to meet that deadline for the submittal of their application. But if they do not make that deadline, they understand that it will be forwarded to the next month.

Councilman Langman – Mr. Princik, which ordinance hypothetically strengthens your hand the most?

Mr. Princik – Mine. My ordinance. Do you I understand the application is not in yet? There is no application?

President Gudenas – Apparently not.

Mr. Princik – That changes everything.

Commissioner Hayes – What we have is an ordinance that has been sent to me by Council, or sent to Planning & Zoning by Council from the last meeting. It doesn't change anything as long as we have that ordinance that Planning & Zoning has to act on. If they do not make the application deadline by the last Tuesday of this month, then it could in fact change things yes.

President Gudenas- Mr. Princik is implying the new ordinance would give greater protection to the city.

Mr. Princik – Absolutely, we'd be able to ensure aesthetics, revenues, locations. The setbacks as the city would like to see them. All in the application that you're looking at or will be looking at.

Commissioner Hayes – If I may clarify, I'm not saying this is not a good ordinance, I haven't reviewed it, but we do have an ordinance in place that does protect us in matters of location, such and so forth. It is not like they are going to put their pole up no matter what.

Mr. Princik – Please understand, I'm not being critical of your ordinance at all. We've been doing this for a lot of years and we know in what direction the industry is going. We will write an ordinance that will direct these locations to areas the City of Euclid wants them. Way down at the list will be, if it even exists on the list will be residential areas. Within the body of the ordinance, you're able to dictate where these towers will go. They have to prove technically that they can't go in those areas before they go down in the hierarchy to the next level. Typically the first location on these is tall existing structures. So you don't have any new towers going up. Those tall existing structures can be any number of things. They can be tall buildings. They can be light stantions. They can be chimneys. They could be any tall existing structure. Next one you go down to is a city owned tall existing structure. You're able to dictate where those things go. Within the body of the ordinance it indicates that it has to be technically proven. Number one, its needed and number two the height. Then all of a sudden you start talking about capacity issues versus holes in their service. Holes in service have a tendency to have a higher and higher towers. If you're talking about capacity issues, you can get aware with a 40-60 ft. tower. Those kinds of issues can only be answered by a professional. These people, they're not bad people. They are business people and they're trying to get what's best for them and they do not have the City of Euclid's best interest in mind.

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

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

Roll Call: Yeas: Delaney, Gruber, Langman, Lisy, Miller, Gudenas

Nays: McTighe, Sustarsic

Passed.

Res. 89-2003 (441-03) ODNR Tree Grant

A resolution authorizing the Mayor of the City of Euclid, or his designee, to file an application and enter into an agreement with the Ohio Department of Natural Resources (ODNR) for the purpose of acquiring funds through the Division of Forestry's Urban Forestry Assistance Program for the planting of trees throughout the City. (Sponsored by Councilman McTighe by request of the Parks & Recreation Director)

Councilman McTighe moved for passage, Councilwoman Miller seconded.

President Gudenas – This is part of the budget we've already approved and it is contingent on getting half the money back from the State of Ohio.

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

Passed.

Ord. 90-2003 (445-03) Crack Sealing & Pavement Rejuv.

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into contracts after advertising for bids for labor and materials for the 2003 Crack Sealing Program and the 2003 Pavement Rejuvenation Program. (Sponsored by Councilman Sustarsic by request of the Service Director)

Councilman Sustarsic moved for passage, Councilwoman Miller seconded.

President Gudenas – Also part of our budget.

Director Gulich – Council is probably tired of hearing me tell everybody how important it is to maintain what we've got. You all know and you know perfectly well you can't let things go to pot. This will enable the City to go out for bids and enter into a contract for crack sealing and rejuvenation for competitive bid for 2003. It is already in our budget.

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

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

Ord. 91-2003 (440-03) Truck Sales

An ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to purchase sixteen (16) Haenni Portable Truck Scales from Load-O-Meter Corporation, Baltimore, Maryland, at a cost not to exceed Fifty-five Thousand Two Hundred Dollars (\$55,200.00). (Sponsor Councilwoman Miller by request of Police Chief)

Councilwoman Miller moved for passage, Councilman Sustarsic seconded.

President Gudenas – Also part of our capital budget we approved recently and right in line with what we budgeted. Any other discussion?

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

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

Res. 92-2003 (442-03)

A resolution celebrating Arbor Day on Friday, April 25, 2003, in the City of Euclid, and encouraging all residents throughout our community to observe Arbor Day and appreciate the beauty, value, benefit and significance of trees to our City. (Sponsored by Councilman McTighe and entire Council by request of the Parks & Recreation Director)

Councilwoman Miller moved for passage, Councilman Sustarsic seconded.

President Gudenas – It will be this Friday at 10 AM behind the Henn Mansion near the first tee of disc golf.

Councilman Delaney – I would like to thank the Administration for dedicating this to our fallen astronauts. I think we should add all of City Council on this Resolution.

President Gudenas – We'll add all the names of city council to this resolution.

Councilwoman Miller – I would also like to add that the Shade Tree Commission came up with the idea and Director DeMinico took it to the administration.

Councilman Delaney – Excellent. Kudos to them as well.

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

Ord. 93-2003 (444-03) Pickup for Rec. Dept.

An emergency ordinance authorizing the Director of Parks and Recreation to purchase a ¾ ton Ford Pickup through the State of Ohio Cooperative Purchasing Program. (Sponsored by Councilman McTighe by request of the Parks & Recreation Director)

Councilman McTighe moved for passage, Councilman Langman seconded.

President Gudenas – Also part of our capital budget previously approved.

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

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

Ord. 94-2003 (447-03) Knuth Center - Hazardous Waste Removal

An emergency ordinance authorizing the Director of Parks and Recreation of the City of Euclid to enter into a contract after advertising for bids for the removal of hazardous materials from the Knuth Center. (Sponsored by Councilman McTighe by request of the Parks & Recreation Director)

Councilman Gruber moved for passage; seconded by Councilman Delaney.

President Gudenas - And again, this was part of our budget for the renovation of the Golf Course in that \$1.2 million figure, which we heard was estimated between \$85 and 125,000. Now, hopefully, we'll get the exact item, but these are things that have to be done before any work can be done over there.

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

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

Ord. 95-2003 (448-03) Center Lane Turn & 20 mph School

An ordinance amending Chapters 331.12(e) and 333.03(b)(2)A of the Traffic Code of the Codified Ordinances of the City of Euclid. (Sponsored by Councilwoman Miller by request of the Chief of Police)

Councilwoman Miller moved for passage; seconded by Councilman Langman.

President Gudenas - This basically looks like a housekeeping measure. Doesn't really do anything other than put in writing what we're already practicing.

Director Murphy - That's correct, Mr. President. The first item pertains to the several 3-lane highways we have in the City where the middle lane is a left turn lane. So this will make the ordinance for either 3 or 5-lane highways consistent.

The second one pertains the 20 mph speed limit in school zones. Schools don't always open and close at the precise exact time so there's time where that speed limit should be applicable when a driver sees that children are going to or leaving from schools.

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

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

Res. 96-2003 (450-03) 2003 Firefighters Grant Program

A resolution authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to apply for and enter into an agreement to accept a grant from The Federal Emergency Management Agency's United States Fire Administration, Assistance to Firefighters Grant Program for the year 2003. (Sponsored by Councilwoman Miller by request of Fire Chief)

Councilman Delaney moved for passage; seconded by Councilwoman Miller.

Chief Dworning - This legislation this evening would permit the Fire Department to apply for and receive a grant from the Federal Government in the amount of \$122,000. Congress has appropriated \$750 million to fire departments throughout the country this year and this is our main source of grant fund resource that we can use and we were successful in obtaining last year, 2002.

The \$122,000 will require a 30% match from the City. This funding is not included in the Fire Department's capital improvement budget for this year so Council would have to approve that. And the remaining funds \$86,000 for a total of 122,000 would be used to purchase thermal imaging cameras to supplement the camera that we'll be buying here in the very near future using capital improvement monies

Council Minutes

April 21, 2003

Page 16

as well, as we would be able to purchase the remaining protective clothing that the firefighters have to have provided to them. And I'll answer any questions that Council would have.

President Gudenas - Can we apply for more than 122,000?

Chief Dworning - We have pretty much maxed out in the areas that we're eligible to apply in the form of cost benefit and meeting the basic need requirement of the Federal Grant Program.

President Gudenas - Okay and when would we hear the results?

Chief Dworning - Typically around August or September of this year, we should hear back from the...

President Gudenas - Hopefully, we'll be able to amend our budget to add additional items to the department.

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

CEREMONIAL RESOLUTION

Res. 86-2003 (449-03) Church of the Epiphany

A resolution of congratulations to **Church of the Epiphany** in celebration of its **75th Anniversary**.
(Sponsored by Mayor Oyaski and the entire Council)

Councilman Sustarsic moved for passage; seconded by Councilman Langman.

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

COMMITTEE OF THE WHOLE

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

Mrs. Dorothy Fike - 20271 Delaware Rd. I would like to, I want to disagree with the Law Director. Copy of the Ohio Revised Code on Open Meetings Section 121.22, Section F. The rule shall provide that any person may upon request and payment of a reasonable fee may receive notification of the meetings or else supply envelopes. That is not he, the top part talks about the policy, you have to make a method to receive the notices of the meetings. The second part says that if someone requests it upon payment of a reasonable fee. So there's two different parts and the part I was quoting was where the provide any person may request and payment of a reasonable fee. And that is part of the Ohio Revised Code. Not talking about public policy asking for open records, that's a different thing that this, this is talking about specifically notification of meetings not asking for public, open records. Not asking for copies of open records, which is what the Law Director was talking about. This is talking about notification of the meetings.

In answer to Mr. Gruber about other bodies asking for, as I stated last month, the Euclid Board of Education only asks for \$12 a year to receive notification of their meetings, \$12 a year not 35 or 50 plus an additional 25 to receive other committee notifications. Thank you.

Ms. Anne Rocker - 246 E. 272nd St. In 1993 Daugherty Construction installed a downspout 2' from my property and below, resting on the ground below the level of his concrete driveway and over the roots of a Black Walnut tree that eventually contaminated all the soil in my backyard.

In 1997, 4 years later, I asked my neighbor to correct his water drainage problem. He said he would talk to Daugherty Construction. Well, I didn't hear any further, but we had quite a few days of drizzly rain in May of 2000. And we had a couple of heavy cloud bursts which caused a lot of water in my recreation room in the basement. There was a 4' watermark around the basement walls. The walls are wonderful.

Well, I went to City Hall and made a complaint. Gave my stats to the secretary in the Engineering Department. After several calls and several weeks I went in person because I got no results. Jim Piscitello came out that afternoon and said the neighbors have to connect the drain, the downspout to the drain in their driveway that connects to the public storm sewer. And he went to talk with neighbors on the other side of their garage. He was gone about 15 minutes and he came to me and told me that the neighbors would make the necessary corrections, but he did not know when. About a month later, Daugherty came back re-roofed the garage; but left the downspout in that on the ground position, in the original position.

Well, I had to delete a lot because there's a lot of screwy things went on in between with what was happening to me. I was very disheartened by Jim, a City employee, inclusion with Daugherty

Council Minutes

April 21, 2003

Page 17

Construction. Their conspiracy against me and also my conniving neighbors. It was like a slap in the face, a kick in the butt and all four of them thumbing their noses at me that take that you old woman. Whether you like it or not, the downspout stays.

I went to the Public Library and found an ordinance that states the Building Commissioner can make a ruling as to the status of a downspout. So I went to a Council meeting and made a complaint at the Council meeting. And I never got any results from that outside of, oh, yes I did. Cervenik, Council President, told me to get in touch, he referred me to Mr. Gulich. Mr. Gulich called me the following day and told me he's sorry but he couldn't do anything about it. And I asked why not? He said a new ordinance was passed November 17, 1997, the year that Daugherty ran to his friends in City Council and they made a new ordinance. And it is redundant to the old ordinance I found in the Euclid Public Library record books of June 15, 1970.

Well, seeing as Mr. Gulich couldn't help me, I called up the Building Commissioner, who was on vacation. But when he came back from vacation, he came and, before he even looked at the downspout, he said to me neither I nor any civic body can make the neighbors change their downspout. So I asked him, well, what can I do about it? And he said to me that I can sink a 12" tile and drain and connect it to my garage drainage system. I said well, then my lawn service will damage the tile. And he says well then sink a dry well. Now, my neighbor has more room on the other side of his garage but I should sink that.

Well, let me tell you, this has been going on for years and that drainpipe is still there causing problems. I cannot repair, I should not be limited to time because they are not limited to time to screw my, screw me. Now

President Gudenas - Okay, you clearly made your point and I know you've been here before without any satisfaction.

Ms. Rocker - Now that, I'm asking that the Mayor before he leaves office that he makes that he follows the Code, the Building Code on downspouts. That it be connected to the drain in their driveway and it has done a lot of damage to my basement tile.

Mayor Oyaski had Russell Flooring come and inspect the floor. And Russell Flooring said there is water in my concrete pad and that is what has damaged the tile. There's a bunch of little fissures where that pressure of the water below my drainage system has caused little fissures and you step on them and you get a hole in your tile.

President Gudenas - All right.

Ms. Rocker - Now I'm expecting that this be corrected on the Mayor's watch instead of the new mayor that may be elected.

President Gudenas - Time is up. Mayor, will you...

Ms. Rocker - Thank you very much.

President Gudenas - Thank you. Any comments Captain of 26-year Career?

Mayor Oyaski - I have been in Mrs. Rocker's basement. I believe Councilman Langman's been there as well as Mr. Apanasewicz. She has one of the most beautiful, cleanest, neatest basements that I've ever seen in a 50 or 55-year old building. I know the lots are very close together. I don't know if the drainage of the garage in the back of the yard has anything to do with the condition of the tile in the basement. We did have an expert look at the tile. There doesn't appear to be any significant problem with the tile in the basement. I don't know about Daugherty Construction and collusion and conspiracy, but you have one beautiful basement. You certainly do.

Ms. Rocker - Well, I'm telling you it's not as...

President Gudenas - Mame, mame, could I ask you...

Ms. Rocker - Let me tell you, there was nothing wrong with that tile before Daugherty put that downspout on. And I never had water in the basement outside of the seepage we corrected before Daugherty put that downspout. Now don't give me the run around. That was floor was in good condition...

Mayor Oyaski - I believe it's in great condition, Mame.

Ms. Rocker - Because that water is taking its time of sinking further...

President Gudenas - Mayor, I think you and her have to take this outside.

Mayor Oyaski - Yes, yes.

President Gudenas - Mame, I understand your position.

Mayor Oyaski - I'd be happy to go out there with Councilman Langman and Mr. Apanasewicz. Your tile is in beautiful condition and I don't know if it's fair to blame Daugherty Construction.

Ms. Rocker - You come look at my tile now.

Councilman Gruber - Today?

Mayor Oyaski - I'm sorry.

Ms. Rocker - You come look at my tile now. It has deteriorated further and this was a wonderful floor. It was...

Mayor Oyaski - It is a beautiful, this is a beautiful basement.

Ms. Rocker - ...give Daugherty the rights to screw my floor.

Mayor Oyaski - Mr. Daugherty's not here to defend himself, Mame.

President Gudenas - Councilman Langman will solve everything. Thank you, Councilman.

Mrs. Madeline Scarniench - 1511 E. 221. A couple things, as far as the tower's concerned, yes, it's time to review and update; but please two things that were in our current ordinance have to be in the new one and that is a thousand feet from residents and also the 500' between each tower. When that whole series was going on, we talked extensive about that. P&Z talked about it and it was very adamant that those two things had to be in place because we don't want towers all over the City and nobody wants them in their backyard.

The way the ordinance stands the towers have to be along the St. Clair Avenue area. That's all fine and good. They don't need to be in anyone's backyard. So please make sure both of those things are in this new ordinance.

Fire works, I was watching Board of Control the other day and it absolutely amazed me a City that is so in need of money when we're sitting there and we're talking okay, it's \$25,000; it's \$30,000 or it's \$35,000, which is it going to be? Of course, we have to take the best. Why do we always have to take the best? We could have saved 20, \$10,000. We know we're going to put out twice as much as that in paying for the overtime for the Police and Fire, for the Service people who have to work this night. But we have to have the best, that's \$10,000 more that needed to be spent.

Fire hydrant, I told Mr. Gulich about it. He thought it was kind of funny so I'll say it here. Had a call and I had to go and see this because I couldn't believe it, 214 and Euclid Avenue, Cleveland Water placed a fire hydrant in the middle of the sidewalk. They busted up the new sidewalk and put a fire hydrant there and left it. Please somebody fix it; it's in the right-of-way. It's terrible; it's broken sidewalk. It's sitting in the right-of-way so I said I would say it so I did.

Another thing, I've been told that we have two rehires brought back into the Service Department. My question is we have two police officers who have left unexpectedly. I believe one was a retirement and the other quit. Why aren't we replacing these two police officers? We already know that our staff is short and we're not doing anything to replace these two people. Can someone please address that for me?

And last but not least, the Shelter, I'm going to leave that to Councilman Lisy. He's going to talk to you about what we've been doing and pretty soon we'll be asking for volunteers for both helping in the Shelter and also some fundraising ideas that we have. But I'll let him talk about it. Thank you.

President Gudenas - Director Gulich, you're not aware of rehiring two people?

Director Gulich - I didn't; I asked the Mayor, he said he didn't.

President Gudenas - Okay, thank you.

Mr. Joe Udovic - 21371 Naumann. I drove by Euclid Avenue last week. I noticed that there's a planter box near the Post Office. It looks like somebody ran into it and it has not yet been repaired. Is that a City project that we have to do or is that part of the owner of the property there?

My next comment, I needed to put together a correction that occurred at last month's, I mean last Council meeting. Ms. Hufnagle stood at this microphone and blasted City Council and the Rec.

Council Minutes

April 21, 2003

Page 19

Department over spending \$20,000 of Capital Recreation Budget for Russell Erwine playground equipment, which is a closed school, versus finishing off Lakeland Civic Organization's triangle park project in her neighborhood. Ms. Hufnagle is a volunteer in the Rec. Department. Why did she not invite Mr. DeMinico or Miss Wills to the Lakeland Civic Organization meeting to discuss this completion of this project? Why has not Lakeland Civic Organization asked for donations of plant material through wholesale nurseries, such as Kline, Lake County, Warner, Kingwood in Willoughby Hills to finish this project themselves?

Heritage Park some time ago raised funds to come up with a statue for Fire Station #2 on Chardon Road. Lakeland Civic Organization can do the same thing. Flagpoles do not cost that much money. Rec. Department, Miss Will, can you tell me what are the expenditures and budget for this said project? How much more has to be completed before this project is completely done?

I would like to volunteer and work with the Rec. Department and the Lakeland Civic group to see this project completed. Fall time is a beautiful time to get discount on plants because nurseries have to get, have to sell them or they have to be thrown away because once they're dug up they have to be used up somewhere. I don't see why we cannot get donations. This would be a great community project to work on in Ward 3 and this needs to be done like some Councilman said, I think it was Mr. McTighe said, why are we not finishing projects that once we started. This would be a great idea to finish this project. A great idea to do a community project. How much effort does it take to plant perennials? Neighbors could do that. You can possibly even talk to possibly Great Lakes, I mean, the Global Glass Block, they sell flagpoles. Maybe for community involvement they would donate a flagpole to this project. I don't see why this cannot be completed.

Ms. Hufnagle also owes City Council an apology and the Director. She claims that you embarrassed yourselves. Well now, it looks like the shoe's on the other foot. She could have brought this up at her meeting and had Mr. DeMinico at the meeting and discussed this at the meeting instead of bringing it out over here.

Ms. Hufnagle, why do you have an ax to grind against Councilman Lisy and his family? I know you've been taking some potshots and I don't understand this.

President Gudenas - We should not have any personal...

Mr. Udovic - Well, these are my concerns, you know.

President Gudenas - Okay, but we shouldn't address on a specific concerns, but going back and forth against individuals or anyone else would be inappropriate, especially with the election coming up we could have 50,000 people here having some problem with someone else.

Mr. Udovic - Okay, thank you very much. In closing, ask not what your city can do for you, but you can do for your city.

My next comment is City of Eastlake had a grand opening of Lake County Captains and is looking toward redevelopment. Willoughby has been redeveloped and is being redeveloped. There's going to be some new restaurants along 91 and Ridge Road, such restaurants are Cracker Barrel, Applebee's, Eat-n-Park, Ruby Tuesday's. What is the City of Euclid doing to locate new businesses in our community? What are our plans? Marian development, upscale new homes are wonderful new addition, but why must our business sector become a ghetto? This is what I've been hearing from some of the residents. We need to develop a game plan to attract and encourage our residents to shop in the Euclid borders. If we want to attract big name companies or corporations, now is the time to plan this out and go after them. We need a combination of franchises and mom & pop businesses. These type of businesses, such as Cracker Barrel locate within a certain geographic sector or district. So there has to be so many miles between each other.

I'd like to end on another quote. When you have momentum on your side, the future looks bright. Obstacles appear small, trouble seems to be temporary. Thank you.

President Gudenas - Councilman Gruber, about the planter?

Councilman Gruber - Yes, that's the property owner's responsibility and he's working with Gary DeWine to take care of it and it should be taken care of shortly. Right, Director Gliha?

Acting Director Gliha - Right.

Councilman Gruber - All right.

President Gudenas - Okay, we don't do rebuttals. You know, going back and forth, one person says, another person says. So something new.

Mrs. Sally Hufnagle - 615 Birch Dr. I do get 5 minutes, don't I?

President Gudenas - Right.

Mrs. Hufnagle - Member of the Lakeland Civic Association. Let's just clarify what I said last time. My question was on the priorities used in determining who gets Rec. capital money and I stated a project that the City paid plans for two years ago. Okay? If you talk to some of the residents in our neighborhood, they'll tell you that the City promised us that area developed 50 years ago when the homes were built. Mr. Udovic is making a habit of coming to this microphone...

President Gudenas - We're not going to continue that, please.

Mrs. Hufnagle - ...and demanding apologies...

President Gudenas - We're not going to go back and forth...

Mrs. Hufnagle - I'm just clarifying what I said.

President Gudenas - And we appreciate that.

Mrs. Hufnagle - And I did talk to Mr. DeMinico and I don't feel I owe him an apology and I don't think he feels I owe him an apology. And my comment about Council embarrassing themselves was taken right from the newspaper. So maybe Mr. Udovic should listen to what is said at the microphone.

President Gudenas - Again, we're going to call you out of order. We just have to limit the attacks on individuals. Thank you.

Mr. Joe Janosik, Jr. - 26381 Farringdon Ave. My father, Joe Janosik, Sr., regrets that his schedule would not permit him to be here in person at tonight's meeting. Therefore, I will read his planned comments. And I quote the following:

Last September I, Joe Janosik, Sr., spoke at the September 16th Council meeting and as a result of my comments, Euclid resident, Germaine Nemetz wrote the following letter to the Euclid Sun Journal entitled Speaker Should Curb the Carping at Council. It was published in the October 3rd issue and then I read the following letter.

To the Editor: I believe there used to be a phrase for the good of the City used by previous Euclid City Council Presidents when it came near at the end of the meeting for the public to speak on anything. At the meeting previously a man berated Councilman Michael McTighe when McTighe inadvertently said something he probably regretted as it was coming out of his mouth. He consequently apologized when it was necessary. That should have been enough. Everybody has gotten a foot in their mouth at some time.

This past week's Council meeting had another disgusting incident. Joe Janosik got up and spouted off about the Mayor, the Administration and anyone else he felt deserved his criticism. He praised the Observer, Mary Jo Minarik. This newspaper prints articles and critical comments aimed at the people running the City. I feel that the Council President, Ed Gudenas, should not have allowed these people to go on for more than 5 minutes as he tells them when they get up at the microphone as these comments were not good for the City.

Let's have less smart remarks and more decorum. Germaine Nemetz, Euclid.

I had absolutely no problem with Ms. Nemetz expressing her feelings via her letter. I do, however, think the Euclid Sun Journal should have been fair to publish the following letter I sent in response, but did not. And so it is here and dated October 26, 2002.

Dear Editor, I am writing in response to your letter you published in October 3rd issue and written by Germaine Nemetz of Euclid. Ms. Nemetz in her letter specifically references my criticism of the Mayor and his Administration at the September 16th Council meeting and the praise I gave the Observer and its publisher, Mary Jo Minarik.

I would like now to praise Ms. Nemetz for exercising her right of freedom of speech and the Euclid Sun Journal for publishing her letter under its freedom of press. Over the past 200 years many Americans sacrificed their lives to establish and protect the freedom we all hold so dear. What would have happened to me, Ms. Nemetz and the Euclid Sun Journal if we spoke out and published our opinion, let's say in Iraq. Ms. Nemetz also in her letter said the Observer prints articles and critical comments aimed at the people running the City. Doesn't this also fall under the freedom of press? Ms. Nemetz also accused Council President, Ed Gudenas, for allowing people to speak beyond the 5-minute time limit. And that these comments were not good for the City. Check the video tapes. I spoke for 4 minutes 31 seconds. I don't know anyone else who spoke beyond the 5-minute limit that night either. As far as the good for the City, I exercised my freedom of speech that night and the other nights for what I personally felt was good for the City.

Council Minutes

April 21, 2003

Page 21

And finally, Ms. Nemetz said let's have less remarks and more decorum. I wonder if Ms. Nemetz either, attended, viewed or read the minutes of the Special Council meeting of August 19 when the Mayor displayed to City Council, the public and the news media anything but decorum. Joe Janosik, Sr., Florida.

On March 20th the Sun Journal published a letter sent by Ms. Nemetz about Mr. Lisy questioning City officials in a "unnecessary manner." Since time is limited, I would like to read the end response to her letter by Mr. David Therby. In response to Germaine Nemetz's March 20th article I strongly disagree with the comments regarding Frederick Lisy. In these tough economic times we are facing, I am glad to know that we have elected officials on Council who are not afraid to ask the tough questions. There is no doubt in my mind that Fire Chief Michael Dworning and Law Director Murphy are professionals at their jobs. That being said they should also be able to handle such "interrogations" as it has been put. Being put on the spot is not comfortable for anyone but these individuals in question should be able to answer the Councilman's questions knowledgeably. We elected good leaders that are trying to get some accountability for this Administration. I for one will vote for Lisy again because in my opinion he has shown leadership and has tried to come up with measures to balance the budget and save Euclid taxpayers money. David Therby

Judge Daniel Corrigan - Retired from the Court of Common Pleas. I'm here this evening to speak not necessarily to the City Council or to the Council President or to the Mayor or just Directors or necessarily to the citizens of Euclid. I am here as a patriot, Ladies and Gentlemen, to speak to the citizenry of the City of Euclid, to the Mayor, the Council President, to Council and the City Directors.

Ladies and Gentlemen, I want to express deep esteem and appreciation for the honor of being permitted to stand here as a human being and address this forum. You have seen through news reports how the citizenry in a foreign land is struggling to structure a government. They don't know what to do. They're spread out. Authority is spread out among competing power groups carrying guns. My privilege to come here tonight was won at the point of a gun. We always have to remember that our democracy started at Bunker Hill or some place like that.

I'm not here as an upstart. I'm not here as downspout nor as an upspout. I'm here as a patriot. I'd like to enlighten you with some basic principles, not because you haven't heard them before, because those of you in government sitting as City Directors or as the Mayor, know and understand these principles. But our government was founded on what we call Constitution. Now this is basic; I'm not telling you anything new. I'm not telling the citizens present anything new. But that Constitution provides for certain structures in government.

The basic structure is a three-part government, a separation of powers. An Administration department, given recognition the Office of President of the United States. The Congress composed of a Senate and a House of Representative. We have then also the Judiciary, three separate powers within one government. Now this government has been very blessed over the years. I am of an age where I can recall Pearl Harbor and the tears it brought to our family. And to those among us who remember brothers going off to a war in a foreign land being taken prisoner, being abused and here we are some 41, 65, 66 years later. See that occur on other land, 200 British and American soldiers gave their lives so that people like me can have an opportunity to stand before a forum of government leaders without being penalized or abused or retaliated against. What a beautiful, is this a great country or what?

Now, the reason I'm here tonight is to ask each of you as government officials and to ask the citizenry present to think about that Constitution. That Constitution sets up structure of government for our country, but it goes beyond that. It trickled down into state constitutions, which stopped at the same type of principles, the same form of government. A legislative branch, a state senate, a state house of representative, a judiciary and a governor's office, the administrative office. But it didn't stop there, it trickled right down to here in Euclid, Ohio.

I don't know, did I say my name?

President Gudenas - We were going to ask you for the record.

Judge Corrigan - I'm Judge Daniel Corrigan. I'm a retired judge from the Court of Common Pleas. I served there for 32 years and before that I served for 7 years, 2 of which were the President of the Cleveland Board of Education. I have 39 years in government service. I retired in December and I'm out of work and that's why I'm here this evening. All right?

But I thought it would be well for us in this time where other people are going over into a foreign land to reflect upon our duties and responsibilities. I'm not here to lecture the Mayor's Office or the Council or the citizenry. Just to give a little bit of advice and that advice is when you're working on what you're working on whatever it may be. You were contributing the furtherance of this society of ours. Keep in mind those Constitutional principles. Believe me, what a wonderful honor it is. Time's up? Okay.

President Gudenas - And the tape is going to run out any second now.

Council Minutes

April 21, 2003

Page 22

Judge Corrigan - You're going to run out of tape? Well, there's no sense in me speaking any more. I just want you to think about the Constitution when you do your daily duties. That's all. Thank you and God bless you.

President Gudenas - Thank you, Judge., appreciate it.

Do you want to take a break or do you want to wait just one minute and finish. Stay right where you are. Sometimes we go out and it's 7 minutes, 10 minutes later. Do you want to just stay right here and wait one minute? Yes? Okay, we're just going to take a quick break don't anybody leave. We're going to be right back in 1 minute.

COUNCILMEN'S COMMENTS

Councilman Langman - The Judge's comments they were well spoken. There's only one thing I would quibble with and that is it is in fact our honor to serve people like him, the citizens of the City. It's a solemn duty that I'm sure we all take very seriously. So it's, again, our duty and responsibility and honor to be up here serving all the residents of the City of Euclid.

I wanted to mention a couple of items on the agenda that Mr. Udovic brought up regarding the Watergate. We will be having the public hearing on the 19th. The plans are in the works to actually gate that complex so the shops in the apartments would be for the residents only, for their convenience. And at this time after speaking with Mr. Fazio, there will be no liquor permits in any of the establishments at the Watergate.

And with that I'd like to give some kudos to Hank Gulich, our fine Public Service Director. The leak on Lakeshore Blvd. has been fixed and I'm very appreciative of that since I've been busting chops about that for many months. Thank you, Hank.

I would also like to ask Mr. Apanasewicz, when the house on 220th is going to come down?

Commissioner Apanasewicz - We're going to Board of Control on Monday to award a contract. We had, during the bidding process there was a discovery of asbestos tiles, while it does require any special permits or any special handling of that material, it has to be disposed of properly and that raises the cost of demolish. So there is on an alternate track we may also get the bank to come forward and finally hire a contractor to repair it. I've been dealing with an attorney representing someone that's interested in doing that on behalf of the bank. So we are pursuing two tracks, but we will go to Board of Control on Monday with or without a deal.

Councilman Langman - Would you care to make odds on which track is going to be the successful one at this point?

Commissioner Apanasewicz - I think it's 50-50.

Councilman Langman - Okay, moving on to the Euclid Hockey Moms and Babes on Blades, I went to a couple of Saturdays ago and Regina isn't quite so sore this year since she was hiding out in the ticket office. But it was a great event, well attended and good food and I appreciate the moms for putting on a great show. And finally, we did get our budget updates and, quite frankly, some of the figures are taking a troubling mode as far as our spending goes. I'm sure other folks want to mention a few things, but a question for Director Johnson on our medical insurance, it's projected that we're going to overshoot that by quite a bit, is that for medical claims or other expenses?

Director Johnson - I'm not really sure. I can look into it and get back to you.

Councilman Langman - Okay, I would appreciate that. Thank you.

Councilman Lisy - With respect to the budget that we received when we sat down here, I have lots of questions as I was just flipping through it.

President Gudenas - We are going to call a special Executive Committee meeting to go over this.

Councilman Lisy - That's what I was going to ask for. When can we have that special Committee meeting because some of these numbers are quite...

President Gudenas - We'll have a meeting. First, we just did receive these today so we'll look into very thoroughly. Make sure we can get all that information to answer the questions. It will be shortly.

Councilman Lisy - Shortly, okay. And the Euclid Animal Shelter Citizen Advisory Board has been meeting weekly and we've made some significant progress and I agree with Madeline that we may have some great news in the near future about the Animal Shelter reopening to the way the citizens of Euclid expect it to run. We are in the process of gathering names for volunteers. Please forward the names to

Council Minutes

April 21, 2003

Page 23

Councilwoman Miller or myself and we'll make sure that your name gets put on the list for volunteers that the Animal Shelter will need. We're planning fundraisers and grant writing and just help at the Animal Shelter. It's not finished yet, but it's coming along. And we'll be having a few more meetings to make sure that everything's in place so that it can run very successfully. Also attended the Parks & Recreation event for Easter, a great Easter Egg Hunt.

And the last thing was the Euclid Chamber of Commerce luncheon. Doug Price gave a very informative presentation on his plans for lakefront development. And I was happy to learn that the Chamber of Commerce is planning a Buy Euclid Campaign. And so it'll be encouraging residents and businesses to shop within the City of Euclid. So it looks like a pretty energetic campaign that they're putting together. Thank you.

Councilwoman Miller - I, too, attended Babes on Blades and it was excellent. It was a lot of fun to see and they were good sports. It was excellent; great fund raiser.

I would also like to state that on April 10th I attended the honoring of the scholars in 9th, 10th, 11th and 12th grades at Euclid Senior High. I want to state I was extremely impressed with the awards being received and how many of the students received it. And I have the program here in case anyone would like to look through it. Excellent and the scholars, the awards that were given scholarships and such were just fantastic.

And then also at the same event they inducted four distinguished graduates into the Hall of Fame. William R. Kirslik, Class of 1947. That's Euclid's Central High School. Dr. Donald A. Malone, Class of 1979 of Euclid Senior High School. Jack W. Thomas, Lt. Col. of the U.S. Air Force Reserves, Class of 1974, Euclid Senior High School and Jeannie Marie Farrell, Class of 1952, Euclid Senior High School, she was my former principal and we retired together, but she's not with Euclid Schools. And it was a very, very evening for the students as well as for the adults.

President Gudenas - And we will, after we take a look at the budget information we received today, we will have a special meeting to go over that because it's extraordinarily important that we get our budget in shape this year. So expect that meeting shortly.

Councilman Delaney - I would also have to chime in Babes on Blades was once again for another year very successful, very nice day. I'm pleased that Disc Golf was such a wonderful grand opening, over 200 people attended. And the Mayor, Councilman Gruber and I, we all shouldered in and took a pie for the Upstage Players. And while the Council President didn't do yours, I'm sure they'll be another fundraiser this summer. Thank you.

Councilman Gruber - Yeah, that was a nice event and the play, Hello, Dolly, was a nice experience. And the pie wasn't so bad, it was whipped cream; it was okay.

Well, now that you got that leak fixed on Lakeshore Blvd., how about those railroad tracks on Chardon Road, again? It's getting to be about that time of year and I got a couple calls already so, what are we hearing, anything?

Director Gulich - I never have a dull day here at City Hall. Actually, the only commitment I've got from the railroad that it would be during this construction season. If they firm up a time zone on that, I'll be glad to pass that along as I related to you before.

Councilman Gruber - All right, I'll let you go this time. Last week I had the opportunity to go to Glenbrook Elementary School where they started a reading program and they had several seniors from Hilltop Retirement Community. It was a nice event. The seniors and the young people all reading together and I think it enlightened both of them and made their days a lot brighter for both.

On Saturday the Indian Hills Association Euclid Villas had their Annual Easter Egg Hunt. It was an excellent party. They had over 60 children attending and I'd like to say that Loretta and Bobbie and Heather and all the other members that worked on putting that together did an excellent job. That's about it. Thank you.

ADJOURNMENT

Councilman Gruber moved to adjourn; seconded by Councilman McTighe. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council