

**COUNCIL MINUTES  
SEPTEMBER 2, 2003**

A regular Council Meeting was held on Tuesday, September 2, 2003 at 7 PM in the Euclid City Hall Council Chamber. President Gudenas presided.

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

Others Present: Mayor Oyaski, Public Service Director Gulich, Finance Director Balazs, Acting CS&ED Director Gliha, Parks & Recreation Director DeMinico, Administrative Director Johnson, Acting Law Director Vento de Crespo, Asst. Law Director Meister, Building Commissioner Apanasewicz, Zoning Commissioner Hayes, Housing Manager Tollerup, Fire Chief Dworning, Capt. Wojtila, Police Chief Maine, Sgt.-at-Arms Volk, Clerk of Council Cahill.

Ms. Perlitha Taylor, President of the Heritage Park Association, made a few comments on her personal experience with Dr. Martin Luther King, Jr. and his speech, "I Have A Dream".

**COMMUNICATIONS**

Council has received the following communications:

A resolution from the City of North Olmsted which urges the Ohio Senate to reverse the provisions of HB 95. A summary of legislation on tonight's agenda by Acting Law Director Vento.

**COUNCIL MINUTES**

Councilwoman Miller moved to accept the Special Council Minutes of August 11, 2003; seconded by Councilman McTighe. Yeas: Unanimous.

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Director DeMinico – Today opened up another ice skating season at C.E. Orr Ice Arena. The ice arena will be open and we're taking registrations now for hockey, learn-to-skate. Public sessions will be starting very shortly. For additional information about this skating season, please call 289-8649.

This weekend in our new renovated Euclid Fayre taking place September 5, 6 & 7 at Sims Park. The grounds will open at 5 PM on Friday evening. We will stay open until midnight on Friday. Saturday and Sunday we'll open up at noon going throughout the course of the day. Come on out and meet your neighbors. I think you'll really enjoy the new change and the location at Sims Park.

President Gudenas – The opening ceremonies Friday are at what time?

Director DeMinico – I'll get that answer for you. Saturday we'll close at midnight and on Sunday it will be 9 PM.

Mayor Oyaski – We are anxious for the first ever lakefront festival this weekend. Chief Maine has a few brief remarks at this time.

Chief Maine – I just thought it would be appropriate in lieu of the black-out from a couple of weeks ago to speak on my behalf as well as the Fire Chief, I believe, in commending the community and the citizens of Euclid for the patient and responsible and almost courteous way that they responded to this emergency. There was a lot of questions, a lot of uncertainty, a lot of apprehension when that black out first occurred. A lot of scenarios were running through people's heads. The community responded very admirably. We had officers who were out directing traffic for hours at a time at intersections without any power. Had a number of people stop offering them water and liquid refreshment because it was very hot and very humid. I can tell you we had very few incidences during the night. There were no break-ins that we were aware of. For the most part people stayed in their homes, but they also were out communicating with their neighbors. That speaks a lot for this city. It could have been a lot different scenario. I guess we were pretty reflective of really the way the rest of the nation responded. I just wanted to go on record as saying, we certainly appreciate, Chief Dworning and I and hats should go off to this community. Thank you.

Mayor Oyaski – All of us join in you and Chief Dworning in those same sentiments. We also, I believe, were the only city in Ohio that did not foul Lake Erie because the generators were working at the Waste Water Treatment Plant, unlike several other nearby waste water treatment plants.

Mayor Oyaski presented Mrs. Del Tekieli and the staff of Euclid School's Child Development Center Res. 167-2003 congratulating them on their 25<sup>th</sup> Anniversary.

Mayor Oyaski stated the County Health Dept. will be spraying certain portions of the city to minimize the risk of West Nile Virus. The Plain Dealer and Channel 21 & 23 have the details. They have found infected

mosquitoes in the community and they will be taking action to reduce the risk. If anyone has any questions they should call the County Health Dept. directly or the County website. Thank you.

Councilwoman Miller – Mayor Oyaski, what are the dates they will be spraying?

Mayor Oyaski – We've been informed it will be done on September 3<sup>rd</sup> & September 5<sup>th</sup>, assuming weather is not inclement. The September 7<sup>th</sup> date is set aside incase there's inclement weather.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Miller moved to receive and approve the Executive & Finance Com. Min. of 8/11/03; Board of Control Min. of 7/28/03; 8/4/03; 8/11/03; 8/18/03. Councilman McTighe seconded. Yeas: Unanimous.

#### LOT SPLITS

**Lot Split & Consolidation** – Council should approve or overrule Planning & Zoning Commission's approval to allow a lot split of P.P. #643-28-005 (747 Babbitt Rd.). See Item #4 on the agenda.

Councilman Sustarsic moved to sustain Planning & Zoning Commission's approval of the lot split of P.P. #643-28-005.

President Gudenas – TIF zone will not change or have any affect?

Commissioner Hayes – This was a part of Bennington Hamlet. It has been purchased tentatively by the owner of the house on Babbitt Road. This along with item #4, would allow that property to be consolidated into the existing property and then rezoned to match the existing property as well.

President Gudenas – The plan eventually will be for residential, two-family home?

Commissioner Hayes – At this point in time I believe the property owner just plans on consolidating it into the existing property. There's no plan for expansion or building anything.

President Gudenas – We can vote on the lot split today and the rezoning on Oct. 6<sup>th</sup>.

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

Approved.

**Lot Split & Consolidation** – Council should approve or overrule Planning & Zoning Commission's approval to allow a lot split of P.P. #641-27-005 and consolidating this lot to P.P. #641-27-004 (908 E. 222 St.) and P.P. #641-27-096 (922 E. 222 St.) Lot located between Euclid Blue Print & Paddy's Bar.

Councilman Delaney moved to sustain Planning & Zoning Commission's approval of the above mentioned lot split on E. 222. Councilwoman Holzheimer Gail seconded.

President Gudenas – This relates to the lot the City of Euclid sold off previously between Euclid Blue Print and the restaurant/bar next door. They are going to divide it up 50/50 more or less.

Commissioner Hayes – Correct.

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

Approved.

#### COMMITTEE OF THE WHOLE

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

Ms. Charlene Mancuso – 41 Lake Edge Drive. I'm asking for more points of clarification than anything else right now. On #2, which is a First Reading. Point of clarification, is the change in the ordinance for families of Harbor Crest apartments only? Or is this going to be open to the public? Because they'll have problems with traffic patterns there, depending on what it is.

Under #3, also clarification. The U-4 retail, is this the dry cleaners we were talking about in previous meetings? Or, is this an additional retail facility that we're talking about? Is this for the families of Harbor Crest, or is this for the public? Points of clarification, please.

Res. #9, while I'm absolutely delighted that we're receiving \$23,498 for our police force, have we broken down how we're going to use those dollars? Do we already know? Or is it going into a lump sum and as we need it we're going to use it? Did we approve in our 2003 budgeting cycle and again I'm delighted we got the money, did we approve the \$2,600 that we have to commit as part of the city? I've tried to follow the budget hearings, but I may have missed that one.

I'd like to speak to Res. #10, but I'll do that last. Res. #12, a point of clarification. Did we use to do this building inspection in-house? Are we now out-sourcing it? Did we go out for bid to award this contract? Or is there some expertise that this company has that we're awarding these professional services for the next year without a bidding contract? Again, point of clarification.

Res. #15, the resurfacing of E. 260 from I-90 to Lake Shore. Again I'm asking are these Issue 2 dollars or some grant dollars? They are. Have we already allocated our committed dollars? So does that mean they'll be part of the 2004 operating or capital budget that we need to approve?

President Gudenas – At best we'll hear for next year. At best it will be 2004 and we either apply for a grant or 0% loan. It may or may not require immediate investment.

Ms. Mancuso – Res. #10, which where we've actually updated the ordinance or the Planning & Zoning Commission I assume spent some time updating our ordinance. First of all you need to give them a great deal of thanks. That's a very tedious, technological ordinance. I'm going to take off my citizen hat for a minute and wear my professional hat and offer this City as we have the 65 other municipalities in Cuyahoga County, the opportunity to add to your ordinance, which has been revised, either page 7 (w), you don't have to leaf through because it took me 2 hours to read it. Where it speaks about a pre-application meeting for your wireless telecommunications. Metro Life Flight would be happy if as requested by the City, that's the way it has to read in the ordinance, that you have to request it, to come out and do a geographic assessment of any of the properties that are going to be used for wireless telecommunications. We've written this into other ordinances in other cities because this is not what you do for a living. Its not what the wireless people do for a living. What happens is you get into FAA regulations, and after a tower goes up and it happens to be next school yard that you may have as a secondary landing zone, it either has to come down, or the city has to pay to light it or other things. What we're offering is what we do to every other municipality. I have lead pilot doing this in North Ridgeville tonight, the same thing I'm doing here, to offer you the services of Life Flight to come look at any of these in a pre-application meeting. Or if it better suits, on page 8, under letter (z) where you talk about the FAA constraints. Either way it has to be by request of the city. We will off that. I'll take off my professional hat and put back on my citizen hat.

President Gudenas – Regarding Harbor Crest, that's a gated community, that would be for residents.

Councilman Langman – Residents only. The other facility the dry cleaners, that's at the Watergate. That's also for the residents of that particular complex.

President Gudenas – Regarding the inspector, is that somebody retiring from our department and we hire them back as a personal service contract?

Mayor Oyaski – Retired last year.

President Gudenas – This is a person that was working for the City of Euclid and has now come back under a personal service contract. We'll be doing the same thing as we did before, but now we're not going to be paying all the benefits and overhead. This should be a savings, but my guess is we probably didn't go out for competing proposals. Correct? We picked this person because they've already been working for the city.

Mr. Jerry Corbran – 24250 Maplewood Dr. I want to speak about #11 and the billboard. During the discussions on the previous billboard legislation there was a lot of misconceptions despite the assurances of the lease arrangements about obscene matter and things harmful to the children in the neighborhood. I'm wondering if this is really in the neighborhood because I have a copy of the County Engineer's map. It indicates that the site of the proposed billboard is about 700 ft. away from the closest building. From the swimming pool located in the Willow Arms area there, its about 1,000 ft. In the retention basin there's a lot of trees lining it. I'm wondering if they'll ever even see this sign, especially during the summer season.

What I'm trying to say here is that the only way that children or anybody will see this sign is if they're riding in a car, on a bike or walking on the freeway. I have copies of this map here that maybe you'd like to look at.

Mr. Michael Akos – 19480 Lake Shore Blvd. You can address some of these issues that I might bring up if you'd like when the legislation comes up. #14, which is (523-03), the fuel contract bidding. Why the two years? I understand the volatility in the fuel prices, but why don't we just stay with one year? Is there an out in the contract in case the price of the fuel drops below whatever we are contracted for? Would a vendor have

the opportunity to opt-out of that contract or cancel the contract if there's a certain drop below a certain percentage of our price that we are currently paying? That's something you might want to consider.

#15, (531-03), E. 260 St. repaving. It certainly needs it. Is this just a scrap and repaving like Babbitt Rd. was? Or is there something more involved? If its more involved will traffic be maintained in both directions or one way? Will the city also try and ride herd on a vendor or the contractor this time around so that, unfortunately like on Babbitt Rd. where 30-40 days went by before they came out and finished it, this won't happen again on 260<sup>th</sup>. When in 2004 would this project begin?

On Beverly Hills I noticed that they are using some bricks for some of the crosswalks on the work up there. It is certainly a nice looking touch. Would that also be considered for E. 260<sup>th</sup> or would there be too much of an additional cost for all the cross streets coming in on that point?

#7, (536-03), the Memorial Park master plan. Will there be an overview available for an estimate on what the cost will be? Is there a time frame for the completion of this work? I know because of our current financial state, we probably shouldn't be looking at trying to do all these things at one time. Will there be a 3-5 year time horizon where we could do some of this stuff partially so you can see the work at least being done, rather than being promised and promised and then it just never shows up. Just a thought for that.

#11, (545-03), the banning of the billboards. As I understand the sign issue, there's very few locations in Euclid where a sign can be placed along the freeway, that of the billboard type. This is due to the number of access ramps and the State laws limiting the placement of those billboards in proximity to those ramps. The area near the retention basin is probably the only one of these locations where that might work. Section 2 of this legislation tonight says, up to other previously approved plans to erect billboards is permitted. That would include the current billboard issue that we have before us now. My question is, what's the purpose of this legislation? If its to ban the billboards and this is obviously the big issue tonight, or has been the big issue for the last several months in this city. What's the purpose of this legislation? Why should we need this? The other question, why are we only looking at just the city property? A lot of private property owners who have access with the freeway, because of the state laws maybe able to put up a billboard on their property. That's an issue that needs to be researched.

My previous comments about the sign at the retention basin being in violation of the state law still stands. The work on the freeway and the location of the new exit ramp has only reinforced that position that I have taken on that. For me it wasn't a matter of the neighbors and I respect the neighborhood and their issues, it was where the exit ramp was at, that sign would have been in violation of the State law. I think that still exists.

#5, (533-03), the Resolution on the final budgets for the senior center and the golf course clubhouse. This resolution should be withdrawn or voted down at this time. You do not know what these so-called final budgets are going to be at this time. Since these two projects were first approved before the summer recess, the costs have gone up approximately \$500,000. That's a lot of money to go up in a very short period of time. Where would this additional money come from? These two projects are going to cost the city four-plus million dollars and more with interest on the payback. Is this \$500,000 cost overrun for both projects, or is it just for one of them? Will this additional money, which is basically a cost overrun limit the city's ability to borrow any money for other projects which may come before future councils? Will this cost overrun raise a red flag with the State and put us into any kind of financial emergency? I think Mr. Balazs can answer to that question. This is due to the fact that this City is nearing its total debt limit for borrowing that we're allowed to by law. I don't think they're going to allow us to raise our debt ceiling just to cover any cost overruns.

Each of these projects is approximately \$2 million. That's basically a \$500,000 overrun is a 25% increase in the project and work hasn't even started yet. We do not know if there is going to be any other cost overruns during the project for change orders or something like that. Much has been made over the last several years about the precarious state of our finances. Mr. Balazs has told us time and again how the economy needs to improve for our finances to improve. This Council has made issue of the fact that our rainy-day fund of \$5 million has been drawn down to almost nothing in order to balance the budgets and pay for the mistakes the administration and past councils have made. Councilman Langman's Lake Shore Development plan which this Council lauded as helpful for the development of downtown Euclid, shows the senior center to be at the corner of E. 222 and Lake Shore. One or both of these projects should be put on hold until you have a better handle of what the city is going to actually incur in these costs. Thank you.

Mrs. Madeline Scarniench – 1511 E. 221. Mike just said it all about #5. I have a real concern about how much this change is going to affect us. I would like to know if this was to pass tonight, how much actual borrowing power do we have left? In my calculations say its very minimal and that is absolutely unconscionable that if there was an emergency, what would we do? This definitely needs to be talked about and looked at more. I hope this goes into committee.

#6, will we be losing any tax dollars because we're going to make this exchange with Cleveland? Do we get tax money from the ... we don't we don't get anything from them. The property we're going to gain, is there anything on that property right now?

President Gudenas – Our salt dome. Part of our city garage. We use that land, its very important for the City of Euclid.

Mrs. Scarniench – Do we pay them for using that land?

President Gudenas – I don't believe so. It was always understood that at some point that exchange would be made so a gentleman's agreement in place for quite a few years.

Mrs. Scarniench - #7, I've looked at the Master Plan for Memorial Park. When the Committee meeting was held they were asked how much this was going to cost, no one could tell us how much this was going to cost. I question the fact that the Board of Education wasn't part of that meeting. Will the Board of Education be part of this? It says it is going to committee. I believe part of that land belongs to the Board of Education so how can we make plans for something we don't own.

#10, I still have a very big concern with this and now more than ever the fact that everywhere in this resolution its taking the hands of Council and tying it because now it is going to be the City who makes the approvals and everything. I'm sorry, the city is the executive branch of the government and city council is the legislation and they absolutely need to be part of this. I strongly object to taking the Council's hands and tying them.

I also have a real concern on page 8, item D, where it talks about approving any site locations. This needs to be Council approved, not the Mayor's job. I don't believe it should be the Mayor's job, it should be a Council decision. I hope you send this in Committee, that you do something with this and really talk about what your doing. It still bothers me that you've taken away the 1,000 ft. We fought very hard for that. No where in here does it say, unless I missed it, that the 1,000 ft. stays. The residents fought for that. The Council people fought for that and now you're taking it and changing it and I object to that.

#12, I too want to know was this bid and if it wasn't why not? Way back when we said we were going to do everything above board and we were going to bid all these projects and things and more often than not, we're not bidding projects. I would like to know if this was bid and if it wasn't, why not. Thank you.

Mr. Mike DiDomenico – 24770 Farringdon Ave. I just want to talk about #11 which is an ordinance prohibiting the future placement of billboards on city owned property. I'm not sure how well thought out this was. I think that as I drive up the freeway there's various billboards at various locations, probably on private property. I'm certain that the city has some kind of framework that you have to meet or something that say in order to put up a billboard, it at least has to look like this. So, just because its on city property, why couldn't the city make money and have a billboard if they follow their own standards and they address the concerns of the residents or the people that have concerns about it. I certainly wouldn't want to see a 150' billboard right out here in Memorial Park, but if you had a scoreboard with advertisement which some people could consider a billboard, that would be okay with me. Instead of just a knee-jerk reaction that says we're going to ban all of them on city-owned property, just follow your own guidelines and take them on a case by case basis and address the concerns of the residents. Thanks.

Mr. Harvey Mlachak – 23831 Lake Shore Blvd. Euclid, Ohio. #11, Ord. (545-03). Mr. Sustarsic, just what do you mean by a billboard? I hope you will accept my Funk & Wagnal's desk copy dictionary definition of a billboard. It says a panel usually outdoors for notice or advertisements. My copy of Webster's College Dictionary gives the same definition. You say nothing of height, width, positioning, lighting, temporary or permanent, making your proposed ordinance very vague and arbitrary. Given this, this makes the signs throughout the City of Euclid on city property in violation of this ordinance. That is the signs at Sims Park advertising the various civic organizations in our town. The sign at the golf course, the one I believe at E. 260<sup>th</sup> Street fire station and at E. 222 and Lake Shore Blvd. and many others on city property throughout our town. But you've got that pretty well covered in Section 2. Section 3 has a replacement clause pretty well covered. However, I think its tough and it could lead to the loss of some billboards.

Does this make the billboard advertising, the Wine Fest at Sims Park in violation? Perhaps you have in mind only the proposed billboard that you so vehemently protested at the I-90 Rt. 2 interchange. However, Council passed and gave permission to erect that sign. All that advertising company has to do is get past the restrictions of the ODOT. If the Ohio Department of Transportation changes that footage restriction, I believe they are free to erect their sign.

I think you have already opened a can of worms. Don't open another. Since this ordinance is so vague I suggest that you vote it down and leave the door open to collect perhaps a few million dollars for the lease of a few square feet of city land. See the gas and oil well behind the police station. I think we gave that away. Let's get smarter and not dumber. And leave the door open to where the city can perhaps make a few million bucks more or less by erecting signs. Thank you.

Ms. Kandi Jones – 27040 Tungsten. I just want to make one quick comment about the billboard. Regarding the one comment that was made about the billboards won't be seen in the summertime because of the trees. If you go back in that area behind Willow Arms and the pool area and you look, the trees now the leaves are starting to fall off, but even in the summertime, at the peak of summertime, the trees are not full enough where they would cover the billboard at the height the post was mentioned. That's my only comment about the billboards. I do agree with Mr. Sustarsic about not having any other billboards especially in residential areas.

My other comment is #7 on the agenda, the Memorial Park plan. What committee is this going to be going to? Is this the recreation sub-committee?

President Gudenas – Anything of this manner we send it to the Executive Committee for everyone to participate.

Ms. Jones – Is that open to the public?

President Gudenas – Yes.

Ms. Jones – Is there a date that's set for?

President Gudenas – Not yet.

Ms. Jones – The other thing, when the proposal was given regarding the Master Plan for Memorial Park, there were a lot of questions regarding the residents concerns at that meeting. What is the status of those questions that have come up? Has anything been addressed as far as those questions and concerns?

Director DeMinico – Currently we have not addressed any of those issues. We haven't met again with our architect. We have just left the plan sit as it is. The game plan was to now put another meeting together to allow everybody. That was a targeted group right with the residents in the neighborhood. Now it is going to be open to everybody within our community, as well as those residents. After that point in time, we will then address and meet back with our architect again and start to look at some of the concerns that are out there.

Ms. Jones – The resolution that's being voted on tonight, is accepting the Master plan? It says a resolution of support for the proposed master plan at Memorial Park. Is this accepting the current proposal for the Master Plan?

Director DeMinico – No, what this will do when a resolution is proposed and it goes into a Council Committee, at that point in time perhaps at the Committee Meeting they may vote, they may just have a meeting and not vote at all on any type of plan. They could vote no and bring it back to full Council. They could vote yes and bring it back to full Council. Or again, just leave it and sit for now. Just by putting it into Committee doesn't allow for any type of approval or denial of the proposed plan.

Ms. Jones – This vote tonight is just voting to put it into Committee?

Director DeMinico – Correct.

Ms. Jones – The other question I had was already brought up about the funding for this Master Plan proposal. Where are these funds coming from? I know you won't be able to answer this question right now, because at the original proposal, there wasn't an estimate given as far as the cost for this plan. As a matter of fact, even though they had plans written up, there wasn't a lot of detail as far as some of the questions that were brought up. I would like to also piggy back on the question that was brought up about the Board of Education. Were they taken into consideration as far as this master plan? Since a lot of the recreational activities are involving the Board of Education. Thank you.

Director DeMinico – Yes, the Board of Education was informed of that meeting. I've talked with the Supt. and a couple of board members that were unable to attend that particular meeting that evening. They had another commitment. They have been shown a plan previously that was similar to this. While they haven't seen this new proposal, they are aware of some of the ideas and they would certainly be involved in this at this point on.

Ms. Jai Walton – 27591 Mills Ave. Euclid. I'm here to speak on a couple of items. #5, I just want to say that I hope that the council uses financial prudence in the final decision of what happens with this clubhouse and the city budget.

The next item that I'd like to make comment on is the Master Plan for Memorial Park. Again I also appeal to Council, and I'm happy to hear that you will take the time to talk to the residents and their concerns that they have. Its nice to know that Council will take the time to talk to the residents to see exactly what it is that they have a problem with.

My last statement up here is of course about the billboard. I did send Council an e-mail and this is from Colonial Park. It says we write to you to request that you review and that you support the above such legislation as sponsored by Councilman Sustarsic. Not just city-owned but any off premise signage such as billboards or any name that represents outdoor advertising. Whether its lighting, hardboards, whatever. We would like you to give due consideration to that. We must not allow this to happen to our city. Billboards by

any name are a negative factor to a city. Our hopes still lie within you, each of you. It was never about the lights. We don't see the billboard for it to be the lights. Its a deeper issue than lights shining in anyone's face.

However, we're asking you, please be the 5 to keep this city alive. Also, we'd like you to take future consideration of adopting legislation that would support a taking as other cities have done, to rid their towns of unsightly skyway litter. In the event that the billboard is and does get erected. We heard many comments about the billboard. We've heard many comments as to the good it does to the city and to the bad of the city. Well, Council, you need to get on your computers and you need to do some deep research. You need to call other cities. Call Baltimore, call Pittsburgh. Seek out and gets some answers. You've already done a little damage by putting this through so I'm asking you to stop any future locations of off premise, not on premise, but off premise billboards. Then when you do that which is the right thing to do, then look into supporting legislation that causes a taking of any billboard that is now erected on off premise property in the City of Euclid. Thank you.

Mrs. Sally Hufnagle – 615 Birch Dr. My questions tonight involved #5. The seniors deserve what the city has promised them. This is to important of a project not to do efficiently and with the safety of our seniors in mind. Mr. Akos spoke very eloquently and asked you very important questions about how this is going to impact the financial situation of the City. What I'd like to know tonight is have we resolved the lack of water at that project site? Is the resolving of that problem, is that figured into tonight's budget figure? Both of the Phase I and Phase II of the water issue is that both figured into there? I would like to know if there are guidelines for supplying water to a public building like that and if we're meeting those guidelines.

Then Mr. Akos brought up the KA redevelopment study for downtown Euclid. It clearly shows on the map there the senior center being placed at Lake Shore Blvd. My question is, if the senior center was put in a different site, perhaps that site there at Lake Shore, would there be an issue with the water and the safety of fighting a fire emergency in that location?

We paid for this study, I'm not quite sure how much we paid for this downtown Euclid study. I think it was about \$20,000. I would agree with comments that President Gudenas made at a January 22, 2002 Council Meeting, when we were first talking about the resolution for getting proposals for this study. I'm reading from the minutes. President Gudenas states, we have so many studies, we don't know what to do with them. Maybe we should listen to this study and reconsider the site for the senior center and consider the safety of our seniors and the price of the project. Thank you.

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

#### LEGISLATION

##### **Ord. (527-03) Rezone Harbor Crest**

An ordinance rezoning 24451 Lake Shore Blvd. from U-2 (two family) use district to U-3 (apartment house) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

First Reading. Public Hearing October 6, 2003.

Councilwoman Miller – I'm wondering why this is being changed this way. Looking at the map, they just want that front part there the street, if I'm not mistaken. Why can't it be a Use District Exception or a variance? I have a problem with it being zoned for apartments, in case 10-15 years down the road the owner decides to sell this property and the person thinks, oh, I can get another apartment building in that area. So, my concern is why does it have to be zoned this? Why can't it be a Use District Exception or a variance for what he wants to put there?

Commissioner Hayes – The way the presentation came to Planning & Zoning was that most of this area that's highlighted will become the actual entranceway and the office for the complex that's going in there. It will include also the tennis courts and pool for the residents of the complex. The one zoning district that would encompass all those different things without having to require more use district exceptions or variances was the U-3 apartment house district. That was the reason they decided to go with it as it is presented to you this evening.

Councilwoman Miller – Is it possible to make it a Use District for what he wants to put in there, instead of doing apartments? Is it possible? I'm not going to be sitting here in 10 years, but the point is, looking ahead as what could possibly be. We have enough apartment buildings in this community.

President Gudenas – He's not building an apartment building.

Councilwoman Miller – For him, but how about for the next person that may buy it from him?

President Gudenas – If its the entrance to the pool and all, my guess is there'll be condominiums there they'll be all part of the condominium project with condominium declarations and the like that more or less have

more restrictions than we would ever have. Because you cannot change those once you file a condo declaration without the unanimous consent of all the new owners.

Councilwoman Miller – We're doing exceptions for all the others, I don't know why we can't do an exception for this. Spell it out as to what he is going to do. I would be more comfortable if this ordinance actually spelled out what he wants to put in there. So anybody in the future who would purchase that property would know that's exactly what that's for and they can't add any apartments to it.

Commissioner Hayes – I'm sure on the night of the open meeting for discussion of this that K&D will be here to make that presentation and say exactly what they propose for the property.

Councilwoman Miller – My question was, can we put it in the ordinance? I think we can put anything in the ordinance, can't we?

Acting Director Vento – You mean restrictions on use of this land?

President Gudenas – Restrictions indicating the proposed uses, the proposed new construction area.

Councilwoman Miller – No I want restrictions. I just want it spelled out what he's going to do with this property. I'm just saying he wants to put a swimming pool, he wants to put an office building, he wants to put, this is an entranceway to those items being listed in the ordinances, exactly what he wants to do.

Acting Director Vento – You could, but I don't think that's going to accomplish what your trying to get at. You're trying to put a restriction on that land, so that its not turned into another apartment complex standing on its own and I don't think you can accomplish that by putting it in the ordinance. A use district exception or variances are more close to what you want. If you want that property to remain zoned U-2.

Councilwoman Miller – By the time the third reading comes, October 6<sup>th</sup>, I think that's something to look into, to see if he would be amendable to that.

President Gudenas – Wouldn't it have to go back to Planning & Zoning then?

Commissioner Hayes – It would have to go back to Planning & Zoning or Council would have to overrule Planning & Zoning with the higher vote.

President Gudenas – You could overrule and have a Use District Exception?

Commissioner Hayes – It wouldn't be the first time.

Councilwoman Miller – I don't know what Council feels or thinks.

President Gudenas – This is just the first reading.

Councilwoman Miller – Well I wanted to bring it up before because I think its something we should consider.

Councilman Langman – I've discussed this matter with Councilwoman Miller and with Mr. Hayes and Mr. Apanasewicz. The property there makes it almost impossible to build anything than what he's proposing just from setback restrictions we have now. You can't build an apartment building there. And, quite frankly, the foot of the property makes it also impractical to build any sort of structure there than what he's proposing. That's why we only rezone that portion that you see on the map. The rest of the property, where the townhomes are going to go, that will be rezoned to another classification. ASF or whatever new zoning classification that we have. You simply don't have the room to build any sort of apartment building that is not the plan. Those are not the plans that have been filed with the Building Dept.

Councilman Lisy – Mr. Hayes, do you know what his timeline is for the development of the office complex for the 2 apartment buildings and the entranceways and pool and tennis courts?

Commissioner Hayes – According to what they were telling us that evening, they plan on having construction, based on getting approval obviously and permission, they hope to have construction in process within a year.

President Gudenas – We'll have all these things answered in the Public Hearing October 6<sup>th</sup>.



**Res. (528-03) UDE Harbor Crest**

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid to Harbor Crest to allow a UR1 (Day Care) Use in a U-3 (Apartment) Use District at 24451 Lake Shore Boulevard, Permanent Parcel No. 644-06-005. (Sponsored by Planning & Zoning Commission)

Councilman Langman – Given that we dealt with similar issues at the Watergate, we did go through 3 readings there. Given that fact, I think 2 readings would be sufficient for both of the resolutions before us.

President Gudenas – Which would mean the public hearing in roughly 2 weeks. Is there a problem with that? Anybody with anything to say about these next two items should be prepared for 13 days from now.

**Res. (529-03) UDE Harbor Crest**

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid to Harbor Crest to allow a U-4 (Retail) Use in a U-3 (Apartment) Use District at 24451-24455 Lake Shore Boulevard, Permanent Parcel No. 644-06-005. (Sponsored by Planning & Zoning Commission)

President Gudenas – This will be the same situation. We'll go second and third reading in 13 days.

**Ord. (530-03) Rezoning**

An ordinance rezoning P.P. #643-28-005 located at 747 Babbitt Road, from ASF (attached single-family) use district to U-2 (two-family) use district. (Sponsored by Planning & Zoning Commission)

First Reading. Public Hearing October 6, 2003.

**Res. (53-03) Final Budget Senior Center**

A resolution approving the final budgets for the Senior Center and Golf Course Clubhouse construction projects and directing the administration to proceed with action and implementation. (Sponsored by Mayor Oyaski and entire Council)

Councilman Langman moved for passage, Councilwoman Holzheimer Gail seconded.

Mayor Oyaski - #5 is before you because this is an important decision that we're about to make. We have been studying the senior center for some time and this Council has crystalized the project and Mr. DeMinico has been working with various consultants, experts for the past several months to try to compile all inclusive budgets for the senior center and the golf course. The senior center and golf course will have more site improvement costs than were originally anticipated. If this is a priority, we are anxious to proceed. Obviously the more money we spend on this project, the less money we will have for other purposes. We have been assured by the Finance Director that we can afford to complete these two projects and we've been talking about them for a long time. But we needed to let you know that the budget had been finalized and increased. Mr. DeMinico can answer any questions about the context of the estimates and Mr. Balazs can answer any of your questions about the financing capability. We are anxious to proceed once you review carefully and approve prudently the spending plan.

President Gudenas – Finance Director Balazs, again to clarify the funding source. Our general fund is under great pressure. None of these investments will be coming from the general fund, they would all come from the capital improvement account. Last year this City Council decided to save up for this project and we did not borrow any money. It was one of the few years that we literally borrowed no money, for any project so that we could afford to do these two things at once. I believe in the general rule the City can afford about \$3 million a year or so because we have a special part of our property tax that people pay goes to retire old debts and replenish money in the bond retirement fund. So, generally speaking we can do maybe \$3 million or so a year. If you build up more, than some years you can do quite a bit less. But the Finance Director has assured us that because of no borrowing last year, these two items could be done this year, locking in the low interest rates. And, at the same time, permitting the next City council, the next administration, some leadway for additional investments next year, to the tune of several million more, if needed, for other projects for the communication systems for the police department or other things. By no means will this eliminate any projects for next year. In no way does this affect our general fund. No money would come out of the general fund for these things, it is all out of capital accounts, which have adequate resources to cover this type of investment.

And to correct some of the comments, they really aren't cost overruns, these are additions that were brought to the attention of the City by the city's engineer, the fire chief and other people, asking the Service Director, asking us to make improvements into that neighborhood that would affect our sewer plant which

obviously has that waterline and the neighbors in that area to do these improvements all at the same time which in the long run will save money because you are only digging once. Then of course once you're digging that whole area, you are taking care of the parking, the roads and all that once. It would be a shame to fix everything up and then come back in 5 years and re-dig everything up. We've added some water and sewer lines for the benefit of the safety issue brought to our attention. Then paving over a larger portion of the parking lot which was going to be just repaired on a road leading up to it.

We've added to the scope of the project, to make it a better project, to make it longer lasting so we don't have to come back again in a few years.

Councilman McTighe – So, how much over are we?

Director DeMinico – We had 9 bid packages that were opened today and we're in the vicinity of about 40 bids. We have not had the opportunity to sit down and review the bids. I have a meeting first thing tomorrow morning with a representative from Panzica and we'll be able to compile all of those numbers in a fashion that will be a very prudent decision and be able to research those numbers.

Councilman McTighe – So, give me a ballpark figure, how much over?

Director DeMinico – I don't like to use the term over. If you recall we originally put numbers together on the schematic design of the building. It was not a complete inclusive budget which require testing, printing, furniture, fixtures, etc. We are approaching from design development estimates which is the reason why we hired Panzica because he knows exactly where the floor plates are going, the light switches, etc. We are approximately \$3.2 million, that is with furniture, fixtures, the temporary move is put in there. We tried to put a complete comprehensive budget together.

Councilman McTighe – So this administration wants this council to approve a budget that we don't know how much we're over yet?

President Gudenas – There is a document attached to this legislation, which is the budget.

Councilman McTighe – You said we were over and I don't know how much we're over. I'm trying to figure out how much we're over. You said that we could only roughly spend about \$3 million or so. What happens if it comes to \$4-\$6 million?

President Gudenas – That was about \$3 million per year the city could invest in the projects. Over two years that would be \$5-\$6 million. Because we didn't borrow anything last year we have in the general of \$5-\$6 million. We're not going to borrow that much, but we certainly could afford that kind of investment. You do have a document in front of you that has everything listed. The actual construction cost of the addition and of the renovations to the existing building are fairly close. Where the extras are coming in would be for the water lines, sewer lines, paving things like that. Those items are listed there so you could review those items.

Councilman McTighe – Is that correct Director Balazs, so we could do \$6 million if we didn't do \$3 million last year?

Director Balazs – The funding source that we've recommended for the senior center and the clubhouse is strictly the bond retirement fund. We feel that the extras to this point has amounted to, from the original estimate to now is about \$1.2 million over the original estimate. If that's the case then Councilman McTighe then I'm saying that I would not recommend more than \$2 million to be spent in the year 2004 so that the city maintains its double A rating. The improvements you mentioned there, the waterline, the resurfacing are in the budget. When I say bond retirement fund, there might be other sources of revenue that might be able to be pledged to this project. Which would probably come into play about a year from now.

Councilman McTighe – So since we didn't do anything last year, the Council President said \$3 million. So if we do it this year we should be able to do up to \$6 million, correct?

President Gudenas – I said \$5-\$6 million over 2 years.

Director Balazs – I'm conservative in the statement that I would like to keep the capital spending no more than \$2 million in 2004. This is for the double A rating. I think Mr. Akos also indicated that we want to stay well within our debt limitation. The City is within that at this time. But we do have to control our spending. When I say that the level of spending should be no more than \$2 million in 2004, we still can push that figure probably about another \$4,000. That's up to city council. To date Council has already approved the authority for \$1.2 million for the clubhouse, \$2.5 million for the senior center and also \$1.2 million for the capital program. That's approved by Council to this point to spend up to \$4.9 million for those projects.

Councilman McTighe – Why can't we just stay within? I have to see why it is going over to be able to pass this.

Councilwoman Holzheimer Gail – We're talking about a lot of money. I think it makes sense to send this to Committee. If you want the Senior Committee, I'll be happy to call a meeting in the next week or next Monday. We are jumping from \$3.7 initial estimate up to \$4.8 on this. Bids came in today. I'd like to be comfortable that those bids meet this budget before we go through. I would like to know what the changes were. I know we talked about water line improvements. We talked about parking lot improvements. I'd like to have them come in and explain that to us. We have committed to moving forward with this. I think it is a priority project. But I think it behooves us to have a meeting and really understand what we're doing. We also received in our packet today a tentative budget that doesn't look that great for next year. I think we need to take that into consideration. I'm not saying this isn't a priority and that I'm not interested in moving. But I think there's issues that I would be much more comfortable having a committee meeting and discussing them fully.

Councilman Lisy – I too was a little concerned when I remember us passing something in the order of \$3.7 million and now it is \$4.8 million. But I went back to our notes from that meeting and there were a lot of unknowns that we did not know what were to be included. It was only for the schematic drawings and the schematic review. I started looking at what was added to our legislation based on the design/development estimate. Now we're adding all those unknowns. We listed some of them that night. The architectural fees, the Chagrin Valley Engineering fees, the testing. We knew those fees were out there but at that time it was too early to figure out what the budget was on those fees.

Additionally, when you start looking at the numbers that we knew, the schematic design estimates, they're pretty darn close. I'm rather impressed with how close they are. I'm looking at this and we're within \$23,000 over of our \$1.5 million project from back in April. That's pretty close on a \$1.5 million project. The number is roughly 1.5% we're higher. Granted the bids are being opened and we'll have a better idea of what's going on with that. It's all the other items that were finally added to this list. I'm glad to see them because now we know what the entire scope of the project is.

The one piece of information that we're overlooking is the revenues that are going to be generated from the golf course project. We're currently generating roughly \$55,000 a year from the golf course. It's anticipated that we'll increase that to around \$250,000. If you start adding this together, we could borrow up to \$4.8 million. We have the resources, I think it's in our debt service capability right now since we haven't used any in the last 2 years, we could borrow up to \$5 million. When you add both projects together, the \$3.2 and the \$1.6 that's \$4.8 million. Just looking at the revenues coming in from these projects, we could pay for this. I'm comfortable that this is a sound project but I have no problem putting it into committee if it's not going to hurt the timeline on the construction in making sure the seniors can move in April/May next year and the golf course opens in April. Is that correct Director DeMinico?

President Gudenas – Director DeMinico could you address timing issues? Because apparently we have already moved the seniors are committed to go to Euclid Square Mall. How would all this affect construction schedules and things like that?

Director DeMinico – Through the various researching of ways to address the waterline issue which has been brought up, I'll address that now. Right now no Phase II numbers are put in there. Phase I will be completed with the project, shall it move forward. Then there's a commitment from Council to continue and work with Phase II. Those numbers are not reflected in the budget that you have in front of you.

Through the conversations with Panzica, Chagrin Valley Engineering, they're doing waterline work. In this time of the year, there's a certain time frame that 224 Street will have outside lines while they reline it. Middle to late October, if Cleveland Water is not comfortable with the way things are going, that could very well delay the waterline issue until the spring. In using Panzica who is our professional and our consultant, our backs are very close to the wall. We're very close to the wall to the point where we may very well miss a fall season of getting things under roof and delay things which would then push our opening back in sometime mid to late summer of 2004.

That does not mean that we don't have time to sit with a Committee meeting and review everything, get this maybe next Monday and have Panzica and TMO and Chagrin Valley Engineering people here and ask them the questions. But knowing there are contracts that need to be signed under a certain time frame.

Regarding the golf course clubhouse, the Council President brought up the move of the seniors. That train has left the track. They're ready to move. The initial things have started to take place. Director Gliha has things moving. Items have been moved over to the mall. Golf Course clubhouse still hasn't gone out to bid yet, we're addressing some issues. That time frame, it looks like we'll be able to open, moving forward, probably in May with that project being on somewhere in that vicinity. April at the earliest.

Councilman Lisy – I agree with Councilwoman Holzheimer Gail that we should put this in Committee and have a meeting as soon as possible and go over these issues. Make it soon.

President Gudenas – The meeting would be tomorrow then. We would tend to lose an entire season at the golf course, which will cost us much greater than anything here. Plus pay more rent for the Euclid Square mall. Our costs would go up even more. I'll call a meeting for tomorrow. This is very important.

Councilwoman Miller – I agree with you. I totally agree with you, but I can't believe that some members of this Council who's been so emphatic about watching how our money is being spent, now all of the sudden wants to railroad something right through when we want more information. We're all in favor of this.

President Gudenas – Okay, the meeting will be tomorrow.

Councilwoman Miller – I would like to have Mr. Gall there. I'd like to have Chief Dworning also there. Chief Dworning I'd like to ask you some questions about the water lines and such if it meets what you feel. If you're going to have the meeting tomorrow morning, I think you can come up with the results as to what you think from the bid openings. But this is too important and it is such a very important issue and we all agreed on this. I know Kirsten and I have worked on Council's before this, trying to get something like this started and we're finally at this point. But, I don't think we should just jump over the fence and say okay. I think we need some answers to this too.

President Gudenas – The meeting will be at 8:30 tomorrow because we have a 24 hour rule. Twenty-four hours would be 8:20.

Councilwoman Miller – Will all parties be here?

Chief Dworning – I've been trying to get your attention for most of this conversation. I have a lot to say about the water issues here. The last thing I am opposed to is a senior center in this City. I want to see a senior center built and I want to see it built properly, but I want to see it built safely.

When this whole issue arose, water was one of the biggest concerns and it was a concern early on. Very early on in this project. This just didn't surface in the last couple of months. We looked at various alternatives, myself, Mr. DeMinico, Hank Gulich, using the different engineers that we had to work with. Knowing what we knew after reviewing the different alternatives, even if we move forward with a portion of what's been offered, we will be very close to providing just what's needed to provide that building with fire protection from sprinklers. You have said yourself that you believe that is plenty enough protection, that's all a building needs. I firmly and highly disagree with you. There are other issues that are involved in this. If we're going to do this, this building has to be built to standards. This building is no different than other buildings built in this city, under the same criteria, under the same codes, using National Fire Protection Association standards. There's nothing different here than we wouldn't require of anybody else. Let alone the fact that this is a city building and we own this building and we're self-insured. That's even more concern as far as I look at this issue. You may disagree with me, you may not disagree with me.

President Gudenas – I'm baffled by this. Mayor, are you building a building that's below standard? Seriously, I'm baffled by this.

Chief Dworning – I believe you're building a building that's below standard when it comes to water protection and fire protection for the building. The only way your going to get the required water to this building is to take this water line and run it to Lake Shore Blvd., down 224, 225 through the new senior center on through the Waste Water Treatment plant, onto Lake Shore Blvd., at a cost of approximately \$500,000. That's fine. If we have the money to do it, that's great because not only do all the residents benefit in the areas that are going to get their water lines replaced, relined, resurfaced and enlarged. The Waste Water Treatment Plant is vastly going to improve, as well as we're going to have more than the water protection we need at the senior center. All I'm saying to you is, I looked at this project with an open mind. I was formerly against moving forward with this project in the fashion that this project wanted to be moved forward in with the expediency and the fast track. I understand a lot of that. But I will say this, I cannot see fast-tracking a building of this nature for senior citizens without adequate water supply.

Through meetings through what I consider to be conciliation and compromise on my part and my Fire Prevention Bureau, we looked at this and said okay, fine. We can do this in two phases. Phase is something that we used. That is a fire department term. I don't know where phase came from other than from us. We said that if we could get 225 relined and do all the things that Mike Benza and some of the other engineers agreed to, that we would move forward with this project because at that particular point in time, if we were fortunate enough to get the hydraulic calculations that at least the building would have sprinkler protection. But I need some type of commitment from this City Council, from yourself as Council President, from whomever that in the very near future that this project, Phase II, call it whatever you want to call it, is going to continue on into Lake Shore Blvd. and get that building the protection it needs.

President Gudenas – Have you told all this to the Mayor?

Chief Dworning – I have told this to the Mayor and anybody who will listen to me.

President Gudenas – Mayor, your administration, what's your position on all of this?

Mayor Oyaski – The Council was briefed on this before. We talked about doing Phase I immediately. We awarded a contract for Phase I this afternoon. We all agreed, I believe, that Phase II would be done no later than 36 months from now. If the Council wants to appropriate an additional \$275,000, we can do it right now. What the Fire Chief is asking for, other than commitment from the Mayor who's not going to be here in December. He wants a commitment from the City Council. That's what he's asking you for.

President Gudenas – You'll have a new City Council in November too. Basically we went over this before. We voted on this. We voted on the whole Phase I and Phase II several months ago. I think we already went over this and came up with a plan that I believe your administration supported. No one here is trying to build a sub-standard building and through the engineering work that private companies did and your administration, we came up with a plan that I believe, that met everyone's requirement including the Fire Chief and city council.

Councilman Lisy – Would this be eligible for Issue 2 funds? The Phase II part of this project where you complete the circle and you go from the senior center to Lake Shore Blvd.?

Director Gulich – Issue 2 is for replacement infrastructure. New infrastructure is severely limited in the amounts awarded there. Obviously it doesn't cost us anything. We could submit an application, whether it be this year or next year. But I think a project concerning a new water line would have a very limited chance of receiving any merit.

Councilman Lisy – We also have a budget of \$4.88 million for both projects. We have not talked about the other sources of funding to help reduce the costs here yet. Director DeMinico, can you go over some of those numbers?

Director DeMinico – When we had started with the golf course clubhouse which I'm much more familiar with, it was anticipated that our revenue could increase through food and beverage anywhere from 30-40% of the amount of money that we're taking in now. Through conversations, talking to different people, we felt that perhaps we may even be able to increase that by more, by privatizing it. Negotiating with different caterer and different contractor and getting the best possible price for that turn around. We have not put together preliminary numbers for potential at the senior center, as far as the amount of dates that could be used in the evening when its not being used by the seniors. Different types of functions that could generate additional revenue. I'm unable to address those comfortably tonight.

Councilman Lisy – I was talking about the Waste Water Treatment Plant or some other source to offset some of the expenditures of relining.

President Gudenas – That's already accounted for.

Councilman Lisy - That's subtracted out of this?

President Gudenas - The independent legal advisor said that half of that could be prorated to the Waste Water, which is Phase I. We haven't gone into Phase II. We went over all this before. We made a commitment to work on Phase II, but we can't solve everything all at once, nor do we have to solve everything at once. We made a commitment to do this over the next year or two. My guess is that it will be done, but in the meantime we came up with a plan.

Chief Dworning – I cannot accept, I guess this is going to happen; or, I think this is going to happen. This is something that has to happen. In response to have I corresponded with the Mayor of the City of Euclid regarding these issues, I have a 2 page e-mail that I fully outline the entire NFPA standards, the rational, the reason behind everything we were asking for. This was not something that Mike Dworning dreamed up and came up and decided that we want 1200 gallons of water over at the senior center. In part of your response back to Mayor Oyaski that with the relining, we have more than enough water. We do not need water elsewhere. If this is so important, why do we not replace the water line behind city hall. Water pressure, blah, blah, blah, so on and so forth. You were made aware of this. The Mayor forwarded it to you. He forwarded it to you in very, very specific ...

President Gudenas – We came up to a solution to all of that. We increase the budget to solve that problem.

Chief Dworning – The money is not in the budget tonight to solve the problem.

President Gudenas – We had a resolution on our agenda, wasn't it Mayor Oyaski, regarding our support of Phase II? Didn't we vote on that a couple of months ago?

Chief Dworning – Not to my knowledge. All I'm asking from this City Council as the Chief of this Fire Dept. today is a commitment from this council in the form of a resolution. However this has to be done that this project will not end with the senior center, that it will continue on and do what we need to do to provide adequate, reliable fire safety to those senior citizens that are going to be using this building. That's all we're asking. I don't think that's unreasonable. It's required by code. It is nothing that we wouldn't ask anybody else in this city to do under the same circumstances. That's my request.

President Gudenas – Committee meeting 8:30 tomorrow regarding this.

Councilman McTighe – Can we make sure that Mr. Gall is aware of this and we have all parties here to go over this?

Director Gulich – I can't speak to Mr. Gall's commitments for tomorrow night.

Councilman McTighe – I think it's very important because I've heard that there's been some letter that he passed around with concerns of some kind of fumes or treatment at the waste water. I need to ask him questions or I'll just ask him on my own time. But I'd rather have him be out here because the waste water treatment and I had a concern with building the senior center there. He knows the ins and outs of the waste water treatment plant.

Councilman Gruber – I'll be at your meeting tomorrow night at 8:30, 8:25, whenever you say. I have a couple of questions also. I did receive a letter from Mr. Gall stating his opposition to this. It goes all the way back to October 7<sup>th</sup> and it does have some good points. I'll just read briefly. Once again I feel compelled to express my opinion that the construction of the new senior center in such close proximity to the waste water treatment plant would be a poor choice for the following reasons.

Our gate house located less than 25 yards from the existing clubhouse, contains a one ton cylinder of sulfur dioxide, an extremely dangerous chemical. I brought the material safety sheet, if anybody would like to see it. It says 5 parts per million humane exposure to sulfur dioxide causes choking, coughing and irritation to the eyes and throat. Exposure to 500 parts per million causes death instantly.

Odor complaints which average 5-10 per year from adjacent homeowners within 100 yards of the plant will multiply significantly when a senior center is situated on top of a hill located within 25 yards of the plant.

Future expansion of the plan is limited to the area of the new Senior Center. See prior memos dated October 7<sup>th</sup> and May 6<sup>th</sup>. Approximately 800' of new sewer line must be constructed for the Senior Center. Now have we even talked about sewer lines?

Future expansion of the plan is limited to the area of the new Senior Center. See prior memos dated October 7<sup>th</sup> and May 6<sup>th</sup>. Approximately 800' of new sewer line must be constructed for the Senior Center. Now have we even talked about sewer lines?

Mayor Oyaski – Yes, it's in there.

Councilman Lisy – It's in the budget.

President Gudenas – I believe that's in there.

Councilman Gruber – Approximately 1500' of waterline will be needed to supply part of the water from the Lakeshore main should further study indicate Treatment Plant waterline is not sufficient. Bob Gall knows his stuff and I don't know why we weren't made aware of these memos sooner.

A final question, I was at the bid openings today. And just rough numbers put together from the lowest bidders without the waterline, without furniture or anything, it looked like \$3,072,000. And if you think you can pull this off with \$3.2 million you're doing something. What's the cost per square foot compared to other senior centers in the area? Have we done any research on that? What's the approximate square foot cost?

President Gudenas – I think we're going to have, what, about 19,000 sq. ft. or so and I believe like about \$150 or so. I believe we're getting a big bang for the buck here.

Councilman Gruber – A hundred twenty-five to a hundred fifty is industry standard. So if we're within that, we'd be okay. As far as the other cities that use our water supply, how do the mayors of other cities feel about us using revenues from the Sewer Treatment Plant to pay for our waterline. Are they made aware of this?

President Gudenas – I believe that's why we had our outside legal counsel review that.

Councilman Gruber – But are they aware of it? I mean our legal counsel tells us one thing. My architect is also...

President Gudenas – You can ask, you know, we have the Administration over here for this.

Councilman Gruber – Well, this seems to be a good project for you. And tomorrow when the architects are here, especially the ones that Tarantino had to hire because he was in over his head. We'll ask that them if you did not state that this project has to be completed because it's an election year. So we'll see about that. Okay? Thank you.

President Gudenas – Anybody else?

Councilman Sustarsic – One last word, I think the overall thing as well with all due regard to waterlines with all due regards to Waste Water Treatment Plant, possible expansion plans or whatever like that, can this Council, can this City afford to spend? After the bids are open, after they're revealed to us, can we afford to spend upwards of \$5-1/2 million on two things that we might have to cutback on? We've got so many issues in this City. We've got so many things that have to be addressed when it comes to capital improvements and everything else like that. You've got 3 out of 4 Fire Stations. You've got a Police Station. You've got a Service Garage. You've got a bunch of other things going on.

The thing that bothers me is the \$5-1/2 million. The other thing that bothers me is the fact that how it could affect ultimately our Double A Bond Rating. It's just, it's a common sensical thing that if you don't have it, you don't spend it. And we were assured right at the very beginning that we were going to have the appropriate people watching this, keeping tabs on this and all of a sudden it's like a runaway freight train.

President Gudenas – I think you're exaggerating the situation. We do have the committee meeting tomorrow. Unless there's something new to say, Councilman Delaney?

Councilman Delaney – I really do have to add after listening to everything. What's getting lost here is that this really is an issue of health and welfare. The senior citizens, a large component of our community, and for 25 years this City has made the commitment that that was only a temporary facility. You can beat any project to death. My God, those roses would have never been planted if everybody had to pull it apart like it's being done tonight. If the sulfur dioxide is such a problem, I should have never found myself going to the park. People shouldn't be using it if it's going to blow at any minute. I'm confident that with a reputable firm like Panzica watching the construction that it will be within its means. These people don't have a success rate like this and set projects up for failure.

It takes a lot of courage to vote on an issue like this, to build a project like this. And it is within our means. And if you followed it, the Finance Director, and if you followed it with the Parks & Rec. Director, you find that we did get enough information to make that \$4 million commitment as of today. That money being committed the interest rates what they are, there's much more to lose by stifling this project. And I hope everyone comes tomorrow night with an open mind and the willingness to succeed and not to pull it apart with pettiness and politics. And let the research and facts speak for itself and have the courage to move forward and have the courage to address all the issues that face this City. Thank you.

President Gudenas – Okay with that we'll have the Committee, we're repeating ourselves here.

Chief Dworning – No, no, I don't want to repeat myself and I'm going to be nice. What I want to do and I owe this to the Parks & Rec. Director, I spent 9 years on a project on a fire station and it's no easy task. It's a very, very difficult, frustrating, mind-boggling task to pull off, to pull off within budget. I commend Bobbie DeMinico for everything he's done. Everything he's tried to do to get this project off the ground, to follow Council's direction, to do everything and everything in his power to do his job. And in my mind, the man's done a remarkable job to date. This is not Bobbie DeMinico's fault. This is not Panzica's fault. Nobody's casting blame on anybody. I would just like to say I commend Bob DeMinico for the job he's done to date in spite of all of the adversity that he's had to face through all the issues that I never even came close to having to face building a fire station on Chardon Road and I'll leave it at that.

President Gudenas – Okay, 8:30 tomorrow, Executive/Finance Committee meeting. Do we need to vote on that? Okay, we'll have a meeting. Do we need to vote to send it to committee?

Clerk Cahill – Yes.

Councilman McTighe moved to send the legislation to the Executive & Finance Committee; seconded by Councilman Lisy.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, McTighe, Miller, Sustarsic, Gudenas  
Legislation sent to Executive & Finance Committee.

**Ord. 169-2003 (532-03) Adjustment of Boundary Line**

An ordinance agreeing to the adjustment of the municipal boundary line between the City of Euclid and the City of Cleveland in accordance with Section 709.37 of the Ohio Revised Code. (Sponsored by Mayor Oyaski)

Councilwoman Holzheimer Gail moved for passage; seconded by Councilman Delaney.

President Gudenas – And will this be the Service Director?

Director Gulich – Sure, why not. Brief history on this one. I think we've muddled through this one before so I'll be brief. Behind our Service Garage on Lakeland Blvd., there's a 1-acre parcel, which up until 1953 held a water tower. The towers were necessary on the eastside before Nottingham went on line in order to equalize the pressure. Once Nottingham came on line it was no longer needed. It was demolished over the years. It was never addressed to get this parcel back into the City of Euclid's hands. This is a method of doing it without any cost to the City. The boundary transfer that would take place would put property that the City of Cleveland already owns into the City of Cleveland where it has been as long as that plant has been there. Basically, we'll be receiving an acre and we'll be moving the boundary to give the City of Cleveland the entire area where their treatment plant is. And I think Phyllis or the Mayor may have some additional comments.

Director Vento de Crespo – There will be no tax consequences as a result of this exchange. The boundary line would be moved so that the entire Nottingham Water Treatment Plant would be located within the City of Cleveland. Because it's already a municipally owned piece of property, they don't pay property taxes on it. And because the City employees working at that treatment plant, the plant is partially in Cleveland so they pay their income tax to Cleveland so there would be no tax consequences. And the transaction is supposed to be at no cost to either side except that there may be some filing fees incurred. And it is permissible under the Ohio Revised Code as far as the boundary adjustment. Then the land transfer is just a simple transfer of that 1 acre parcel over there by the garage.

President Gudenas – This looks like a win-win for everybody. Something that's been in the works for many years, any other questions?

Councilman Lisy – Is this gone before the City of Cleveland's Council?

Acting Director Vento de Crespo – It's already been passed by Cleveland City Council; although, the contract itself has not yet been executed.

Councilman Lisy – Right, thank you.

Acting Director Vento de Crespo – Both of the law departments are looking at the contract.

Councilman McTighe – Why didn't we do this years before? Why now?

Mayor Oyaski – It's interesting how I discovered this. They wanted to do bungy jumping in the Pacer's parking lot. And this was bungy jumping was quite a craze. And we found out, I said you can't bungy jump on our property under any circumstances. And I found out that the City of Cleveland had this 1-acre square behind Pacer's. I tried to acquire it at that time. They wanted fair market value. They wanted at least \$35,000. It's more now since that was a while ago. It was not a priority to spend \$35,000 on a piece of gravel parking lot that we have been taking care of. I said well, we want to be given credit for the maintenance because we spent a lot of money maintaining your property. And we're able now to work out a trade where we can get a piece of property that's worth at least \$35,000 that we've been using unofficially for the last 50 years. And everyone's happy about it. Before they wanted money and I didn't think it was worth spending limited money.

President Gudenas – Had we ever considered adverse possession seeing as we had exclusive control on that and paved it for free?

Mayor Oyaski – I vaguely remembered in Law School that adverse possession does not work against the public. Okay? So...

President Gudenas – Okay, a loop.



Councilman McTighe – Close the loop.

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

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

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

**Res. (536-03) Memorial Park Master Plan**

A resolution of support for the proposed Master Plan of Memorial Park. (Sponsored by Council President Gudenas)

Councilman Langman moved for passage; seconded by Councilman Delaney.

President Gudenas - This goes back to before the 1996 Master Plan. It was actually put into the Plan saying it should be implemented back in '96 or so. It's been presented to the Board of Education, the Superintendent of Schools, the Athletic Director, both the previous one and the current one. To the Rec. Commission previous and current, and Council Committee meetings over many, many years and we'll continue this process. Council did hire an architect to develop these plans at a cost of \$10,000. The plans have been developed. We've not done any further work until we can get some real input from the elected officials so I would ask that we send this to the Executive/Finance Committee meeting for a future date to review all these things again and discuss in greater detail.

Councilman McTighe – Director DeMinico, how much of the property in Memorial Park does the City currently own?

Director DeMinico – Memorial Park is 55 acres and I could not tell you the acreage that is the sports complex, Diamonds 4, 5 and 6. Maybe that's, that might be 25% of the Park perhaps.

President Gudenas – Obviously, this would be with the support of the schools.

Councilman McTighe moved to send the legislation to the Executive & Finance Committee; seconded by Councilman Langman.

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

**Res. 170-2003 (522-03) D.A.R.E. Grant for 2003-2004**

A resolution authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to apply for funding from the D.A.R.E. Grants Program through the office of the Attorney General of Ohio for 2003-2004. (Sponsored by Councilwoman Miller by request of the Chief of Police)

Councilwoman Miller moved for passage; seconded by Councilman Sustarsic.

President Gudenas – Chief, is this your item? Fairly straight forward.

Chief Maine – This is about the 15<sup>th</sup> year, I believe, that we've applied for D.A.R.E. funding. It's pretty automatic. We get a portion of the pie. The amount's slowly decreased over the years, but I think this past year we got somewhere in the area of \$12,500 to 13,000. And we could probably expect to see something like that this year also or next year.

There's no match required by the City. This would be a salary we'd be paying the officer anyway so...

President Gudenas – Very good. I see no other questions. Vote on the resolution.

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

**Res. 171-2003 (526-03) Law Enforcement Block Grant**

A resolution authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to accept a Local Law Enforcement Block Grant from the Bureau of Justice Assistance (BJA), U.S. Department of Justice, in the amount of \$23,498.00 for the year 2004. (Sponsored by Councilwoman Miller by request of Chief of Police)

Councilwoman Miller moved for passage; seconded by Councilman Gruber.

Chief Maine – Again, this is a, the Local Law Enforcement Block Grant is a grant that we've applied for and been awarded a number of years. In years past it's been used for equipment as well as manpower costs. Last year, over the last couple years we have bought one of our patrol cars with this grant and we've also used the money for overtime for Community Policing Programs. That's what our plan is again for 2004 to buy a patrol car as well as overtime costs for Community Policing Programs and there is a 10% match required by the City. It's what has been required in years past so it'll be about \$2400 for the match for the City.

President Gudenas – All right and that can come from either the capital account or your operating account.

Chief Maine – It's been the operating account years past, but whatever your pleasure.

President Gudenas – Okay. Any other questions? I see none. Vote on the resolution.

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

**Res. (439b-03) Repealing Chapter 1399 of the Code**

An ordinance repealing Chapter 1399, Wireless Communication Antennas & Towers, of the Codified Ordinances of the City of Euclid to be replaced as follows. (Sponsored by Council President Gudenas) (Recommended for passage by the Planning & Zoning Commission)

Councilman Lisy moved for passage; seconded by Councilman Delaney.

President Gudenas – Do we want to send this to Building and Standards further review? It's already gone to Planning & Zoning. They've made all their corrections, additions, subtractions, multiplications and it's a lot of pages.

Councilwoman Miller moved to send the legislation to Housing Improvements-Building Standards Committee; seconded by Councilman Lisy.

Councilwoman Miller – And I'd also like to stress that at the time they should look at the why the Council was removed from it. It's just the City. I don't know what the reasoning is because I think with something this, of this value it should absolutely come before Council. And I also feel that the 250' I think that they should look at that. It was a thousand feet; 250 is nothing. I wouldn't want to look out my front door and see a tower looming up and 250' is not a great deal of distance. So those are two items that definitely have to be looked at.

Commissioner Hayes – Council has not been taken out of this in any way, shape or form. Basically, everything that said Council would have automatically required Council to review of every single piece of everything that went on in this thing. As the legislation stands today and as this legislation will also allow, anything that is reviewed by Planning & Zoning and confirmed has to then be confirmed by Council. Basically all that adding the City is allows the Planning & Zoning to send this to the Boards and Administration areas where it needs to go for its footwork, shall we say, before Council gets the final plan to approve.

Councilwoman Miller – Where does it say that?

President Gudenas – Well, we can go over that in the committee.

Councilwoman Holzheimer Gail – Page 4, Section A.

President Gudenas – Page 4, Section A. All right, so roll call on sending it committee. I think we had a motion.

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

**Ord. (545-03) Prohibit Billboards City Property**

An ordinance prohibiting the future placement of billboards on City-owned property. (Sponsored by Councilman Sustarsic)

Councilman Sustarsic moved for passage; seconded by Councilman Lisy.

President Gudenas – We would like to send this to the same committee also, Building Standards?

Councilman Langman moved to send the legislation to the Housing Improvement-Building Standards Committee; seconded by Councilman McTighe.

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

Ordinance placed in Committee.

**Ord. 172-2003 (537-03) Contract Ospelt & Sons, Inc.**

An emergency ordinance authorizing the CD&ED Director of the City of Euclid to execute a professional services contract with Ospelt & Sons, Inc. to provide building and plumbing Inspection services for the term of October 1, 2003 to September 30, 2004, in an amount not to exceed \$24,000.00. (Sponsored by Mayor Oyaski by request of Building Commissioner)

Councilman Gruber moved for passage; seconded by Councilman Delaney.

Commissioner Apanasewicz – This is really an extension of a short-term agreement that we have with Mr. Ospelt to provide contractual services. We've reached the maximum limit that we can pay him without Council approval and that's \$15,000. What this ordinance is intended to do is extend his contract an additional year. This is not really the best solution to our certification problems. If you recall back in the budget hearing, we lost a plumbing inspector due to some budget problems. This was a solution to maintain our State certification by providing plumbing inspections, which Mr. Ospelt is certified to do and keep us certified with the State. Keep the State happy and provide, also, some services in the short-term under this particular agreement. We did go out for proposals from three different sources. The lowest bid that we had proposal was \$85 an hour. Mr. Ospelt charges \$25 an hour. As was pointed out earlier, he's a former employee of the City so he's familiar with the City and the needs and the inspections of our citizens and our contractors. So this, the Council also approved a similar agreement back in June for J. D. Properties. That particular contract is on a fulltime basis. This contract is on a part time basis. Fulltime, just as a comparison, we're probably looking at, I think, J. D. Properties' contract is \$54,000 per year. So we're talking slightly less than half. Of course, that's reflected in part time inspection.

So in order to maintain our State Certification we need to have a plumbing inspector. Mr. Ospelt has that certification. When we advertised last year for his replacement, we only got one candidate that was certified in the State of Ohio that could qualify to be employed by the City of Euclid. And we advertised nationally on the Internet so let's, I guess, a very narrow field. So I'd ask the Council to consider this and approve it so we can continue providing this service.

President Gudenas – So we actually questioned it earlier. We did go out for proposals. This was the lowest one. Any idea about how much, how many permit fees will be brought in from this work?

Commissioner Apanasewicz – We're also using him for building inspections as well. So it's kind of hard to say. Mr. Ospelt does a lot of the concrete inspections, the pre-formers, the footing inspections. So it's kind of hard to put a dollar value exactly on, and I certainly would tie it only to plumbing, but certainly he's providing a service a crossover service as well as other things. We're kind of using him in a greater capacity to get his plumbing seals, which we probably would use less often.

President Gudenas – All right. Any other questions? I see one.

Councilman Langman – Mr. Apanasewicz, since in fact, we'll be hiring this firm to do these inspections, they'll be representing the City. Is there any conduct clauses in this type of contract? After all, he is going out and intermingling with our residents and so forth.

Commissioner Apanasewicz – I don't think there's a specific conduct clause. I would think if, we have a right to terminate the contract within 30 days. He is not, I guess, legally an employee of the City but representing the City. It is certainly a reflection on the City, his conduct is a reflection on the City. And I don't think we would tolerate any infraction that, you know, which, you know, would be an offense that an employee would do that a contractor would do if you understand what I'm saying.

Councilman Langman – Yes, but do we make clear to this type of arrangement that as representing the City in doing these types of inspections that they should try to represent the City in the best possible light?

Acting Director Gliha – As an agent, he, therefore, becomes, actually acts as an employee. So all the rules and regulations that an employee of the City of Euclid would have to follow, him being an agent of the City, he has to follow those same rules and regulations.

In the case of Mr. Ospelt, he was an employee so he's well aware of what those regulations are. If we were to bring in a, you know, an outsider, someone who has not previously worked for the City and was not familiar with the City, he would be briefed with the various rules and regulations that govern City employees.

Councilman Langman – Okay, thank you.

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

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

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

**Ord. 173-2003 (538-03) Euclid Panini's Renovation**

An emergency ordinance authorizing, empowering and directing the Mayor of the City of Euclid and the CS&ED Director to enter into a Special Storefront Renovation Agreement with Euclid Panini's, Inc., owner of the property located at 937 East 222<sup>nd</sup> Street, known as Euclid Panini Grille, for the provision of a grant in the amount not to exceed \$30,000.00 as reimbursement of 40% of the cost of eligible improvements, whichever is less, plus reimbursement of up to \$1,500.00 for architectural design services. (Sponsored by Councilman Sustarsic)

Councilman Delaney moved for passage; seconded by Councilman Gruber.

President Gudenas – This is part of our Storefront Renovation Program Block Grant money involved, a new business here. Anything to add?

Mayor Oyaski – It's a great project.

President Gudenas – All right, good. It's a great project.

Acting Director Gliha – That's one way to put it. It's a project that is ever-growing and ever-expanding and the company ended up investing probably 10-fold what they expected to invest when they got into the project. If anyone wants further details, Mr. DeWine could answer that. But they have invested over \$575,000 in the project to date. It was as complicated as I understand their sandwiches are.

President Gudenas – It wasn't a cost over, I hope.

Acting Director Gliha – No.

President Gudenas – Anything to add to this. I see nothing. We congratulate them.

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

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

Abstain: McTighe

Passed.

Manager DeWine – Gentlemen, you stood up for Civics 101, right? I need for Eric Anderson and Jim Coil to stand up. They were part of the partnership at Euclid Panini's at 737 and E. 222<sup>nd</sup> Street. They'd all simply like for all of us to come in and make an appearance at Panini's any time. Right?

President Gudenas – Is that why you abstained, McTighe?

Councilman McTighe – Yeah, 'cause I go there.

President Gudenas – All right. Congratulations. Thank you very much. And we have time for the diesel fuel.

**Ord. 174-2003 (523-03) Diesel & Unleaded Fuel Purchases**

An ordinance authorizing the Director of Public Service of the City of Euclid to forego competitive bidding procedures for diesel and unleaded fuel purchases for vehicles and equipment for the City of Euclid, and make

such purchases from any of six (6) specified vendors based on the lowest available price for a period of two (2) years, from January 1, 2004 through December 31, 2005. (Sponsored by Councilman Sustarsic by request of the Director of Public Service)

Councilman Lisy moved for passage; seconded by Councilman Sustarsic.

President Gudenas – And in 30 seconds or less, 2 years vs. 1 year.

Director Gulich – Why not 2 years? What we're asking you to let us do is forego the competitive bidding. That can be a good thing because this lets us go out and shop the market. When we need fuel, we can call all these vendors at any given time. One of the others's going to have the lowest price just like when you're going down Lakeshore or Euclid Ave. get gas at the cheapest price. We're not locked into a single vendor over a one or two-year period. And 2 years because then I don't have to go through this 12 months from now.

President Gudenas – So you're not actually signing a contract for 2 years, you're just getting the approval to buy fuel...

Mayor Oyaski – No.

Director Gulich – Correct.

Mayor Oyaski – On the spot market, we're buying on the spot market. At one time we used to get a firm price for a year, but it's been over a decade since a vendor gave us a firm price for a year. So we buy on the spot market now.

President Gudenas – And normally the spot market for fuel has been lower than the guaranteed prices so the risk involving pricing is very much higher.

Mayor Oyaski – Right, right. And we pay no taxes.

President Gudenas – And no taxes. Any other comments? I see none.

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

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

President Gudenas – And with that we'll take our usual 7 or 8-minute break. Be back here just before 9 p.m.

**Ord. 175-2003 (531-03) Resurface E. 260 St.**

An emergency ordinance enacted by the City of Euclid, County of Cuyahoga, Ohio, in the matter of the hereinafter described improvement. This is for the resurfacing of E. 260<sup>th</sup> Street from I-29 to Lakeshore Blvd. (Sponsored by Councilman Sustarsic and Councilman Langman by request of Public Service Director)

Councilman Langman moved for passage; seconded by Councilman Lisy.

President Gudenas – And this is not Issue 2 but a County project.

Director Gulich – Actually, Mr. President and Members of Council, it's the State ODOT project. East 260<sup>th</sup> is an ODOT job. They did do the other half of it last year. They intend on doing pretty much the same operation here as if you recall what we simply call a mill and fill. They'll grind it curb to curb. Basically, put back what they took off. So it's not a matter of closing the road or anything like that. The inconvenience will be minimal. There's a couple other questions on there.

Someone brought up the decorative crosswalks, which are a thing of beauty I agree. With the mill and fills, anything above the basic mill and fill is 100% City cost. They will not participate in the cost on that. Again, this is a basic boilerplate agreement that ODOT enters into with any of its route within a municipality.

President Gudenas – And we hope to do this next year?

Director Gulich – Yes, there's no bid date set. Obviously, it'll be done while the asphalt plants are open. So we would expect some time between March and November and, of course, they'll be plenty of word out in advance.

President Gudenas – And our share of this cost, do we have a percentage share?

Director Gulich – Yes, 20%, which I've already calculated to be \$64,000.

President Gudenas – Okay, \$64,000 answer. It's a good investment. Any other questions?

Councilman Langman – Just for the record, Mr. Chairman, that north of Farringdon, E. 260 is in the Second Ward.

President Gudenas – Right, actually, the Law Department should be careful that any time you put a road improvement you put the Ward people on there, especially 2 months before the election.

Director Balazs – The \$64,000 share in cost, as Director Gulich indicated, will be earmarked for capital project in 2004.

President Gudenas – Okay, so it'll come out of next year's capital budget. Any other questions?

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

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

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

**Res. 176-2003 (540-03) Euclid Ave./Babbitt Relief Sewer**

A resolution authorizing the Mayor of the City of Euclid to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) for the year 2004, and to execute contracts as required. (Sponsored by Councilman Sustarsic by request of Public Service Director)

Councilman Sustarsic moved for passage; seconded by Councilwoman Miller.

President Gudenas – This is an Issue 2 application for that problem we had at Babbitt and Euclid Avenue.

Director Gulich – That is correct, Mr. President and Members of Council. I've clogged up pretty much of the rest of the agenda.

President Gudenas – In fact, we could address all those at the same time.

Director Gulich – Actually, the first four are the identical projects we applied for last year. And please keep in mind this is only authorizing the Mayor to sign the application. It does not obligate us to any funds. We won't know until the end of the year if indeed we'll be granted any of these projects. And of course, we will apply for a combination of grants and loan. We've attended the workshop last week. CVE is already going over last year's applications and we'll attempt to make improvements on it and, hopefully, be at the front of the class when the voting happens at the end of the year.

President Gudenas – All right, very good. We'll hear, you're saying, in the summer or so?

Director Gulich – They come out with preliminary in December and then we pretty much have our day in court when we have our chance to go down there and make our statements, which we always do. Generally, they push that date back so I would say at the end of the year we'll know. And of course, even if we were granted any of these projects, we wouldn't be able to proceed in any way, shape or form until July 1<sup>st</sup>, 2003, 4.

President Gudenas – Any questions on #16, 17, 18, 19 or 20?

Councilman Sustarsic – Mr. Gulich, are these pretty much the same ones that you tried to get last year and we're just going in again?

Director Gulich – Yes, they are. We've added an additional one and it has to do with work we've done in Ward 4. We'll talk a little bit after the meeting maybe about Beverly Hills, which is coming along just fine. There's an additional project that we did not apply for last year. There's an area Chatworth up there that's currently on an outdated combined sewer system with an overflow and we would attempt to relieve ourselves of that overflow.

President Gudenas – Are we doing anything different compared to a year ago with this application?

Director Gulich – Hopefully, we'll be getting some funding.

President Gudenas – Different information?

Director Gulich – It will be adding updated information and some additional information.

President Gudenas – Okay, very good.

Councilman Langman – Director Gulich, as far as the traffic signalization goes, is the warranting process underway?

Director Gulich – Yes, it is. I just spoke with our consultants, Traff-Pro, last week. They have pretty much cleaned up all of the counts, which Council authorized, I think, just before summer break. And now that they have all that counts they can actually go through the warrant process. And our plan is to fine tune that number. Basically, we asked for the sky last year because we didn't know what that fine tune number will be. I've talked with Traff-Pro. They'll be preparing their end of the application and they hope to be able to trim down that request, which will hopefully, put us under a better light.

Councilman Langman – Okay, thank you.

President Gudenas – That's #19 and the warrant, basically, would be to justify computerization of the traffic signal. We need to have so much traffic going through those intersections.

Director Gulich – And just so Council's aware with the signalization, I've been working with Honeywell as far as updating the entire City to put us on an LED system. The savings can be anywhere from 60 to 90% with the new LED technology. And there is a possibility that, just like we did with the Waste Water Treatment Plant, that the savings realized over a 10-year period can also be used to finance the project. So there's plenty of ways to skim this one and we're going every way we can at it.

President Gudenas – Good, we need that. Anybody else?

Councilman Gruber moved to close debate; seconded by Councilwoman Holzheimer Gail. Yeas: Unanimous.

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

**Res. 177-2003 (541-03) E. 214 St. Sewer & Paving**

A resolution authorizing the Mayor of the City of Euclid to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) for the year 2004, for the application for the E. 214 St. (south of Lakeshore Blvd.) sewer, water and paving rehabilitation. (Sponsored by Councilman Sustarsic by request of Public Service Director)

Councilwoman Holzheimer Gail moved for passage; seconded by Councilman Gruber.

President Gudenas – And resolution, we covered everything so we can proceed with the vote.

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

**Res. 178-2003 (542-03) Brandywine Pump Station**

A resolution authorizing the Mayor of the City of Euclid to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) for the year 2004 for the Brandywine Pump Station. (Sponsored by Councilman Sustarsic by request of Public Service Director)

Councilwoman Miller moved for passage; seconded by Councilman Lisy. Yeas: Unanimous.

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

**Res. 179-2003 (543-03) City Wide Resignalization**

A resolution authorizing the Mayor of the City of Euclid to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) for the year 2004 for the Phase B City-wide traffic resignalization. (Sponsored by Councilman Sustarsic by request of Public Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman McTighe. Yeas: Unanimous.

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

**Res. 180-2003 (544-03) Chatworth Dr. Sewer Separation**

A resolution authorizing the Mayor of the City of Euclid to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) for the year 2004 for the Chatworth Drive sewer separation. (Sponsored by Councilman Sustarsic by request of Public Service Director)

Councilman Gruber moved for passage; seconded by Councilman Lisy. Yeas: Unanimous.

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

**Ord. 181-2003 (535-03) Assessments Dangerous Trees**

An emergency ordinance to levy assessments for the removal of dangerous/hazardous trees as provided in Section 909.02 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman McTighe by request of Parks & Recreation Director)

Councilman McTighe moved for passage; seconded by Councilwoman Miller.

President Gudenas – Councilman McTighe, how can you take these trees out?

Councilman McTighe – I don't know. I just want to know that too.

Director DeMinico – This is a house cleaning issue. We occasionally have reports of trees that are in dangerous condition that are on private property. Council has allocated X amount of dollars over the course of a year. We work with the homeowner most of the time. They take it down at their expense, however, there are certain circumstances that they do not have the financial where with all to take care of it. We take care of it. We pay the contractor. This ordinance allows us to assess them on their taxes. It goes to the Finance Department down to the County and we eventually recoup our money.

Councilman McTighe – What's the fund?

Director DeMinico – The fund is, I believe we have a rotating fund for this. It's Dangerous Tree Rotary Account.

President Gudenas - #310.

Councilman McTighe – What's the purpose of that fund? To pay for that for future trees coming down like if you subcontract, contract it?

Director DeMinico – That is correct.

Councilman McTighe – Okay, no problem.

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

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

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



CEREMEONIAL RESOLUTIONS

**Res. 167-2003 (534-03) Euclid's Child Development Center**

A resolution of congratulations to Euclid Schools' Child Development Center on its 25<sup>th</sup> anniversary.  
(Sponsored by Mayor Oyaski and entire Council)

**Res. 168-2003 (539-03) Dr. Martin Luther King Jr.'s Speech**

A resolution commemorating **Dr. Martin Luther King Jr.'s. August 28, 1963 speech**, delivered on the steps of the Lincoln Memorial in Washington, DC, "**I HAVE A DREAM**". (Sponsored by Mayor Oyaski and the entire Council)

Councilwoman Miller moved for passage; seconded by Councilman Lisy.

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

COMMITTEE OF THE WHOLE

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

Ms. Sharon Moster – 1796 Pinehurst Dr. By day I'm the Interim Executive Director of the newly-formed Euclid Community Development Corporation. I just want to give you a brief update on the Community Development Corporation at this time.

We opened our doors at 26250 Euclid Ave., Suite 211, on August 5<sup>th</sup>. Since that time 7 businesses have joined the Executive Steering Committee, including 2 property developers, 2 banking institutions, 1 retail developer and 2 manufacturers.

The Euclid Community Development Corporation is already working with 2 existing businesses that would like to move into the City of Euclid. And we are assisting them in that process. We've joined the Euclid Chamber of Commerce so that both organizations are strengthened through collaboration.

In addition Euclid Community Development Corporation has joined local, state and national community development support organizations who are introduced in seeing this model work in a first-ring suburb. In Greater Cleveland there's only one other suburb that is working on a process like this. And we are moving ahead at a quick pace.

I want to encourage you to feel free to contact me at the Euclid Community Development Corporation office and for the record our telephone number is 289-5444. And I'm very just about every day.

The real, aside from the fact that I think I want to keep Council, not only think, I want to keep Council uptodate on the success of this organization; but I also want to thank Council publicly for its unanimous support of the Community Development Corporation. With all of our efforts Euclid will again become a choice site to locate a business. And we're all working very hard towards that end. So again, thank you.

Mrs. Dorothy Fike – 20271 Delaware Rd. I have a couple of question, couple questions on the Senior Center and the Golf Course Clubhouse. I know it comes out of the Bond Retirement Fund, which would be capital. But I want to know the debt service on that loan, on the loans, on the bonds. Does that come out of General Fund or does that come out of capital?

President Gudenas – Capital.

Mrs. Fike – Wait a minute.

President Gudenas – Director Balazs...

Mrs. Fike – I'm talking about the debt service. Now the interest that we're paying on the bonds, which you have already purchased them I understand, right?

Director Balazs – Yes, the 2.5 and the 1.2, we have the authorization and the bond interest will be charged against the Bond Retirement Fund.

Mrs. Fike – Okay. I thought it came out of the General Fund. But I do have another item on that thing is that I think Councilman Lisy said that there would be revenue generated from the Golf Course. That might be all well and good but, unfortunately, in my opinion it is going to the Golf Course. It is not going back into the General Euclid coffers. Is that correct?

President Gudenas – That hasn't been decided yet. The Golf Course has in the past borrowed money and paid back approximately 60,000 a year that did go back to the Capital Account to cover its cost for safety fencing and the like. And certainly the Golf Course has about \$400,000 in cash right now. And it is expected that the Golf Course would contribute towards this debt service. That would go back into the Bond Retirement Fund.

Mrs. Fike – I'm sorry, Councilman, Council President Gudenas. You can talk about expecting what's going to be but I agree that unless something is in writing you don't know what it's going to be. And I don't, I mean, I think of all these years that a lot of us were assuming that that was, the revenue from the Golf Course was going back. And I will certainly check into it much farther of what your statement is saying that it went back into the Bond Retirement because I understand that it went right into the Golf Course Fund and not anything back into the City's coffers.

President Gudenas – Director Balazs, is 60,000 a year what the Golf Course paid?

Director Balazs – That was return of debt and that did go back to the Bond Retirement Fund. And that expands our ability to purchase more money. And that's called a revenue issue and the payback of their loan.

Mrs. Fike – What was the original, what did they, what did they originally get out of the, for the Golf Course?

Director Balazs – I believe safety fencing...

Director DeMinico – Mrs. Fike, we built the cart shed for the golf carts and for some maintenance areas. And we put up a significant amount of safety fencing around the course, the perimeter of the course.

Mrs. Fike – I would like to know the amount, the money.

Director DeMinico – I believe, off the top of my head and I don't want to give it to you because I don't know it. I think it's in the \$600,000 range, I believe. But I don't remember that number like that. I apologize.

Mrs. Fike – And what years would that have been?

Director DeMinico – What years?

Mrs. Fike – Years, yes, years.

Director DeMinico – How many years we paid back?

Mrs. Fike – No, what years did you put the money into it?

Director DeMinico – I became the Director of the department in '93 or '94 and we were in about our second or third year maybe the fourth year of that. And I see you're writing feverishly. Please call me and I will look those numbers up and guarantee those for you.

Mrs. Fike – Okay. Now you're saying that it costs, I have a minute left, about 600,000 roughly. And you're talking about repaying 50,000 a year.

President Gudenas – I believe it was around 60,000.

Director DeMinico – I believe it was up to 65 we were paying.

Mrs. Fike – Okay, I'm just trying to get, you know, out of 600,000 how many years have we gotten the \$50,000 back. How many years did that occur?

President Gudenas – We'll find that out, too. I think we have that, right?

Director DeMinico – I saw it go out of our revenue stream and into our expense account. I can guarantee you that for the years that I was the Director that money was budgeted out of the Golf Course. And Mr. Balazs and Ms. Fisher made sure it came out of that budget and it went, where it went from there I don't know. I don't handle that aspect. Mr. Balazs said it went to the Bond Retirement so I believe him.

Mrs. Fike – I'm just trying to get a handle on the actual that came back into this City out of the Golf Course Revenue. Because to me it is a City function and so it should be coming back into the City coffers.

President Gudenas – Which is what happened. I was the Ward 2 Councilman and the Chairman of the Golf Course Recreation Commission and I remember voting, approving that with the agreement that the money would go back to the Bond Retirement Fund, which it did.

Mrs. Fike – Well, a portion of it went. What my question is in 13 seconds is the fact how much actually did go back into it compared to what the cost of it? And that's what I would like to know. Thank you.

President Gudenas – You're welcome.

Mr. Michael Akos – 19480 Lakeshore Blvd. The traffic resignalization that's occurred on Lakeshore Blvd., is there any possibility of taking a look at some of those lights that are out there and in the evening hours or on some of the weekends maybe putting them into a flashing yellow? I defer a little bit, Chief, to some of the traffic issues out there; but left-hand turns, with whatever computer's working out there, doesn't happen very quickly. The old magnetic actuated lights on some of those corners worked a whole lot faster than what you have going on with some of these lights that are up there now. And I was just wondering if that's something you'd take a look at to maybe help those people that are making left-hand turns get through those intersections a little bit quicker.

Chief Maine – All I can tell you about the signalization itself, it's all computer driver. Monte Carlo, who operates under the supervision of Hank Gulich, takes a look at those all the time to see if there's some more expedient way to move traffic. A lot of times that can't be done because that light is tied into all the others to facilitate the traffic on the main arteries so I don't know, specifically, your question about putting some more of them on flashing during the night time hours; but it's something that Hank and I can take a look at and we'll try to get an answer for you.

Mr. Akos – Certainly some of the lesser used intersections, I'm not talking like 222 and Lakeshore, something like that. But 214 or 266 where the traffic level isn't that much, 194, 195 where I live, would certainly speed that up a little bit and make those a flashing yellow I certainly think would help.

Chief Maine – We'll take a look and see if we can do that.

Mr. Akos – Thank you.

Ms. Jan Gajda – 421 E. 257 St. I wanted to talk a little bit about the Euclid Animal Shelter. We reopened on July 2<sup>nd</sup>. The first thing I wanted to do is to thank the teen volunteers that helped us this year. We had a large group of them that came in every day. Took care of the cats; took care of the dogs; water them; fed them; cleaned them. I wanted to especially thank Lauren, Katie, Tracy, Sarah, Megan, Grace, Natalie and Elizabeth. We hope to see them again next year or on the weekends. And with the limited staff we had because of vacations and the way the summer went and limited open hours, we still managed to adopt out 20 dogs and 15 cats. So we're doing really well in that regard.

And one of our events coming up that we've talked about before is the Clam Bark, which is September 26<sup>th</sup> at the Manor Party Center. The tickets are \$40. It includes an open bar, clam chowder, clams, chicken, sweet potato, relish, broth and cake. There'll be music until midnight and an open bar if I didn't say that. We've also got a lot of good door prizes that have been donated by local businesses and nearby businesses. And tickets are available through the Shelter or through Madeline or some of the Council members. I think Councilwoman Miller has them; Councilman Lisy has them available. You can get them through there.

And another thing coming up that we'll be doing is a computer raffle. We have a \$1500 computer donated by SOHO Tech Village, which we're going to begin raffling off in a couple, probably next week we'll start. The tickets are a dollar apiece, 6 for 6. And the drawing will be held at the December 1<sup>st</sup> Council meeting live.

Okay and the last thing I wanted to say is that we have a new Webster it's euclidpetpals.org. All the information I gave you is there plus lot's more. It's up and running and everything is going well with it. Thank you.

President Gudenas – Thank you, euclidpetpals.org.

Mr. Ron Emser – 25601 Farrington Ave. I'm speaking about something I didn't plan on speaking about when I really got here but just trying to put things in perspective. I'm hearing about the challenge with the Senior Center, the construction with that. And it seems that if nothing else, there's a whole lot of homework that went into this decision before you guys decided to jump on it. And I developed this unhealthy habit of coming to many of these meetings. And I got several years of thinking back on some of the other projects that happened around here. And we're asking for assurances from the Fire about the Phase II operation and the money being guaranteed for that.

What kind of money was assured and guaranteed at Century Corners? How many of you sitting here right now either made some sort of assurance that it was either going to be taken care of. That it was going to be fruitful. That we were going to spend \$5 million and get something out of it.

Another situation perhaps being the Fire Station itself. If I'm not mistaken, we were assured that it was going to go \$1.7 to 2 or 2.1 million. I don't really recall exactly how much it cost on the tale end of it.

But you know, we're asking for these assurances. There seemed to be a lot less homework done on some of the previous projects than was done on the Senior Center. So I'm just listening to that going I don't know what more these guys could do, you know, I don't know what more the Council, what more homework

they need to do. They call upon professional engineers to come in and primarily dictate or repeat standards that were necessary. I kind of learned that standards are standards. If the standard is substandard, it's no longer a standard. So I don't, I'm not sure I understand; but I don't know if there's any answer you're going to be able to give me here. But I just see that it looks like this was a great effort. It looked like a great effort that a lot of people wanted. You know, we've seen the seniors bust in and sit down and really want to see this project go forward. It seems that this thing could actually be profitable for the City along the lines of a private caterer coming in. It's just a good, it seems like a great idea all the way around. No one's asking anybody not to be safe. And I'm not saying I know your job better than you do. I'm just kind of scratching my head going, you know, how did we come up with these numbers and why they were okay. And why are they not okay now? And it just, it really does smell of a political posturing here. And that's what I'm trying to, I don't get that. We should take that out of if it's in there.

Chief Dworning – If I could answer your question to the best my ability or all your questions. I'm not a politician and so I have no reason to posture. Standards are standards. I don't make up the standards. We follow standards.

Mr. Emser – Right.

Chief Dworning – Standards were followed at the Fire Station. Standards are followed throughout any particular building built throughout this City. I can't speak for this building but I can speak for all the other buildings that I know of as I've been Fire Chief.

The Fire Station came in at budget. The reason the Fire Station was perceived to be over budget was due to the fact that we needed to use the Contingency Fund, which is required by State law to be 10% of the contract. That money was used for site work. Site work being we hit old Central School. It was virtually an archeological dig.

Mr. Emser – I recall that.

Chief Dworning – Different pieces, old generators so on and so forth. I don't know that soil borings have been taken at this site. I don't know that, what the soil composition is. I don't particularly care, to be honest with you. All I do know is there are certain requirements, Ron, that state if you're going to build a building of this nature with this occupancy that it requires X amount of gallons of water per minute. And you have to come up with it one way or the other. Now you can move it closer to Lakeshore Blvd. and you can cost the cost by \$300,000 because you've only got to run from here to there. However, this was not by any means any type of posturing at the 11<sup>th</sup> hour.

I want the Senior Center built. This is not about anti-Senior Center. This is about pro-life safety, very simply. And I can't put it any differently than that. And all I can tell you that if this building is going where it's going and that's fine, certain standards have to be met. And it's that simple. And I will assure you as anybody that has been involved in this project will back up that this issue just did not surface in the last 2-3 months. It was known back early February, March, April, May that there was no water on this site. And it's that simple. And I hope I answered your question as simply as I can.

Mr. Emser – You kind of did. I may have picked a poor example with the Fire Station. Again, I'm not...

Chief Dworning – I tried to answer your...

President Gudenas – You can't be arguing; you really can't be arguing. You know...

Chief Dworning – I'm not trying to argue.

President Gudenas – I'm not saying you are, but right now we're going back and forth. Unfortunately, your 5 minutes are up.

Chief Dworning – Oh, okay, I'm sorry.

Mr. Emser – Thank you.

Chief Dworning – I broke another rule, huh? Gee, that's two.

President Gudenas – The meeting's not over yet.

Mr. Mike DiDomenico – 24770 Farringdon Ave. I'm going to ask your forgiveness in advance if this is disjointed. I was going to talk about the same things that the previous gentleman mentioned.

The Senior Center all of a sudden, the one thing I did here is that this must be an election year that's why this is getting built. Well, you know what? What I heard was that people are really trying to get in the way of this getting built. And I'm not referring to the Fire Chief at all. I'm referring to people who are suddenly coming up and having questions about how much this is and how much that is. And they're throwing their questions deliberately at the Council President, in my opinion, simply in my opinion, to make him look bad. I mean, if I have a question about an engineering question, I ask the City Engineer. If I have a question about an architectural thing, I ask an architect. If I have a question about the design, you ask the guy that designed the building. But you sit here and throw all this stuff at the Council President and expect him to answer all this as if this is his personal project.

Now maybe the previous Council President did things that way. Maybe you had to get his blessing to get anything done. But the way a city runs, is a city runs by utilizing all your resources to the best of their ability. And you have professionals sitting here and you have people that you pay. And those are who you should be asking instead of sitting here complaining oh, this didn't get done and that didn't get done. And like the previous gentleman said, you know, Century Corners, nobody questioned that. And how much stinking money that cost us.

I was sitting here the night you spent \$900,000 on 2 acres of property at E. 205 because, you know what, the owner said it's a good deal. Okay and then you didn't even bother to find out oh, there's asbestos when we tear it down. All right.

Now as far as the waterline goes you also approved some much necessary water improvements and sewer improvements and street paving for other cities. Now if this waterline that's necessary for this building is running up 224 and is benefiting all those residents as a bonus why can't you do that in the same method as you did all these other ones because that's existing property. Those people are getting new waterlines and new sewer lines. And in fact the street that goes to the Senior Center has a street name so if it's being repaved isn't that the same concept as repaving 214 or 260<sup>th</sup>? But no you're going to tack it all on the Senior Center, not because of and under some guise of being fiscally responsible. No, the real reason is oh, so this is somebody's idea. Let's make him look bad. You know what? You got to stop making each other try to look bad and try and get something done. Thank you.

Mr. William Hilf – 891 E. 237<sup>th</sup> St. My question will be for the Service Department. The work has been done on Tracy between 222<sup>nd</sup> and 239<sup>th</sup> and some of the side streets there. I was wondering what exactly that, what that was about? And what further work is going to be done to repair the streets where it was dug up and patched? Thank you.

Director Gulich – Quick overview on our, I haven't been over the last couple days to see how far they've gotten, but they did do a number of waterhole repairs over there. Accumulation of water main breaks and we're doing some rather extensive patching over there. I wish we would've gotten it done before school started, but unfortunately, that wasn't the case. That's an in-house thing we're doing with our Street Department. Course we've got plenty of water holes in other streets to pay attention to as well. But again, we were hoping to get that done before school started. Heavily traveled area there and certain about the safety and welfare over there with all the buses and everything.

Mr. Hilf – All right, thank you.

Mr. Joe Udovic – 21371 Naumann. First, I'd like to talk about the fireworks display. I was there this year in the City of Euclid and it was a very wonderful display. So I would like to take my hat off to everybody who had their hand in it. I've heard many positive comments at the stadium.

My next comment, this community is facing another local election season. On November 4<sup>th</sup> our residents shall be asked to vote on a new mayor and a new group of City Council members. Currently, we have 3 cliques that seem obvious to me. The status quo group, an African American contingent and a Taxpayers Alliance contingent. Vicious and malicious statements or comments are once again circling throughout the neighborhoods of Euclid. These stories are aimed at one assemblage of incumbents by a certain collection of citizens. Innuendoes and gossip has no place within this community election. Start focusing on the issues that are facing our fair City. Let the populace decide which persons will do the best job for each particular seat or slot. Select individuals on he or she plans to address and solve the current issues that face this community. Please refrain from the gutter-type tactics and take honorable, high road during this campaign. We have serious problems that need to be solved and we need serious people to solve these problems. This is a time for serious people. Those candidates who persist on slandering, demeaning or embarrassing other candidates should be held accountable. It is obvious to me that these candidates have no issues to debate. I urge citizens not support any candidate who conducts themselves in this manner in this election year. Thank you.

President Gudenas – Thank you.

Mrs. Ann Rauker – 246 E. 272<sup>nd</sup> St. I've been here before complaining about what happened to my little house. Now I was here in 2000 and Bob Apanasewicz was on vacation so they referred me to Mr. Gulich. I was shocked to hear that, when I told them about the flooding in my basement, Mr. Gulich called me up the next day after the Council meeting. And he said to me Mrs. Raukar, there's nothing I can do to help you. I said why not? He said a new ordinance was made. I obtained this new ordinance and there was nothing wrong with the ordinance. It happens that it had a hidden agenda that was not recorded. So I've been after the City about this and all the while when we have a gully washer or something I'd get some water in my basement.

By the way, I called up Bob Apanasewicz when he came from his vacation. He came to take a look at this downspout. Well, he never looked at it until he was ready to go. But he said to me there was nothing he or any civic body can do about that downspout. The neighbors don't have to change it. This downspout was resting on the ground and flooding my whole yard, water logging my whole yard. The black walnut tree was contaminating the soil in my yard. I was losing plants. I could tell you a very interesting thing but I don't have the time. They'll be shutting me down in no time. Bob Apanasewicz made two suggestions that I dig, that I sink a 12" tile in my backyard there and run it to my garage drainage system. That's not my responsibility to dig up my yard for my neighbor's problems. My neighbor was very sympathetic and felt sorry about it because the City of Euclid was controlling that downspout not my neighbor.

I can't go into detail, but I did ask recently that I have a meeting under the auspices of Ordinance 235-1992 page 108(e) about complaints by affected persons of adjacent property about building code violations. I don't know what happened to that. But it seems like Mayor Oyaski, Tollerup and Langman had a meeting and they made a judgment that I was being treated very well by the employees of the City. Councilman Daryl Langman along with the Mayor and several City workers have done everything in their power to provide you with the courteous service and honest opinion. If the City or your neighbors were at fault or in violation of code, we would certainly try to correct the error. In this case, I find absolutely no instance where actions on the part of the City of Euclid or Mrs. Kaunas warrant the City replacing your basement tile and moving a gutter. By the way, that is a 10-foot length of drainpipe with a very short elbow on it and it rests on the edge of their driveway, which is not very far from my yard. There's about 2' distance between his driveway and my yard. Now that drainpipe belongs to the side where they have more space and the driveway is not used as much.

By the way, when Mr. Tollerup came to my house May 15<sup>th</sup>, he said that the City was going to pay me \$3,000. Mr. Tollerup, what happened to the \$3,000? Is it safe? I didn't get it. Not that I wanted it because I told him Mr....

President Gudenas – Well, maybe we'll, let's get a quick answer on that.

Mrs. Raukar – Mayor Oyaski and Mrs. Kaunas owe me \$4,000. Sorry that I can't really go into details but they've really given an old lady a bad time. This old lady has been, she can take a joke but she's not going to take needling from some stupid actions.

President Gudenas – Okay, let's, we can't be calling names. Is there any response?

Mrs. Raukar – Any questions? Any comments?

President Gudenas – Okay, your time is done. We're going to hear some answers, but we can't debate or go back and forth. I'm very sorry because the time is up. So could you please answer about that fund that we have or don't have.

Manager Tollerup – Myself, I've visited the property four times with the Mayor, our Chief Inspector, a few times alone. The property is beautiful. She has a wonderful home. She maintains it wonderfully. I don't know how to quite put this but you might not ever think you'd hear me say that there's no way I can cite her for anything. If I wanted to I can't cite her for anything. So basically, I was sent by the Mayor to try to alleviate this problem, the complaints and find out exactly what position the City can take to make her happy.

Mrs. Raukar – Make me happy?

President Gudenas – Mame, mame, please, I'm sorry. He's doing his best. He didn't interrupt you. You really have to give him a chance because that's the only way we can conduct a public meeting. I'm very sorry, but we have to let him finish.

Manager Tollerup – And through the process of discussing the matter with Ms. Raukar, working with a reputable flooring consultant in the City who's also sent out to look at the floor, the only solution that Ms. Raukar would accept was for me to recommend to Council and to the Mayor to reimburse her for the damage that she claims has happened. So I went back to the Mayor and again stated the only thing that will satisfy Ms. Raukar is for the City to have this work done at the City's expense. And that was what the meeting was

intended to do. It was exactly to find out what she wanted and what would make her happy. And that was my recommendation to the Councilman and the Mayor. And that was it.

President Gudenas – Okay.

Manager Tollerup – So she was not guaranteed any money. She was not promised any money. I told her that I would take the recommendation, what she wanted to make her happy back to the City.

President Gudenas – So that did go to the Administration without our official response yet.

Manager Tollerup – To my knowledge, I believe, the Administration has responded to her that they would not make such a payment because we cannot find anything that the neighbor did wrong or that the City did wrong that damaged the property. Again, we've been there. We've searched for problems. I can't find a thing.

President Gudenas – Okay, so you can't find...

Mrs. Raukar – But the City did wrong.

President Gudenas – Mame, I'm very sorry. I'm very sorry but we have to end it here. We have a time limit.

Mrs. Raukar - It should have followed the ordinances through.

President Gudenas – I'm very sorry.

Mrs. Raukar – And I would not be here today and my basement would not be damaged. I spent a lot of money on that house. I'm not crazy; I'm angry.

President Gudenas – Okay.

Mrs. Raukar – And I couldn't hear half of what you were saying.

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

#### COUNCILMAN'S COMMENTS

Councilwoman Miller – I was just going to welcome everybody back for the Fall session here now. We're going to really start working and looking forward to the meeting tomorrow night so we can get some answers to the questions so we can move forward. Thank you.

Councilman Sustarsic – Good news for Ward 3, I'd like to thank Mrs. Clark and all the neighbors on Hickory Court, Walnut Drive in that area. I'd like to thank Mr. Hank Gulich. I'd like to thank the Lake County Health District. Apparently the odor problem that have been emanating from Wickliffe from the Kurtz recycling plant where they used to, depending upon how the wind would pick up, compost piles were being turned. It was unbearable to the neighbors and, apparently, with the cooperation and constant complaints the City of Wickliffe has seen it that they will start phasing that particular company out this, middle of this month. And we won't have to worry about that problem any more. I'd like to thank everyone involved with that.

President Gudenas – What will go there instead?

Councilman Sustarsic – Haven't heard, but it won't be that.

President Gudenas – We do have an important meeting tomorrow, as all our meetings are important. We're continuing our 25-year journey on a new senior center and a new clubhouse over at the Golf Course. I remember that was a big issue back in '89 when I was Chairman of Parks & Recreation Committee how we can work on a new golf course facility and we're probably coming near the end game of the whole thing. I believe we've done a lot of homework. We've made a lot of calculated well-reasoned decisions on what's going to last for the longest time. Clearly, a Senior Center at the Golf Course was no longer going to work. Too many conflicts over the parking and use of facilities, space limitations etc. We did make the wise decision on letting the Golf Course be really a good golf course, do its job well so that we can provide the services and amenities and recreational opportunities for our residents and, of course, some financial return back to the taxpayers that paid for the whole thing.

So obviously, we needed a new senior center. We spent a great deal of time looking at Sims Park, at Shore, at public mall and everywhere else in-between all over the City. And I think the vote was 9-0 back a year and a half ago or thereabouts for the site on the lakefront, probably our very best site that we have. Well-suited for a variety of activities, clearly an important location that the seniors today, tomorrow, generations

from now will clearly enjoy. We'll have many more seniors participating because of the beautiful, attractive location and I think we made the right decision in picking a piece of land we already own. Building we already have in a very good location that people can identify with. And certainly a lakefront location cannot be beat for a lakefront city. So we turn to the general plan of what we're doing. We spent a great deal of time. We had many committee meetings. We brought in Panzica Company at the request of the Administration to advise us in all the ins and outs. They have spent many, many months going over all these options. And there are ways they can reduce the quality further to save some more money. But again, I think the Parks Director, Recreation Director DeMinico, the Mayor, myself, others involved thought it made sense to keep the quality of the building. Keep the attractiveness of the building, the size, the space for the seniors and other users at the golf course etc. Keep the quality intact, not to cut this thing back to where when it's built people will look at it and say what have you done here? It's too small; it doesn't look good. It's not as good as what a city should do.

So we've kept that promise to everybody that we're going to build something well. We're going to build something that'll last for generations so that we don't have to go back again in 5, 10 years and burden another council, another mayor, another administration on the problems at these places. So we've done that as progress has moved along. There have been extras as any construction project will have. We're adding water lines, sewer lines, parking, other things. What else? Fire Chief said we cannot get by without the water line. We're taking his word for it so we've added that into there. And obviously that means more digging, more paving etc. And obviously, it costs more money. These are things that when we started and figured the City's sewer plant etc. had adequate water and apparently it didn't. And now we're benefiting the whole neighborhood. Apparently the water pressure was low for the whole neighborhood. And this is I can go...

Councilman Gruber – Get those ratings up, new season, Ed.

President Gudenas – I'm just coming to the conclusion. Basically, we've gone to the point where we made a good decision. It's a good investment and we're proceeding along. And as Councilman Lisy said there will be a significant amount of revenues into the hundred of thousand, more than a hundred thousand a year in new revenues that will go back to help pay back this debt in activities. So I'll look forward tomorrow going over all these questions because at this point we have to make a decision or we lose another year. And now I would not be the one to tell the seniors that they have a new temporary location after the other temporary location's been taken away.

Councilman Delaney – Just welcome everybody back and we'll see you all back here in 22 hours.

Councilman Gruber – First of all, I'd like to share that nobody go to the Senior Center or be allowed to come in without a Certificate of Occupancy from Mr. Apanasewicz over here. And I'm sure he would follow the letter of the law so we have that in place to assure the safety of the building so that's one good thing. No matter how anxious we are to move in I have full confidence in Mr. Apanasewicz.

We would be remiss in not mentioning Labor Day in Euclid. We had proclamations for other things today and Labor Day in Euclid has always been a big time because our City is a labor city. I'm proud of our labor background and I'd like to wish everybody a belated Happy Labor Day.

I got a call from a Rosemary last week on Thursday. Your number was garbled if you call back and repeat your number, I'll call you back promptly.

My sympathies to the Mramor family. Mr. Ernest Mramor is a business-owner, a friend and a neighbor for many, many years. He passed away suddenly.

Hillandale grand opening last Saturday, Saturday before. Wonderful event. Nice turnout. Good, looks good. We appreciate all the effort you put into Ward 4, Director DeMinico and Council support, most of Council's support.

Happy Birthday to Betty Oyaski. It's the Mayor's wife's birthday today. That's why he had to leave. And finally, Director Gulich, how about a Beverly Hills update?

Director Gulich – You forgot it's my mother's birthday today; she's 81.

Councilman Gruber – Happy Birthday.

Director Gulich - Beverly Hills Drive is on pace to be done on time. We're in the phases of putting in the final pieces of concrete. All the major paving has been done. We have to do the box outs. We have to do the sidewalks on the eastside from Glenbrook down to Euclid Ave. and the small piece of Hawthorn that needs to be completed will be excavated tomorrow in hopes of being paved on Thursday.

As I mentioned earlier in the day, the only wild card yet is the CEI decorative lighting, which we're doing as part of this project. We can't really start the final touches on the landscaping until all that cabling is put in and all the pipes and poles are placed. CEI, historically, never does that until all the concrete is in place. So I would imagine the next two weeks we'll see them in here. And we should be able to plant grass at a real opportune time when the weather's cooled off.



Councilwoman Holzheimer Gail – If anyone would like to extend their evening here tomorrow longer, the Citizens' Advisory Block Grant Committee will be meeting here at 7 here in Council Chambers to review this year's recipients and discuss next year's possibilities.

President Gudenas – Don't stay passed 8:30.

Councilwoman Holzheimer Gail – You may have to wait longer if we go past 8:30. I think it's important to make sure that all the people that need to be here tomorrow night are here. If they are not, I would hope that we would reschedule it until everyone's schedules are available. And I think Panzica needs to be here, the architect, Don Tarantino. Director Balazs, I think we need some answers on the borrowing capacity and what that will do for the next couple years. I know I'd like to hear, you know, a detail of the changes that we authorized 3.7, 2.5 for the Senior Center, 1.2 for the Golf Course. We're now at 4.8 and after you get a chance to tabulate the bids, let's make sure we're still at 4.8. So you know, those are some of the questions. I can do, you know, a rundown of things that I specifically would like to know and e-mail them over to you tomorrow. But I think it's important that the right people are here otherwise, we're not going to be able to make the decision. So if that's not the case, given the short notice, that I hope we would reschedule it as early as possible.

President Gudenas – Friday? Thursday's already booked here. Councilman Langman's busy.

Councilman Lisy – Director DeMinico, Daryl was going to mention about the Russell Avenue Park opening as well as the Hillandale one and upcoming will be Russell Erwine. Now that that playground is finished at Russell Erwine I thought we had a lot of kids in the neighborhood before coming to that playground and utilizing the facility, it's packed every night with kids on the equipment. So I commend you for promulgating that project moving and complete. It looks great.

And included in our Council packets was a Monthly Budget Projection for our expenditures and our inflows. Thank you, Director Balazs. I would like to make sure that we do have an Executive/Finance meeting in the near future in addition to all these other priorities to go over those. Every other week we're going to be in committee meetings because some of those numbers are a little concerting and I'd like to make sure that we could have all the Directors explain their budgets and how close they're going to be to their projections. And so if you can make sure the Directors have their budgets prior to the meeting so that they can explain how close we are to coming in at their projected inflows and their expenses. Thank you.

President Gudenas – Right, the monthly report is a very valuable thing. Congratulations on getting that together.

#### **ADJOURNMENT**

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

Attest:

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Clerk of Council

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President of Council