

**COUNCIL MINUTES
DECEMBER 1, 2003**

The regular City Council meeting was held on Monday, December 1, 2003 at 7 PM in the Euclid City Hall Council Chamber. President Sustarsic presided.

Members Present: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, T. Sustarsic, J. Sustarsic.

All Present.

Others Present: Mayor Cervenik, Finance Director Johnson, Public Service Director Gulich, Acting Parks & Recreation Director Will, Acting Law Director Vento de Crespo, Acting CS&ED Director Gliha, Fire Chief Dworning, Police Chief Maine, Commissioner Apanasewicz, Zoning Commissioner Hayes, Housing Manager Tollerup, Sgt.-at-Arms Nagy, Clerk of Council Cahill.

Invocation was given by Fr. McNulty of Holy Cross Church.

COMMUNICATIONS

Council received the following communications:

A resolution from the City of Richmond Heights regarding summer sewer reduction rates and charges.

An analysis of the City's electric and gas aggregation programs from Buckeye Energy Brokers.

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

COUNCIL MINUTES

Councilwoman Holzheimer Gail moved to approve the Council Minutes of November 17, 2003. Councilman Gruber seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – It's good to be here this evening. It is a very big day for me being my first day as Mayor and spending the evening with you. We do have a few short administrative reports. The first is from Acting Law Director Vento.

Acting Law Director Vento – I would like to invite the new council members or anyone who would like a refresher course on parliamentary procedure, or how a piece of legislation becomes an ordinance, or suggestions for getting your ideas to the Council floor. If you have any questions about procedure or you need any assistance from the Law Dept., come on in and see me. My secretary Gerri has been doing this for years. If I don't know the answer, she does. And if we don't know the answer, we'll find it out for you. Do come in and see us, especially if you're new and we'll walk you through the procedure and try to answer any questions that you have. Welcome to Council.

Director Gulich – Leaf pick-up the last couple of weeks has been a wild and woolly ride. The weather was slowing us down. Last I heard from our Superintendent we are still on Friday's section today. As soon as we get done with Friday's we'll make another sweep of the entire city. We should, weather permitting, get through it this week. After this Friday we'll ask any remaining leaves to be bagged. Waste Management will pick them up. We need to get our trucks converted over for salt spreading. We know it is going to be snowing and we want to be ready for it.

Mayor Cervenik – I would like to fill you in on a few changes in my administration. Jack Johnson who in the past has served as Administration Director, will now be the Director of Finance. I am not going to replace or fill the position of Administrative Director. It would be nice to be able to do that but with our current budget constraints I felt it was in the best interest not to do it at this time. Hank Gulich will remain as Service Director. I think he's served us well and will continue to do so in the future. I've also appointed Chris Frey as Law Director. Chris will not be taking office until January 1st. He presently works with Cuyahoga County in the Bails Division and he has a number of items that he has to clean up. Chris will be on board January 1st. We will be advertising for a Recreation Director and a Community Development Director in the near future and hope to have those positions filled.

I'm looking forward to working with City Council. A special congratulations to those of you who are here for your first meeting. If you're as nervous as I am, it goes away. I've sat there

before, but this is a different chair. I'm looking forward to an era of cooperation and respect and growth for our city. I know if we all work together we can.

I've been lucky in my life to know 4 mayors that served this City and I've been able to call them all my friends. It is my hope that my 4 years, I will be able to serve with the respect that Mayor Tony Sustarsic did. Serve with the compassion of Mayor Tony Giunta. I want to serve with the energy of David Lynch and with the resolve of our out-going Mayor Paul Oyaski. With all of your help, I know I can do that. This concludes Administration Reports & Communications.

REPORTS & COMMITTEE MINUTES

Councilman Gruber moved to receive and approve the Police Report of October, 2003 and the Fire Report of October, 2003. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Lot Splits

Lot Split – Consolidation 24111 Tungsten – Council should approve or overrule Planning & Zoning Commission's approval to allow a lot split and consolidation of P.P. Nos. 647-14-001, 002, 004. The properties include several transfers totaling approximately .6 of an acre between the owners of the properties, Richard G. Eberhard and Argo-Tech Corp., which will allow for improved access and better sewer and drainage systems.

Commissioner Hayes – This lot split is between Argo-Tech and the owner of the Manor, Mr. Eberhard. What they are basically doing is transferring two 30 ft. wide strips between the two of them. One of them will provide an access drive for the Argo-Tech property. The other one will provide drainage and sewer easements so that the City of Euclid can take advantage of that property and be able to put in the proper drainage and sewer lines that we require.

This agreement has been between them. They brought it to us. They've both agreed on this prior to bringing it to Planning & Zoning. Planning & Zoning approved it unanimously and is in front of Council for confirmation and approval.

Councilman T. Sustarsic moved to sustain Planning & Zoning Commission's approval of the lot split at 24111 Tungsten Rd. Councilman Gruber seconded. Roll Call: Yeas: Unanimous. Approved.

Lot Split – Consolidation 1535 Dille Rd. – Council should approve or overrule Planning & Zoning Commission's approve to allow a lot split for a .06 acre section to be consolidated with the parcel at 1535 Dille Rd., P.P. #646-20-005. A rezoning to U-2 is required to be consistent.

Commissioner Hayes – This is a residential lot split and consolidation. A gentleman bought the property on Dille Rd. The garage is on a separate parcel of property that the same owner did own. They have agreed between them to split out that small parcel, attach it to the house that's being bought by Mr. McGuinness and consolidate that into the one parcel. That was approved by Planning & Zoning 4-0, unanimously. You will see later on the agenda the rezoning for this same parcel of property. That needs to go through three readings first.

Councilman Langman moved to sustain Planning & Zoning Commission's approval of the lot split at 1535 Dille Rd. Councilman Delaney seconded. Roll Call: Yeas: Unanimous. Approved.

COMMITTEE OF THE WHOLE

Councilman Gruber moved to go into the Committee of the Whole for Legislative Matters Only. Councilwoman Holzheimer Gail seconded.

President Sustarsic – This is the public portion of the meeting where the public can address any item on the agenda. If you would please come to the podium and state your name and address. There will be a 5 minute limit. Prior to anyone speaking, I would like to know what's going on with the Agenda this evening. Items 3, 4, 5, 6 & 7 all deal with 1st and 2nd readings. I don't see the necessity for comment on that being the public hearing will be coming up and all your concerns can be adequately expressed at that time.

Item #8, although we'll get a brief presentation this evening, will be going into the Public Service Committee. It is your option if you'd like to speak to that. It will be going into Committee.

Item #11, has been pulled from the agenda.

Before turning it over to the public, prior to getting all my things in order, I noticed in the Section of the Codified Ordinance relative to the public sector. It is a long lost decorum that has been missing from this chamber for some time. If I may quote "persons speaking shall remain polite and

courteous, at all times respecting the office being addressed and the decorum of the meeting. All vulgar or foul language and public remarks tending to embarrass or humiliate or which are personal in nature, are at all times, out of order.”

I would appreciate if you would be gentlemen enough and women enough to respect that. This is a public meeting. This is a business meeting. I would appreciate the first speaker.

Mr. Jerry Corbran – 24250 Maplewood Dr. I’m speaking to #2. Mr. Chairman I fondly remember the first piece of legislation passed by the 2001 Council. That was to save Shore. This was in response to many, many, many voices raised in protest to supermarkets, demolition and wheeling and dealing.

The first piece of legislation in this 2003 Council is to limit the time at this microphone. Mr. Chairman, where are those many, many voices demanding this suppression? Thank you.

Mr. Mike DiDomenico – 24770 Farringdon Ave. I also would like to address #2 which is Mr. Jerry Sustarsic’s proposed legislation to reduce the public comment time at the end of the meeting from the current 5 minutes each to only 2 minutes. What are you afraid of?

Limiting public comments to only 2 minutes appears to me that you are not interested in what your constituents have to say. Or, that you are afraid of criticism. Over the last 2 years most people did not consistently use the full 5 minutes. I think only Mrs. Hufnagle, now councilwoman, consistently used the full 5 minutes and sometimes more at almost every meeting. If 10 people line up and all 10 use the full 5 minutes, this proposal will only shave 30 minutes from the meeting. Is that asking a lot? I don’t think so.

I’m sure that an experienced orator or professional speech writer could use two minutes effectively. But the general public is neither of those. Most people don’t use the entire time, but depending on the issue, 5 minutes can be limiting. But 5 minutes is still fair. We don’t want people running for office by standing here every meeting.

It has been suggested to me by Mr. Gruber that appointments could be made to speak at Council or that a waiver could be granted if the speaker was saying something good about Euclid. Do we expect that our statements be approved by a new administrative sensor? Perhaps one of those wishing to shower accolades should be allowed to speak. Any political dissenters could be rounded up and sent into exile.

Further Mr. Gruber pointed out that at the League of Women Voter’s candidate night during the election, the candidates were only given 2 minutes and they made their point. He admitted that they were also given question and answer time. I further point out that the meeting was on a time limit and that there was over 20 participants.

Coming to the meeting and speaking is not my hobby. Frankly I have better things to do. I did not attend every meeting, nor do I get up and speak at every meeting that I do attend. But when there is legislation on that I feel strongly about, I believe it is my duty as a citizen to speak at this forum and have my thoughts made part of the public record. Maybe I can sway your opinion. Maybe not. After all you are the public’s representatives. If you truly believe in yourself and that your actions are right and true and in the best interest of the City of Euclid, you should welcome other opinions. The mind is like a parachute. It works only when it is opened.

Yesterday you all took an oath to uphold and defend the Constitution of the United States. Part of that Constitution includes free speech. This legislation is just an attempt to suppress that freedom. Thank you.

Councilman Gruber – I would like to comment on the remarks made by Mr. DiDomenico. If he were to read the e-mail correctly, I did state that the City of Rochester requests that you make an appointment and let the Council Clerk know what you’re speaking of. The second paragraph where only good things of Euclid can be said. It was for the good of Euclid. Just to correct some mis-statements by Mr. DiDomenico.

Ms. Lisa Kinkoff – 925 E. 248 St. Euclid. I’m here tonight to address #2 as well. The proposed ordinance to reduce the time allotted at the podium during committee of the whole. Politicians as a group seem to have trouble saying what they mean and meaning what they say. Item #2 is an example of this. What exactly is the sponsor of this legislation trying to accomplish? Why would you want to reduce our input but take our votes? Two minutes is not enough time for an unseasoned speaker to say what he or she needs to say. The sponsor of this legislation needs to review his history and current events. If he were to do so, he would find that our founding fathers encourage dialogue among the populace because dialogue breeds ideas and ideas breed solutions. Our founding fathers never entertained the thought of time restraints.

In reference to current events, our nation is at war. Our soldiers are dying in a foreign land to preserve our many liberties. One of which is, freedom of speech. I’m surprised the new council

president's first act is to introduce legislation to limit that freedom of speech. I urge council to look at #2 very carefully, to consider the citizens of Euclid and their right to a fair amount of time to voice their opinion. I further ask Council to vote against #2. Thank you.

Mr. Harvey Mlachak – 23831 Lake Shore Blvd. Euclid, Ohio. I would like to speak on #2. Why an emergency ordinance? Why are you so anxious to shove this ordinance down our throats? I'm deeply saddened, repulsed and insulted by this proposed ordinance. Why after approximately 10 years when the citizens of Euclid were given 5 minutes to voice their pleasure or disdain over the management of our town by our Council and/or our City Administration. The 5 minute rule seemed to work very well both for the city and for the citizens who cared enough about our town to openly speak about and vent their hopes, fears, frustrations and concerns that worried them at times. Five minutes seems hardly enough to accomplish this at times.

Suddenly you want to take away 60% of our time. Why? This is an absolute no-brainer. Are you telling me that my being here bothers you? So now you will reduce my allotted time by 60%. Not so Mr. President.

I am here and others are here because you bother us. Insulting us and questioning our IQ. The first Whereas in this ordinance says that the same provides for the preservation of the public peace. Do I or others who come up here look like we're about to start a riot or attack you physically? Also the safety and welfare of the citizens. Do I or anyone here look like our safety and welfare is in jeopardy? Should I be in fear of something? The only thing I fear is you people taking away some or all or any of my rights to free speech under the first amendment. This Mr. President, is how tyrannies are born and hatched. Thank you.

Mr. John Herak – 78 E. 224 St. I would also like to speak on #2 on the agenda, limiting the public's comments to 2 minutes, sponsored by Council President Jerry Sustarsic. First of all, let me make it clear that even though I've spoken to this body before and have been critical of Mr. Sustarsic, I bare no ill-will towards him on a personal basis. He seems like a decent fellow. But as a political leader of this city, I find his comments and his philosophy discouraging. Not once, but twice during his campaign, Jerry made comments to the effect that he wished that the television ratings of these council meetings would not be as high as they have been. He fears that we are pulling ratings from shows such as Everybody Loves Raymond. He also stated that one of the reasons he decided to run for the Council President seat was he felt that the Council did not listen to the constituents of Ward 4 when they opposed the electronic billboard proposal.

But now he's telling us and all the people that voted him into office that he doesn't feel the need to give us each 5 minutes of his time. Two minutes should suffice. What's next, a total ban on the public speaking segment? This legislation smacks of censorship and his former comments on the television ratings lead me to believe that Mr. Sustarsic does not want Euclid citizens to be aware of or involved in what is going on in these chambers. I find this attitude totally unacceptable. All of you council members and administration officials up there should now that the day you look at into these chambers and find no one there and no one who cares enough to make their concerns known to you in this public forum, is the day that the City will truly be lost.

President Sustarsic – A correction on that comment. The billboard was in Ward 3. Thank you.

Mr. Tom Cooke – 23100 Chardon Rd. My comments will also be regarding #2. What is shocking to me is that your first act as Council President is to reduce the ability of the citizens of Euclid who elected you the most basic right to communicate concerns and opinions to the City Council and the public as a whole. By reducing the time limit from the current 5 minutes to 2 minutes, Council will in essence be constricting the citizens of Euclid in their ability to communicate their concerns regarding the issues that are most important to them. For that is exactly what this ordinance would do, restrict the public's need to communicate with its elected officials. You would essentially be putting a muzzle on the people of Euclid.

This brazen attempt to limit the expression of concerned citizen's opinions is nothing short of astounding. At a time when most, if not all, organizational hierarchies recognize the value of employee input and are trying to find ways to make themselves more available for input by employees at all levels of organizational structure, this ordinance would do the exact opposite. The ordinance would severely restrict constructive input by all the concerned citizens of Euclid. This ordinance would essentially be telling the citizens of Euclid that their opinion and concerns that are expressed here are of little value. As a matter of fact, they are of so little value that we are going to cut your time to address Council by better than half. Basically Mr. & Mrs. Euclid Citizen just go away and don't bother us.

I recognize that there are other methods that are available to communicate the needs and concerns to members of Council and the Administration, namely e-mail and the telephone.

However, this public forum, the ability to address City council, the administration and the citizens of Euclid, eye-to-eye is invaluable and irreplaceable. Please do not diminish our basic human right of free speech by reducing the current time of 5 minutes to 2 minutes. It is rare that any person uses the full 5 minute time limit allotted. Usually only when there is a very emotional issue or a hot topic issue or an issue that affects certain specific people is the 5 minute limit approached.

Also there are people who are not comfortable speaking publicly and may require more time to express an opinion. Shortening this time frame will only further deter people from saying what is on their mind. Isn't this why as public servants you were elected to listen to the people and to serve them? Reducing the public's input can only further alienate an already apathetic public. Ask yourself one basic question. How does passing this ordinance help to serve the citizens of Euclid in a better way? I believe the answer is simple, it doesn't. Vote no on this ordinance. Thank you.

Mr. William Hilf – 891 E. 237 St. (Silence for 15 seconds). That 15 seconds is pretty much what this ordinance is about. Is the fact that you don't want to hear voices. I would think that all of you, I campaigned alongside, all of you up here, over the last several months going to neighborhood association meetings would realize how fast 2 minutes can go when you get up in front of a group, or at a microphone. Think about it. All of you up here had meeting after meeting and time to hone your message and get your point across within the time limit given to you by each group. Imagine for the person that is not used to getting up here and public speaking if your only given 2 minutes. How much of that gets taken away by just stating your name and address and fumbling through your papers if you're not used to getting up here.

I have been up here enough that I know how it works and I'm over the butterflies of getting up here and speaking to you. I don't get the nervousness anymore like I did when I started here over three years ago. However, for the average citizen that doesn't come to every meeting and has a concern, what for them?

I would like to remind several of you up here that when you were average citizen of Euclid, you used this podium to get our message across. Councilman Delaney you used this microphone to help defend Shore Cultural Centre from the wrecking ball. Councilwoman Hufnagle, when they tried to put that concrete recycler in your neighborhood you came here representing your neighborhood association. You used this microphone and that legislation didn't pass. This microphone and this podium are a tool that the citizens of this city can use to get their message across to make sure they're heard and that Council hears their voice and votes accordingly. I ask that you vote against #2. The only point I can see is that Council doesn't want to sit here and have to listen to us for as long as they have been. That is a 60% reduction as Mr. Mlachak pointed out. Considering almost half of this council is brand new, I would be amazed that you are already tired of listening to us and hearing from us.

As to #12 this evening. I've been told by speaking with our Acting Parks & Rec Director that this is a standard year-end ordinance regarding the square footage at Shore. My only concern is that there wasn't any notice given to the people affected by this. This agenda came out Wednesday, late. I tried calling City Hall and by the time I tried calling, there was nobody here. Imagine tenants that don't get the agenda sent to them, there's no notice given to us under our doors, I checked on Saturday. I don't feel that you're giving the people most affected by your legislation a chance to respond. Which ties in very well with #2. I would ask that some more time be given at the very least so that the people affected by this legislation have a chance to respond. However, tied into that legislation I will say this, that on #16, I do ask that if and when you do vote on Shore Rental Rates, that you do waive the rates for the Hunger Task Force because of the work they do for the citizens of Euclid. Thank you and I see that I used just a little less than 4 minutes. Thank you.

Mr. John Kozerin – 24691 Hawthorne. I am also here to talk about #2. I don't have anything planned. I wrote this in the back. I saw that on the Channel 23 that this ordinance was going to be coming up and I just had to come down and talk about it. I'll try to make my comments brief and definitely underneath the minutes I have left.

This is our time to talk. This is our time to tell you how we feel about the way you are running the city. Some people in the past may have used it for reading quotes, reading things out of the dictionary. Maybe even used it for their own politics. Personally in my opinion, I enjoyed Ms. Hufnagle's comments. I suggest that everyone vote this down, including you Mr. Sustarsic. I did vote for you. You've always been open to listening to me when I've talked to you. My friends and neighbors have also always seemed to be able to approach you. To that end, I do suggest that you pull this legislation from tonight's agenda. Thank you.

Mrs. Janelle Daugherty – 121 E. 200 St. I'm again talking about the Resolution to limit the time to 2 minutes. I was surprised about the Resolution as I would hope that City council would encourage comments from Euclid citizens. City Council's role is to represent the citizens of Euclid. That

would include listening to their democratic right of freedom of speech. Many times citizens have added important views on different issues brought before Council and they deserve to be heard. Sometimes there is more than one issue a citizen desires to speak about. They deserve at least 5 minutes if needed.

I contacted several cities to see what their time limits were and I would like to share them with you. Shaker Heights has no time limit. Maple Heights has no time limit. Mayfield Heights has 5 minutes, but this can be extended. South Euclid has 5 minutes. Richmond Heights has no time limit. Wickliffe has no time limit. Willowick has no time limit. Cleveland Heights has no time limit. Six out of the eight city councils had no time limits for their citizens. I think this survey stresses the importance that the minimum should be 5 minutes. I will be glad to share the phone numbers and you can contact these municipalities directly to confirm this information is correct.

And finally I do have to end with happy birthday to my son, Hal, who will be 10 tomorrow.

Linnell Kinds – 177 E. 192nd. I, too, am up here to speak about Item 2. Item 2 was somewhat akin to a Vermont, which is famous for their town hall meetings. This gives the public the chance to come up here and express their ideals and grievances. You should be, this shouldn't be limited to 5 minutes. I know often times your comments will be irrelevant, redundant and maybe sometime even boring. But this is a democracy. Give the public their 5 minutes. Myself, I won't need 5 minutes tonight. I want to leave you with this thought. If you stop listening to the people, you'll sow the seeds of your own destruction. You serve at the discretion of the people. This is a very bad idea, a very bad ordinance and I suggest you vote against it. Thank you.

Mr. Joe Udovic – 21371 Naumann. I, too, like to address #2 and ask you to vote no, please. Speaking within Chamber of City Hall or addressing the community officials should be a privilege. Courteous behaviors and decorum should be mandatory at all times. Our citizens should be given the full opportunity to express their viewpoints and debate the issues. Bring up arguments, ideas to our City leaders. Two minutes does not give ample time to explain and create valid arguments pro or con on a particular issue. If we the public are limited to a particular time frame to speak, then why isn't City Council be constricted by the same restrictions? Leaders need to set the example for the rest of the public to follow. I lead by such example. Why do not other people follow? As parents we punish or correct bad behaviors, not the good ones. As Council President you have the full authority to eject someone from the microphone if certain rules of etiquette are not followed or not met.

People who do not follow the rules should be limited. But do not limit the other 52,000 people that follow the rules. In the past it has been some Council members that have been out of order or embarrassed themselves or the public at whole. Council should expect to hear each person's political arguments regardless if you agree or disagree with them. Council needs to keep an open mind, listen to the message being brought up by each and every citizen. Thank you. Have a good evening.

Mr. Jack Hagenbaugh – 20200 Hillcrest Dr. I've, in previous Council meetings, commented on the lack of common respect and courtesy exhibited in some of those proceedings and I share Council President Sustarsic's concern about that as reflected in his initial comment. However, I'd be very interested in the Council President's rationale for this issue. Personally feel any initiative to reduce the opportunity of the public to comment at these proceedings should be considered very carefully. In my opinion the opportunity for the public to make their opinions own to the Council and the Administration is one of the most important aspects of these Council meetings.

I find this legislation curious, apparently, being at the top of this Council's legislative agenda. I would expect and assume your initial legislation would reflect your vision for moving the City to forward. I recommend voting this issue down. Thank you.

Mr. Rick Wiegand – 44 E. 224 St. And I originally wasn't going to speak tonight, but I was at home saw a couple of comments being made about #2 and I'd just like to address it. Having been a lawyer for 25 years, I find it not at all uncommon to be delivering final arguments in some very important cases including death penalty cases. And it's not at all uncommon for judges for that important proceeding to limit the amount of time that an individual has to get his or her point across to a jury. So I think whatever this Council decides against issue #2 it should be kept in mind. It's not unheard of that in some very important matters there are time limitations. And I think when you put time limitation on an individual, it requires that individual to get his or her point across very quickly and very concisely.

You know, freedom of speech, it's a wonderful thing. But I've done a lot of work in the Constitutional Law area on the freedom of speech. And one thing I have found from a constitutional sense is that it's very clear that as long as legislation is what they call content neutral.

In other words, you don't try to limit what an individual says. You simply can, you simply say, say what you need to say. But they can as long as that legislation is content neutral limit the time, the place and the manner of that speech. And this legislation you're proposing tonight if you choose to pass it, is consistent with those Constitutional principles. And again, you can limit time, place and manner, again, as long as there are ample alternate means of communication.

Now I suggest that there are other means of communication. That anyone who wishes to comment on a piece legislation or has feelings about certain things going on in the City can communicate those things to Council members other than by coming up here before this particular podium. So I think these are the Constitutionals that prevail in this particular type of legislation. And I, just watching people tonight I think most of the people coming up here tonight speaking on this issue itself have been 2 maybe 2 to 3 minutes on this particular legislation. So I think that what you're proposing tonight is certainly consist with Constitutional principles and I really have no position whether you want to do it or not. I'm just saying that a lot of people coming up here tonight saying this is taking away my freedom of speech. Well, it's not because this legislation tonight is consistent with Constitutional principles that have existed for the past 20-25 years. It is legislation that is limiting only the time, place or the manner of that speech. Thank you.

Ms. Ellen Ivory – 21690 Kennison. I apologize. I'm taking a diversion from Item 2. I am here tonight to ask you to vote favorably for Ordinance 11-03 pertaining to the Euclid Hunger Center. Several months ago I watched a program on TV regarding food distribution sites. The reporter interviewed folks from a particular site located in southern Ohio. No matter what the weather or the elements these recipients were forced to wait outside, on many occasions over an hour, for their monthly food supplements.

We here in the City of Euclid have a heart. Past Administrations and Council members had voted to waive our rental fee at Shore. This has allowed our new board to run an efficient organization, keeping our operational expenses to a minimum. This directly benefits the monthly food service that we provide at our Center. I, therefore, humbly ask this new Council to follow the precedent that has been set and vote favorably for this ordinance. This is not only a gift to our organization, but more importantly it allows us to serve our neighbors and friends with a dignity and a respect they are so deserving of. Thank you.

Mr. Dale Vernon – 1497 E. 196 St. Reference Item 2, Ordinance 121.03, and so it begins. An emergency ordinance amending Section 121.18 of the Administration Code of the Codified Ordinances of the City of Euclid to limit comments by the Committee of the Whole to 2 minutes sponsored by Council President Sustarsic.

The Committee of the Whole had a limit of 5 minutes under Council President Joe Farrell. The limit was 5 minutes under President Bill Cervenik. The limit was 5 minutes under Council President Ed Gudenas. Now the current Council President sponsors legislation to limit comments from individuals in the audience during the Committee of the Whole to 2 minutes. One might wonder, Mr. President, is this ordinance change a measure to make City Council meetings more efficient or is it meant to stifle descent by members of the electorate, particularly those that might disagree with proposed legislation, which may not serve the best interest of Euclid.

You know this piece of legislation is going to be compared to the Freedom of Speech Amendment, the Bill of Rights and why not? Amendment One quote, Congress shall make no law respecting establishment of religion or preventing a free exercise thereof or abridging the freedom of speech or of the press or of the right of the people to peaceably to assemble and to petition the government for regress of grievances unquote.

If this proposed amendment is not a bridging freedom of speech, I am at loss to know the definition, especially as the current ordinance 121.18 for the Committee of the Whole says quote, Council shall go into the Committee of the Whole at regular meetings pursuant to the order of business for the purpose of encouraging public participation and addressing Council and the Administration. The public shall speak to legislation on the agenda of the good of the City, but no person shall speak for more than 5 minutes on either matter, unquote. The present ordinance goes on to state, quote, time limits established here may be extended by a majority of members of Council after request is made by a person prior to the commencement of an address to the body, unquote. Nowhere does this ordinance state the time limits may be shortened. And this ordinance has been the law of Euclid for the past 24 years, surely following an ordinance of similar character. If shortening the time allowance for the Committee of the Whole by 60% is not abridging freedom of speech, I don't know the meaning of the word, quote, to deprive a person of rights, privileges etc.

If Euclid's future growth is to be secured and promoted, the right of the people to speak in a timeframe enough to elucidate their ideas must be affirmed. Their voices carrying not only to Euclid's governing body but also via their 5 minutes at this microphone to all the people of our community fostering even greater participation by the City's citizens in our City. Limiting their

time at the microphone not only stifles ideas, it stifles participation or is this the intent of this legislation? Thank you.

Mrs. Abby Vernon – 1497 E. 196 St. Another deviation from Item 2 to begin with. With regard to Item 3 and 4, so called the Hillandale project, I've read everything that I can find on this subject and I find nothing that indicates that there is any benefit to this City of Euclid. It appears that the 23 tax-exempt acres will require City services, i.e. police and fire protection yet will not be taxed, a lose-lose situation for the City. If the land remains industrial or if it is rezoned to be residential, with a larger square footage required for homes, then the City will realize significant tax dollars. At a time when both the City and the Euclid School System, which realizes 60+% of all property tax dollars assessed are in dire need of money, the proposed plan makes no sense and I encourage Council to vote against it.

With regard to Item 2, the number of minutes that the Committee of the Whole may speak, 5 minutes seems an appropriate time and I see no benefit to changing it. As to the subject of if it deprives us of our freedom of speech, it may not deprive but by shortening the time it shortens our privileges by 60%. I hope that you will vote against this. Thank you.

Mr. Ray Petrea – 353 E. 232nd St. I've been a resident for 16 years. Mr. President and Council, you have overwhelmingly heard the citizens of Euclid speak against #2. In order to prevent further discussion and a vote, Mr. President, I respectfully request you withdraw your proposal. Thank you.

Councilwoman Holzheimer Gail moved to rise and report; seconded by Councilman Delaney.
Yeas: Unanimous.

Ord. 227-2003 (013-03) 2003-2005 Council Committees

An emergency ordinance establishing Council Committees for the December 2003 through November 2005 term of the Council of the City of Euclid. (Sponsored by Council President Sustarsic)

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

President Sustarsic – First of all, we did discuss this earlier in an organizational meeting. There was one change brought up and that was to change the Building Standards Committee to read Building Standards and Housing Committee. So if we could ask for an amendment for that particular change. Is there any further comments to be made upon that? Okay.

Councilwoman Holzheimer Gail moved to amend Building Standards Committee to Building Standards and Housing Committee; seconded by Councilman Gruber.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Amendment passed.

President Sustarsic – Okay with the amendment passing, again like I said, it was explained pretty much in detail as to how these assignments were accomplished. I look forward to the full participation of everyone on Council remembering that Committees, I think, committees are probably one of the more important aspects that we have and the running of the government because in effect they are the workshops. They're where all of the ideas come in and are discussed. When they do come up to City Council as a whole for a vote, it's with a recommendation for, against or whatever as far as the whole Council to take appropriate action on it. Are there any comments on that?

Councilman Langman – May I suggest that since we have these committees and the residents are interested in what these various committees do, I don't know if you've thought of this, but perhaps we develop a mission statement for each committee, perhaps some goals and objectives. I know during the last term there were several people interested in exactly what Lake Shore Corridor Committee would be doing. And I'm sure we'll have questions like that for this term.

President Sustarsic – Very well taken. Yeah, I'm sure we can put something together. There is nothing as such, but especially for the new members as was mentioned early on, to exactly know the responsibilities and what the particular committees they're going to belong and, you know, what their responsibilities are. All right if there are no more comments on that, I'd like to...

Councilman Daly moved to close debate; seconded by Councilman Sustarsic. Yeas: Unanimous.

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

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Amended legislation passed.

Ord. 012-03) Com. of the Whole Comments Limit 2 Minutes

An emergency ordinance amending Section 121.18 of the Administration Code of the Codified Ordinances of the City of Euclid to limit comments by the Committee of the Whole to two (2) minutes. (Sponsored by Council President Sustarsic)

Councilman Sustarsic moved for passage; seconded by Councilman Daly.

President Sustarsic – When I came up with this particular ordinance, it was to my mind that 5 minutes was entirely too long of a time to speak to an issue. That these meetings can be more particularized, they can be more concise. They can be more businesslike that an individual can successfully put their thoughts into a lesser time period. The reason the number 2 was put on there was more or less as a starting point. And what I'm saying is that, that will not be etched in stone. Although there are other communities as Council has gotten copies of various, various other communities that have 2 minutes. There are communities that have 3 minutes. There are communities that have 5 minutes, some that are not allotted time because they are smaller. But at the same time, it was interesting to see that the City of Cleveland does not have or does not allow the public to participate in any portion of their council meetings. And if they are allowed at committee meetings, they are given a time period within which to speak.

Anyway, needless to say, the 2 minutes not being the final end result, but at the same time I see that there have been and it was mentioned by some other people, too, there are other venues that people can utilize in addressing various issues which confront a City. First of all, for those that are computer savvy, if you will, there's the e-mail. There are telephone calls to local Council people, to the City Hall to the Mayor and to the Administration. We have the ability to write letters. We have the ability to write letters to the editor to put particular items in the newspapers. We have neighborhood associations. We have committee meetings where people can express their thoughts. There are various ideas and places that we can put forth our best concerns of the City. And I have to tell you it is not my, it was not my intention to curtail anyone's freedom of speech. It's one of the things that this country was built upon and certainly I would not go against that. However, I thought that circumstances being what they are, again, people can be more concise. If they're passionate enough about a particular issue, they can address the particularities of the issue in the time allotted, say if it's 3 minutes. And everyone on this dais was well aware as well of the Mayor when we were in our debates at the various festivities, League of Women Voters, neighborhood associations and the like. There was a period where you were given a choice depending upon the circumstances, 2 minutes, 3 minutes, 5 minutes. Five minutes was quite lengthy. Five minutes, you start to repeat yourself. You have to start thinking of what's going on. But at the same time I think the bottom line to all of this as far as having the preparation and to being passionate about this. It seems that probably one of the greatest speeches in the history of the United States was the Gettysburg address and that was given by President Abraham Lincoln in 2 minutes.

Realizing that everyone might not consider themselves the greatest orator or they might tend to get a little bit nervous when it comes to the podium and address the public. There is no way that we were trying to squelch your participation in this process. But again, I think the utilization of all the other things that I did mention should be fully utilized. And at the same time I think we can get more accomplished. On that note I'd like to entertain any comments from the City Council.

Councilwoman Mancuso – I was almost tardy for my very first meeting at 6:30 because I arrived at my house at 10 to 6, 39, 39 voice messages, only 2 of the people did I know so I didn't have to write down their name and phone number. So to the 37 people that I didn't know, I apologize for not personally calling you back or I would have been late tonight. Every one of those people did use the telephone to say please don't do this. So at the Councilperson-at-large I'm going to follow that lead because they did use their other mechanisms to say please don't limit our ability to come speak before Council.

I was amazed. I don't know if 39 phone calls is normal. I don't know if it's outrageous. I just know it was overwhelming for me as a new person.

President Sustarsic – I can promise you that won't be the first time you get a lot of telephone calls. That's the way it goes. Does anyone else on Council have any other comments?

Councilman Delaney – Yes, it is true I used the podium in activism. And I think it was only one time that then Council Cervenik cut me off so I was successful in getting it underneath the 5 minutes.

I believe most people don't use the 5 minutes. And that 5 minutes is a good parameter. Most of the people that spoke tonight didn't use the whole 5 minutes. Limiting it to 2 I find it hard to develop a point in 2 minutes. I don't see that people will go over 3 or 4 if they don't have to. They usually take quite a bit of time before they come to the podium and address City business.

With respect to Mr. Wiegand's comments, most of our public that comes up are not skilled trial attorneys and with the length of a trial there's many things that go back and forth with a topic and I can understand how a judge would limit lawyers to a final 2 minutes.

One of the parts of this legislation that bothers me is that after the 2 minutes to request an extension with a majority vote of Council. We're here not to judge our constituents but to represent them and I have a lot of problems with holding that over their heads as to judging the content as to what they might have to say in 2 minutes. So with respect to all the comments today, it's certainly has been successful for many people and I believe it needs to stay the 5 minutes because of the way our City is and because of the active people. And this is the most cherished form of communication with respect to e-mail and letters to the editor and direct mail to Council people and telephone calls and voice mail. I believe that this is one of the most effective. That they have the courage to come here face to face and get in front of the cable viewing audience and they certainly deserve it and I'm certainly here to listen to all of them. Thank you.

Councilwoman Holzheimer Gail – I took a little tally while people were speaking and 17 people spoke. None of them exceeded the 5-minute mark. Mr. Hilf spoke the longest and it was roughly 4 minutes, but he spoke about 2 issues. Primarily, most people tonight spoke about 1 issue and used anywhere from a 30 seconds to 4 minutes. If there were a number of important issues on the agenda, I'm not interested in limiting people's time to talk about that. I think, we were given a sheet that Regina did the work and Mrs. Daugherty also gave us some information. The majority of the cities listed do have 5-minute time limits. There's a few that have 3 minutes—Mentor, Painesville, Willoughby, Eastlake, Parma—5 minutes is Twinsburg, Mayfield Heights, Ashtabula, Jefferson, Mayfield Village, Lakewood and I think Mrs. Daugherty mentioned South Euclid. Two minutes, the only one was North Royalton. And then there's several that have no time limit.

I believe very strongly in public participation and input. And I do not want to see us go back. I don't think, I don't think we have a problem. Yes, there are certain people that may abuse it. We get a few that get up and use the 5 minutes, but that's their right and I'm not interested in taking that away from them.

Under Council President, when Mayor Cervenik was Council President, the meetings did not often go long after 9 o'clock. I think the last Council the length of the meetings I don't think that was because of an abuse in the public comment. So I am not supportive of this because of those reasons.

Councilman Gruber – I have a few questions I'd like to ask of you. The 2-minute rule, would that be for the Committee of the Whole in the beginning of the meeting? And 2 minutes for any, such as public hearings and 2 minutes at the end or would it just be 2 minutes at the end?

President Sustarsic – It would be 2 minutes throughout.

Councilman Gruber – Throughout. I have a problem with 2 minutes also. I would like to limit some of the conversation at the end of the meeting to items for the good of the City. I believe that the people have a right to speak. I started out at that podium like most of the folks up here did too. Two minutes I don't feel is an appropriate amount of time. However, time is money. We have several Directors, several Police Chiefs up here. There's about \$600,000 a year worth of individuals sitting up here along with Regina Cahill's time who has to do the minutes verbatim. Two minutes is unacceptable. I would be willing to compromise on a longer period of time with the rule that if people are in need of more time, that are speaking for the good of the City that we go ahead and allot them more time. But 2 minutes is probably not an appropriate amount of time.

Councilman Langman – I disagree with you in the comment that we have business to do. I think listening to the residents is the main focus of why we're all up here. So I campaigned on listening to the residents. I think if they need time, 5 minutes to compose their ideas and present them,

generally speaking, I've found very few comments that are not, once you've thought about it, that are constructive in nature. So this form is unique and stretches all the way back to the founding of the country where an individual can come and petition their government both the legislative branch and the administrative branch. Therefore, I can't support this, especially as an emergency ordinance. I see no reason why this is required to be an emergency ordinance. I can't support this as currently written.

President Sustarsic – Mr. Gruber, would you care to make an amendment then, make a suggestion as to what you might have in mind as far as a time?

Councilman Gruber – I notice that several of the cities 3 minutes seems to be the going rate. If we went to 4 minutes, we might as well keep it 5. So I would be open to 3 minutes. If we keep it the way it is now, there's a possibility of folks speaking up to 15 minutes at a time during a meeting, which is fine and I'm open to listening to all of them. But a lot of times we don't even get 15 minutes and it's also to note that our comments at the end would be cut back to whatever the amount of time that is allotted to the public. Is that correct?

President Sustarsic – Yes.

Councilman Gruber – So I would be willing to amend 3 minutes, 3-1/2 minutes, something in that range.

President Sustarsic – Okay, would there be a second on that?

Councilman Delaney – I have a comment on the amendment. Three and a half minutes we might as well keep it at 5. You're really splitting hairs here. I mean, eventually, you might be eliminating Committee of the Whole. I'm certain that people are not going to consistently use their 5 minutes and it's not going to take up that much time. And I'm sure that the Chiefs and Directors will always be compensated for whatever amount of time they're spending here. Thank you.

Councilwoman Hufnagle – When I first read this piece of legislation, I looked at it as an opportunity to increase the public portion. As a person that used the podium quite often, 5 minutes is, can be a long time and sitting in the audience when you see 5 people lined up to speak up and you think well, they have 5 minutes to speak, that's 25 minutes. So maybe that discourages somebody from getting up and saying what they want to say. If we shorten their time, I was looking at it that perhaps that would increase the people or encourage the people to get up and speak and that we would have even more participation. I always tell people that to get the real view of a City Council meeting you have to come to a City Council meeting and not just watch it at home. So I don't want to limit the people's ability. I looked at it as a way of encouraging people and allowing more people even to speak.

The problem that I have and I don't believe that anyone actually raised it in their comments, the 17 people that spoke, was that a lot of times when you come up to the podium you might know what you want to say and you might have your speech ready. But should you need to ask a question of the Administration or Council, that's where your 5 minutes gets eaten up. And I wouldn't want people to feel that they weren't going to get their questions answered. A lot of time the people the questions are addressed to aren't ready to answer so it does take a little bit of time. So those are my concerns. Thank you.

President Sustarsic – Okay and based upon that was, well obviously, 2 minutes, like I said was a starting point not etched in stone. But again at the same time thinking that 5 minutes was a little bit too much so if there was any entertainment for an amendment.

Councilman Langman – I don't see any compelling reason to really change. May I make a suggestion that now that you're the Chairman that during the Committee of the Whole at the end of the meetings that some of the comments may have occurred during the last term, perhaps you can control through your position as chairman. As far as some of the things that happened perhaps were out of bounds and that would be your prerogative then to step in and point that out.

President Sustarsic – Okay, any other comments?

Councilman Daly – I think the 2 minutes is entirely too short, most of the speakers didn't take 3. However, I don't think the time limit is a problem. I think if we do adhere to the rules that you read out before, you know, decorum and not trying to humiliate or get out of bounds as far as what you

want to say the time really isn't a problem. So you know I think as others have said, if we're going to allow 3 or 4, you might as well allow 5. But I think it's, you know, basically more up to the Chair to bring, you know, if someone is getting out of bounds to use your position to put a halt to that. So you know, I have witnessed it where maybe a particular business is being almost defamed and again, they're not here to defend themselves. And I think that's where the control of the meetings, you know, you could use your position versus the time limit. Because as I say, everyone came up and made their points and were finished within 3 so I don't see it as a problem right now. I see your position being the one to control the meeting when it does start to get out of bounds.

President Sustarsic moved to amend the legislation to read 3 minutes in place of 2 minutes; seconded by Councilman Gruber.

Roll Call: Yeas: Daly, Hufnagle, Sustarsic, Sustarsic
Nays: Delaney, Gruber, Holzheimer Gail, Langman, Mancuso
Amendment Failed.

President Sustarsic – Okay, I'd like to say at this particular point in time, again, not having the initial intention or not having any intention of doing any damage to the City of Euclid or to the people in the City of Euclid or depriving them of their freedom of speech. And again realizing that they do have a lot of other venues that you can take advantage of, it seems to me that based upon this City Council's opinions and based upon the lack of support for an amendment I would like to pull this at this particular point in time and will proceed on to the next item on the agenda.

Ord. (572-03) Rezone Hillandale Area

An ordinance rezoning P. P. #648-52-001- Parcel A, located on Magnolia Dr., from U-7 (light industrial) use district to UR-2 (church) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

Second reading. Public Hearing January 5, 2004.

Ord. (573-03) Rezone Hillandale Area

An ordinance rezoning P.P. #648-523-001- Parcel B, located on Brush Rd., U-7 (light industrial) use district to U-1 (single family) use districts and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

Second Reading. Public Hearing January 5, 2004.

Ord. (582-03) Rezone 1200 Babbitt Road

An ordinance rezoning P.P. #647-06-002, located at 1200 Babbitt Rd., from U-4 (Commercial) use district to U-6 (Industrial/manufacturing) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

Second Reading. Public Hearing January 5, 2004.

Ord. (005-03) Rezone 25080 Lakeland Blvd.

An ordinance rezoning P. P. #648-05-001, located at 25080 Lakeland Blvd., from U-6 (Industrial/Manufacturing) use district to U-4 (Commercial) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

First Reading. Public Hearing January 5, 2004.

Ord. 006-03) Rezone 1535 Dille Rd.

An ordinance rezoning P.P. #646-29-005, located at 1535 Dille Rd., from U-3 (Apartment House) use district to U-2 (Two Family) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

First Reading. Public Hearing January 5, 2004.

President Sustarsic – And we're going to be very, very busy the next January 5th, 2004.

Councilwoman Holzheimer Gail – Mr. Chairman, just a quick question before we get past the readings. Councilwoman Hufnagle just asked me, can we, the church property and the Hillandale property, can we send that to Committee while it's undergoing the public readings? Can we do that

without sending it from this floor? I think there's interest in having a presentation on that proposal. Do we need to send that to Committee?

Mayor Cervenik – If you could leave it on for this week, I'm in the process of arranging a presentation for all of Council from the Church Builders group and I think at the next meeting would be the time to do that. I'll have more information and details for you on when that presentation can take effect. We do have 4 new people on Council that have had no presentation at all. So it's my intention and my Administration's intention to do that. Okay?

President Sustarsic – Yes, yes.

Councilwoman Holzheimer Gail – Just wanted to make sure we didn't, it didn't get lost here and we weren't able to have that meeting on it.

President Sustarsic – No, no, definitely we have to bring everybody up to speed most recent because there's been a lot of innuendoes or statements or whatever that might not necessarily be true and so just to put everyone on the same page with that. Okay, thank you.

Ord. (001-03) Honeywell Agreement

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with Honeywell International, Inc. to retrofit various public buildings for the purpose of energy costs savings, utilizing Ohio House Bill 300 at no cost to the City of Euclid. (Sponsored by Councilman Tony Sustarsic by request of the Service Director)

Councilman Sustarsic moved for passage; seconded by Councilwoman Hufnagle.

Director Gulich – Approximately three years ago the City of Euclid entered an agreement to contract with Honeywell to perform a number of improvements in our Waste Water Treatment Plant under the House Bill 300 measure. They delivered in spades. We have a more efficient building down there. It's better lit; it operates better mechanically and top of it all we're saving in excess of \$60,000 in electrical bills a year.

What Honeywell's doing now is putting together proposals to do a similar retrofit in the rest of our public buildings including the building we're sitting in tonight. I've asked Mr. Randy Royce from Honeywell to introduce himself and the company. And if Council will permit suspension of the rules, Mr. Royce can make a brief presentation and I will hand out the information he's going to pass along.

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

Mr. Randy Royce – In the area of fiscal restraints for local governments, City of Euclid and other municipalities are faced with a real dilemma. And the dilemma is really focused on the goals of providing measures that will enhance the well being of his constituents, safeguarding the investment of the existing facilities and infrastructure. And identifying strategies that will enhance the efficiency and budget costs while maintaining and providing an environment for staff and citizens while visiting city facilities.

The current ordinance, which builds on Phase I program implemented in 2001 as Mr. Gulich has indicated, was one which Honeywell selected to provide energy retrofit measures for the Waste Water Treatment facility. To date as indicated, we have achieved over 110% of stated project goals and at the same time upgraded the lighting systems, the environmental systems and the pumping systems that are inherent and integral to the Waste Water Treatment facility.

Current ordinance provides an additional opportunity under House Bill 300 legislation. This legislation encourages the use of energy in operational cost reductions as a funding stream to obtain improvements in municipal structures by incurring excess, without incurring excess energy or expense to the City budget. The program will target the remaining buildings for opportunities that will upgrade the mechanical systems, also the lighting and environmental components within these facilities and enhance citizens' safety with upgrades within the lighting, lighting for traffic signals and intersections as well. All without providing excess expense to city budget, in fact, creating a positive cash flow.

The initial analysis is provided projecting energy cost reduction of over 25% from the existing budget of \$340,000 that the City incurs annually for the energy expense for these facilities. In addition there's also an opportunity for significant operational cost reductions as well. Based on the positive results of the current Phase I program, which we've been delighted to be a partner of and in

partnership with the City of Euclid and the opportunity to realize over \$750,000 in additional facility enhancements under Phase II implementation that we would ask for your support for this ordinance.

Again, I'm Randy Royce. I'm with Honeywell International and we've thoroughly enjoyed the partnership that we've had with the City of Euclid over these years. Thank you, Mr. President.

President Sustarsic – Okay, thank you. I think what it was there was every intention of putting this into the Building, excuse me, the Public Service Committee.

President Sustarsic moved to place the legislation into the Public Service Committee; seconded by Councilwoman Holzheimer Gail.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Ordinance placed in Public Service Committee.

Ord. 228-2003 (002-03) Amend Chapter 791 of Code

An emergency ordinance amending Chapter 791 of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid by the amendment of Subsection 791.01, 791.02, 791.03, 791.12, 791.39 and the addition of 791.54. (Sponsored by Council President Sustarsic by request of the Finance Director)

Councilwoman Hufnagle moved for passage; seconded by Councilman Delaney.

Director Johnson – This particular piece of legislation addresses an incident recently where we had a resident that had a substantial amount of lottery winnings. Our interpretation was that those lottery winnings were taxable as far as City Income Tax Codes. We lost in that particular case. And this particular piece of legislation specifically talks about lottery and lottery winnings and they now would be taxable under City Income Tax if Council chooses to adopt this legislation.

President Sustarsic – Are there any comments from the Council on this?

Mayor Cervenik – There are some additional comments. If you look, changes, if you look on the legislation, the items that are underlined. There is some changes in the definite of other items that are included as income. There's some changes in the description of what constitutes a business, such as, limited liability companies that weren't in existence when our ordinance was written years ago and also the use of Sub-Chapter S Corporations. So you may want to review that very quickly if you haven't already. Just so you understand all the changes. The lottery is not all the changes. It also places the failure to file responsibility on an officer or shareholder of the company, which is done in most cases in Federal and State taxation also. So I just wanted to make sure that you know it's not just lottery winnings. As you know, I was on the Tax Revision, Review Committee and I was the one member that did vote against taxing lottery commissions or lottery winnings; but it is your decision tonight as to what to do. And I think the Acting Law Director has a few other comments.

Director Vento de Crespo – Right, right. Yeah, as you know, this was the issue that we litigated before the Ohio Supreme Court. They didn't give a lot of legal reasoning for why they struck down our ordinance, but based on their ruling, we are trying to rewrite the ordinance to comport with the way we've always interpreted it. We've always interpreted it to mean that it included income from any activity and the Supreme Court decided that any activity meant any business activity, which doesn't include lottery winnings. So this is really directed toward including gambling winnings and it does include a couple other items in here, which are really cleanup items that were recommended by the Central Collection Agency. They collect our taxes for us. You may want to consider making this a regular ordinance as opposed to an emergency in case there, they concerns are raised after the ordinance is passed and give the public the chance to comment on it.

That would be the only thing that I would recommend is just making it a regular ordinance rather than an emergency. And we are relying on the experience of CCA when we put these changes in here. We've done it through consulting with their counsel.

Councilwoman Holzheimer Gail – Acting Director Vento, the lawsuit and the opinion by the Supreme Court did not went to the fact that our ordinances did not include cover or taxing lottery winnings. It did not say that you cannot by law tax lottery winnings, correct?

Acting Director Vento de Crespo – No, they did not say that. There's a case out there called Fisher vs. Neusser, which says you can tax lottery winnings. It's just...

Councilwoman Holzheimer Gail – We just need to specifically say so in our ordinances, which is what that does.

Acting Director Vento de Crespo – Right, their ruling was that our ordinance did not was not specific enough to make lottery winnings taxable.

Councilwoman Holzheimer Gail – Thank you.

Councilman Langman – Ms. Vento, are other communities also changing their ordinances to reflect what the State has recommended or CCA?

Acting Director Vento de Crespo – Yes, CCA is, we got a draft of this ordinance from CCA, who redeveloped the language to give to its 44-member communities to adopt or not to adopt as they choose. So there are cities that had specifically included lottery, the way our ordinance was structured everything was taxable unless it was exempted. And we have a laundry list of exempted items. And we presented that argument to the trial court, the 8th District Court of Appeals and to the Ohio Supreme Court and a couple courts agreed with us. But the Supreme Court disagreed with us. That our way our ordinance was originally set up was everything was taxable unless it was exempted and lottery winnings were not on the list of exemptions, therefore, they were taxable. Well, the Supreme Court didn't like the way that was written.

Councilman Langman – Have most of the 44 communities done that or is that in process right now?

Acting Director Vento de Crespo – I can't say that most of them. It really has to do with the municipality and whether they want to rely on that as a source of tax, you know, legally you can. It's really a policy decision.

President Sustarsic – All right, anyone else? Okay, based upon the recommendation of the Acting Law Director I'd like to entertain a motion if anyone would like to add that amendment whereby the word emergency would scratched and just make it an ordinance as opposed to an emergency ordinance?

Councilwoman Holzheimer Gail moved to make the amendment; seconded by Councilwoman Mancuso.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Amendment passed.

Councilman Langman moved to suspend the rules; seconded by Councilman Delaney.

Councilman Delaney – I have one more question about the ordinance for Ms. Vento. Lottery winnings, gambling winnings any other, does that include bingo, fun things that go on in the carnivals?

Acting Director Vento de Crespo – Bingo under Ohio law is not, is not considered gambling.

Councilman Delaney – Okay, thank you very much.

Councilman Sustarsic – I have a question. Like say that someone were to win the lottery this year and we just placed this, I mean, would they be grandfathered in or how does that work? Just out of curiosity.

Mayor Cervenik – Normally under tax law if the change in the tax law is detrimental to a taxpayer, it takes effect from the date the ordinance becomes effective. If it's beneficial to a taxpayer, then it could be retroactive. So in this case anybody who's won anything up through this time would not be obliged to pay the income tax on it.

President Sustarsic – Is there something you haven't told me about? Just got to keep honest. Okay, again, I'm sure no further comments.

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

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Passed.

Ord. 229-2003 (003-03) Amend Section 599.02(d)

An emergency ordinance amending Section 599.02(d), Penalties For Misdemeanor, of the General Offenses Code of the Codified Ordinances of the City of Euclid, increasing the penalty for a minor misdemeanor and imposing community service in lieu of all or part of the fine. (Sponsored by Councilman Gruber by request of Police Chief)

Councilman Sustarsic moved for passage; seconded by Councilman Daly.

President Sustarsic – Chief, would you be willing to address this?

Chief Maine – I'd be glad to Mr. Chairman, as much as I know. Basically, this is an ordinance that will bring our Codified Ordinances within the same restrictions as the State law. It'll allow the Judge some more leeway in her sentencing and will bring the cost, the court costs up to what the State presently imposes. It also does the same thing for the penalties. So this is pretty much just a housekeeping ordinance to bring us up to the same standards as the State ordinances maybe Ms. Vento has something else to add.

President Sustarsic – Okay, I think it's pretty much self-explanatory.

Councilman Sustarsic moved to close debate; seconded by Councilman Daly. Yeas: Unanimous.

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

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Passed.

Ord. (004-03) 6-Month Extension to Shelbrook, Ltd.

An emergency ordinance authorizing a six (6) month extension to Shelbrook, Ltd., 40 Lyman Circle, Shaker Heights, Ohio, to finalize the purchase agreement conditions for the 5.72 acres of land at Century Corners Industrial Parkway. (Sponsored by Councilman Gruber)

Pulled.

Ord. 230-2003 (007-03) Shore -Sq. Ft. Rates

An emergency ordinance amending Ord. No. 208-2002, and to establish an increase in square footage rates for the rental of space at Shore Cultural Centre for the year 2004. (Sponsored by Councilman Daly by request of Parks & Recreation Director)

Councilman Langman moved for passage; seconded by Councilman Delaney.

President Sustarsic – Who'd be able to address this from the Administration?

Acting Director Will – The next five pieces of legislation you have in front of you are pertaining to the rental rates for the Cultural Centre for the year 2004. I apologize for not formally informing the tenants on this legislation being on this evening. However, the increases that we're asking for the year 2004, I feel, are nominal and feasible for the tenants. We had an increase for the year 2002 and have not asked for another increase since that time.

The first piece of legislation we have here tonight is to establish a square footage rate for the renters. I'm putting through a proposal for a 5% increase for all the non-profit groups and a 8% increase for the for-profit groups. Currently, we have 9 tenants that are non-profits and we have 7 tenants that are for-profit. With this increase that we're proposing today, we would expect approximately an additional revenue of \$6,000. And this is a 5% for any of the non-profit and 8% for the for-profit, taking effect on January 1st of 2004.

President Sustarsic – Any comments?

Councilman Delaney – Ms. Will, did you just arbitrarily come up with those numbers? Do they have research behind them? Can you explain a little bit better about why you came up with the 5% and the 8%?

Acting Director Will – In the past, the increases have been 5% and 8%. We felt that anything higher would not be feasible over at the building. Again, looking at other buildings that do rent out space, Shore Cultural Centre we cannot compare that to some of the private companies around here that are renting out the space. But I feel the 5% and 8% would be feasible for the tenants over there. But it was a decision that we made in our department.

Councilman Delaney – And also overall, it was important that you say we didn't increase it last year. We do have increases in utilities as well in the cost of doing business over there?

Acting Director Will – That is correct. Utilities have increased and there has not been an increase since 2002. They paid the same rate in 2003 as they did in 2002.

Councilman Delaney – Thank you.

President Sustarsic – Comments from anyone else on Council?

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

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

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Passed.

Ord. 231-2003 (008-03) ETA Lease

An emergency ordinance authorizing the Director of Parks & Recreation of the City of Euclid to enter into a lease agreement for the year 2004, at a continued reduced rate, with the Euclid Teachers Association for space located at Shore Cultural Centre. (Sponsored by Councilman Daly by request of the Parks & Recreation Director)

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

President Gudenas – Ms. Will, any other comments?

Acting Director Will – The next three pieces of legislation are for three non-profit groups that we have at Shore Cultural Centre. The first being the Euclid Teachers Association. Prior to the Parks & Recreation Department taking over Shore Cultural Centre, there had been quite a few non-profit groups that were receiving a reduced rental fees. They were given these reduced rental fees because of the condition the room was in when they moved in. Council at that time had agreed to give them this reduced rate, continued with the reduced rates if they would put in the monies into redoing their room.

The first one we have is for the room use of the Euclid Teachers Association. I feel that since I'm asking the other non-profit groups to pay the increase of 5% the 5% should go through the next three pieces of legislation. And this is for the Euclid Teachers Association, keep them at their reduced rate but also give them the 5% in the monthly rate.

President Sustarsic – Okay, do we have any comments from Council?

Councilman Langman – Ms. Will, is this an indefinite reduction of rate for these three groups? Does it eventually fall off or what?

Acting Director Will – As I see it, you know, it was a continuous. There was no deadline. And as the Parks & Recreation Department we continue to offer them that reduced rate.

Councilman Langman – Thank you.

President Sustarsic – Is there anyone else? Okay.

Councilman Sustarsic moved to close debate; seconded by Councilwoman Hufnagle. Yeas: Unanimous.

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

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Passed.

Ord. 232-2003 (009-03) ECC-Lease

An emergency ordinance authorizing the Director of Parks & Recreation of the City of Euclid to enter into a lease agreement for the year 2004, at a continued reduced rate, with Euclid Community Concerns for space located at the Shore Cultural Centre. (Sponsored by Councilman Daly by request of the Parks & Recreation Director)

Councilwoman Mancuso moved for passage; seconded by Councilwoman Holzheimer Gail.

President Sustarsic – Are these, well as you just said, these would be the same remarks for this and the following legislation.

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

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

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Passed.

Ord. 233-2003 (010-03) EYSO-Lease

An emergency ordinance authorizing the Director of Parks & Recreation of the City of Euclid to enter into a lease agreement for the year 2004, at a continued reduced rental rate, with the Euclid Youth Soccer Organization for space located at the Shore Cultural Centre. (Sponsored by Councilman Daly by request of the Parks & Recreation Director)

Councilwoman Holzheimer Gail moved for passage; seconded by Councilwoman Mancuso.

President Sustarsic – These are the same remarks that apply to these.

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

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

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Passed.

Ord. 234-2003 (011-03) Hunger Task Force Lease

An emergency ordinance authorizing the Director of Parks & Recreation of the City of Euclid to enter into a lease agreement for the year 2004, at a continued waived rental fee, with the Euclid Hunger Task Force for space located at Shore Cultural Centre. (Sponsored by Councilman Daly by request of Parks & Recreation Director)

Councilman Daly moved for passage; seconded by Councilman Delaney.

Acting Director Will – What I've put in front of you is to waive the right to fees for the Euclid Hunger Task Force. They operate out of Shore Cultural Centre and are fantastic tenants. It's

absolutely a great opportunity for the residents to come in and be able to have this opportunity if they cannot afford food on their own. The staff and the volunteers that they have there are absolutely wonderful and I hope I can have your support to wave the fees again for the year 2004. Thank you.

Mayor Cervenik – I would like to reiterate Ms. Will’s concerns that they receive the free rent and even more importantly the holiday and winter season is upon us. Things are very tough out there for many, many people and the Hunger Center is looking for donations of both cash and food, I believe non-perishables. So Euclid has always been very generous for those in need and I encourage you along with myself to make a contribution, if you’re able to, to our Hunger Center.

President Sustarsic – Thank you, Mayor. Any comments from the Council?

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

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

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Passed.

CEREMONIAL RESOLUTIONS

Res. 235-2003 (015-03) Al Saluan

A resolution of appreciation to Al Saluan, owner of the Atlas Cinemas Lake Theater, for his commitment and willingness to invest in Downtown Euclid. (Sponsored by Mayor Cervenik and the entire Council)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Passed.

COMMITTEE OF THE WHOLE

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

Mrs. Dorothy Fike – 20271 Delaware Rd. First of all, best wishes to the new Council and Administration and good luck in the future. We all know we all need it.

I have my comment, my question tonight is to the Police Chief. First of all, those lights 20 miles per hour, are they automatic or does someone turn them on by the schools?

Chief Maine – Those are automatically.

Mrs. Fike – Why I’m asking is Sunday morning by Euclid Central School they were flashing at 8 o’clock in the morning.

Chief Maine – I hope you were only going 20.

Mrs. Fike – Well, no one else was I wasn’t either. My second question also pertains to that is I know the ordinance or law says during restricted hours. Since I live up by Indian Hills School, which is a Positive Education Program, and we have buses going up and down Delaware all during school days. They’re not just limited to morning and afternoon. And of course, we don’t have a lighted sign. Since this is during restricted hours, should it be, how can someone tell if they’re only supposed to be going 20 miles an hour when there’s school buses going all the time?

Chief Maine – Restricted hours do not pertain to the school buses they pertain to the kids who are walking to and from school. So it’s when school is letting in or it’s letting out.

Mrs. Fike – So that means since there is no one walking then that 20 miles an hours, even though there’s a 20-mile-an-hour sign up there, it doesn’t really mean it.

Chief Maine – Well, if it's not when school's letting in or letting out and there aren't children going to and from school, then the sign does not apply.

Mrs. Fike – What I'm saying, Chief, is that no one walks to Indian Hills School, they're all bused.

Chief Maine - Well then maybe we should take a look at that, Dorothy.

Mrs. Fike – Okay, then I have another one. Going on that the same thing is down by St. Paul's School...

Chief Maine – I think your 3 minutes are up. (laughter)

Mrs. Fike – I'm sorry I didn't hear what you said. Will you please repeat what you said since it must have been funny.

Chief Maine – Go ahead, go ahead.

Mrs. Fike – By St. Paul's School on E. 200th Street, it does have the flashing 20-mile-per-hour sign. When the children are out, say at recess or lunchtime, should that be a restricted time when the lights are not flashing the 20 miles?

Chief Maine – You know what, I'm going to talk to Monte Carlo, who is the expert on all these school flashing signs and I'll get back to you.

Mrs. Fike – Thank you. And I know I ask questions here because I don't have as much time at home as I do here so thank you, all, for all your courtesy all the time.

Mr. Mike DiDomenico – 24770 Farrington Ave. I wish to comment on the proposal to rezone the Hillandale property from light industrial use to housing and church use. For those that are not aware these 68 acres are one of the largest pieces of undeveloped property left in Euclid. It is located in the southeast corner of the City. I'm addressing this tonight because the Plain Dealer had an article in the Friday, November 28th edition, and an editorial in today's paper concerning this proposal.

The Plain Dealer knows that controversy sells papers. Their opinion is not based on what is best for Euclid, but on what is best for the Plain Dealer and the selling papers. The Plain Dealer doesn't make the decisions for the residents of Euclid, you do. Your decision should be made entirely on economics. Will the City gain more tax dollars by encouraging industrial and office development or by making 23 acres tax exempted and building houses marketed toward retired persons that naturally have lower income and, therefore, pay less income tax.

Representatives of the church are claiming that this is an issue of race. Nothing could be further from the truth. There are probably 300 homes for sale in Euclid right now. The number of rental units available is probably higher. Anyone who can come up with the money can move into Euclid. In fact houses in Euclid are less expensive than equal units in neighboring communities so your dollar goes further. It is my opinion that since the church representatives cannot talk about the benefits this project offers to Euclid, they are trying to scare people by claiming racism. I wonder what benefits the church gains by financing the sale of these houses.

At the end of the article there was a veiled threat of a lawsuit if the zoning change is not approved. A lawyer once told me you can sue for anything and you can sue for nothing. If you have the money, you can find the lawyer that will argue anything you want in court. But going to court doesn't make you right. Why even have zoning laws if all one has to do is threaten legal action to get their way.

The church should have known prior to purchasing the property that it is zoned for light industrial. If they were promised something, then they were lied to. If those promises came as a result of bribes, then people should be going to jail.

I've heard several people mention the 1996 Master Plan. The 7-year-old document is simply a suggestion. It is a study not a law. It is not binding. The reason the property is still zoned industrial is because prior Councils some under the control of then Council President Cervenik did not want housing there. That's why Century Corners was created that abuts this property. Century Corners is finally taking off. I heard that a developer that is ready to build a 75,000 sq. ft. building was told that all the land had been taken. That's a good sign. Why not have him build his property back there, put his building up back there?

Earlier this year there was a proposal to rezone 6 acres behind Lakeland Medical Building. Based solely on the lack of merit in the proposal, the zoning change was denied. No one claimed racism and no one threatened lawsuits. Five of you should remember that legislation, this is the same thing.

This decision again is simply which use of the land will net the City of Euclid the most tax dollars. Twenty-three acres of tax exempt church land and 45 acres of lower income housing that requires special financing or marketing this toward business and industry and getting income tax dollars from those workers and the property tax on those buildings?

A number of years ago another church group, the Jehovah Witnesses, wanted to build a church off Glenridge. And Mr. Gruber might remember this, this was in his neighborhood. The neighborhood up there did not want this and they packed this hall to voice their displeasure. So nothing was built on that land. I believe it's still available. The church, however, did get their building. It's now located on Euclid Avenue just west of East 222nd Street. Maybe this church group could find another location for its sanctuary. In addition to the property I just mentioned, there's other, there's other land available up in Indian Hills.

The church may look into buying an apartment building and converting the units into condominiums. For retired persons this makes sense because they do not have to maintain yards and can still socialize with friends and neighbors indoors during the winter months and elevators are easier than stairs. Again, this is not about race. This is not about lawsuits. This is about which land use is best for Euclid.

Finally I'll say this. If you are adamant about having tax-free land up in that area, then donate the land to a conservancy group to be maintained as a park. I'd certainly vote for that and I think that would benefit all citizens. Thank you.

Mr. Harvey Mlachak – 23831 Lake Shore Blvd. I'm a little bit upset and disappointed that we still have a possibility of Item 2 hanging over our heads when it could very easily have been done by you Council people who are not in favor of this ordinance for somebody to close debate. Second the motion and force it on the floor for a vote and put it behind us. We still got it hanging over our head. When this came out, the Council President admonished us to be ladies and gentlemen. And the ordinance says persons speaking shall remain polite, courteous and at all times respecting the office being addressed and a decorum of the meeting. Public remarks tending to embarrass, humiliate and so forth of a personal nature are at all times out of order, possibly not so.

When you gavel people down, I brought this up in December 2001. It says the ACLU to sue North Ridgeville Council rules punishing speech. The American Civil Liberties Union of Ohio filed suit in U.S. District Court in Cleveland earlier today challenging on a First Amendment grounds of the rules of the North Ridgeville City during Council meetings. The Council rules passed in December 2000 forbid citizens from impugning the motives, character, integrity of another person. Those rules have been used during the public portion of the City Council meeting to gavel down those persons expressing their views critical of the city government, council members and the mayor. The case cut through the core of our democratic process said Kay Ryan, volunteer attorney for the ACLU of the Ohio Foundation, which is representing North Ridgeville citizens.

In the lawsuit the rights of citizens to engage in spirited discussion and expression of his or her disapproval of elected officials is forbidden upon which the First Amendment was built. Courts have generally been unsympathetic to this type of content based on speech during public meetings. The danger of abuse of official discretion over speech have been well documented throughout history said Gillian Davis, ACLU staff counsel. The adage: if you don't have anything nice to say, don't say it, has no place in terms of healthy political debate that is mandated by the First Amendment. Public comments should be just that.

I haven't had time to research on how this came out through the courts, but it isn't going to take long. And if the ACLU prevailed and you try to gavel me down somebody's going to catch a lot of hell. Thank you.

Mr. John Cozzarin – 24691 Hawthorne. First, thank you for pulling #2, thank you. You listened to your constituents as you have in the past.

First, I'd like to welcome and congratulate Mayor Cervenik and the rest of the Council that were either newly elected or re-elected. There are a lot of people who were saddened by the election. There were also as equally as many number of people that were happy by it. I have confidence in all of you. I have confidence there will no longer be a blame it on the Administration attitude, which I think became the new business as usual. Every two years there is a new day in Euclid. There's new opportunity for all of you to make positive changes in this City. I believe you will work together. I believe you have the City's best interest at heart. I believe in you. Please

don't disappoint me or the other voters, otherwise, I'm sure we'll let you know with our full 5 minutes.

Just a few items. The newly paved Beverly Hills is wonderful. Thank you, thank goodness it's done. Thank you to Mr. Gulich and Mr. Gruber also, your put up with my many, many and numerous e-mails over the last year saying when's it going to be done? When's it going to be done? When is it going to be done? And you were always right there with a reply within 24 hours and I appreciate it. Thank you. However now that the construction is done, there are a lot of people speeding down that hill. I was hoping that we could either get a radar sign out or even better yet, maybe a police unit to ticket the speeders. With as many people that speed down there, I'm sure that it will help the City's budget crisis. Also, we have a lot of children on Hawthorne Drive. I would hate to see any accident that results in an injury or death of a child.

I heard a rumor in the Sun Times that PMX may be turning or trying to focus it toward a professional soccer field. Is there any truth to that? Can anyone give me a yes or no or a sorry we can't talk about that?

Acting Director Gliha – That idea is being floated. We are in the process of contacting the new owner of the professional soccer team. He is aware of the property, has been aware of the property in the past. And it will be one option that hopefully we can follow. Thank you, Mr. Chairman.

Mayor Cervenik – I would like to add I talked to Mr. Wolstein last week about that proposal. At the moment he is trying to see, he would like it to be located in downtown Cleveland towards Gateway. He feels there are a number of income streams that the City of Cleveland can get that we can't. He needs approximately a \$6.5 million a year income stream to build a stadium. I assured him that we will do everything in our power to do that. And I told, if things do not work out with the City of Cleveland, he will definitely give me a call back. So we are looking into that.

Mr. Cozzarin – Thank you because I definitely think that would be of benefit to the City of Euclid be readily accessible by all the major highways, Route 2, 271, right off of 90 as well as 90. It could be definitely a positive thing for the City. And also there's the rapid lines right there, we could have a, who knows, end of the line stop right at the new stadium.

Lastly, thank you for having your respectfully run meeting. Decorum has been lacking, I feel, in the last few years. And I'd much rather watch Jerry Sustarsic than Jerry Springer. Thank you.

President Sustarsic – Thank you. What I'd like to do if we might for a little bit if you hold on, it's that time of the evening again where we have to change tape. It should only take a couple of minutes so I think if everyone could stay here then we'll come back and finish the Committee of the Whole. Thank you.

Okay, we're back on tape if everyone can take their place again please. It's quicker than I thought. All right we can proceed with the comments from the Committee of the Whole.

Mr. Tom Cooke – 23100 Chardon Rd. I'll make this as brief as I can. I'm here to speak regarding the Hillandale project, Providence Baptist Church. Although I have many concerns due to the time restraint, I will focus on the American Church Builders and what their qualifications are to actually build the project of this proposed magnitude as far as what I'm aware of or what has publicly been made available.

Who is American Church Builders? I asked this question because when this project was presented to the City of Euclid not a single real or hard project was shown a project that was actually built or completed that was listed in the project overview. The only information provided, in the company overview was the company's purpose, goal, commitment and key personnel. This kind of information provides absolutely no insight into the company's actual ability and experience level to build a project of this size and complexity. Like the lady used to say on the old Wendy's commercial, where's the beef? Show me what you have actually built. I went to the American Church Builders website. On the website all you see listed under projects is 6 or 8 renderings of drawings, if you will, of what appears to be churches or worship spaces, no actual photos of churches or worship spaces, just drawings. If these projects were actually built, there is no address or location given.

I am a commercial builder. As a builder when I solicit a new client that I've never done business with before, one of the first things I do is to provide a letter of introduction listing goals and purposes much the same way as American Church Builders. Along with this letter of introduction, we provide a portfolio of projects that are currently under construction along with projects that have been recently completed over the past several years. Included with this project, included with the project name and location, we provide the name of a general contractor or construction manager, the architect of record, our contract value on the project and a person that can

be contacted by the perspective client in order to evaluate our performance. None of this information was provided by American Church Builders in the presentation on June 26, 2002, or is this information displayed or made available currently on their website.

This information regarding American Church Builders building experience is very basic. It should be provided immediately for evaluation. Everything else is an exercise in futility if American Church Builders is not qualified to handle this project. When the Coral Company and K & D Properties presented their ideas to the City regarding new housing development on E. 206th and Edgecliff and the Waters Edge marina development, they provided all the information requested and made all the changes requested as required to satisfy all politicians and their constituents. Both the Coral Company and K & D Properties jumped through hoops to try to address all the concerns of Euclid citizens and they did just that. All concerns were addressed to everyone's satisfaction. To the contrary, American Church Builders has provided very sketchy and incomplete information at best. When the City of Euclid asked American Church Builders to provide additional information, American Church Builders provided minor changes that were subsequently rejected on the grounds that the changes were insufficient.

In last Friday's Plain Dealer in an article highlighting the Hillandale project, the Rev. Rodney Maiden stated that any rejection of the church's development will have to be addressed by the church's lawyers. American Church Builders' approach does not exactly sound like the same approach as K & D Developers or the Coral Company's approach to problem solving.

It's hard to welcome someone who wants to move next door to you when the first thing your new neighbor wants to do before he even moves in is to sue you. Also and unfortunately, remarks were made in last Friday's Plain Dealer by the Rev. Maiden and echoed by Rev. Gary Henderson that some of those in opposition to the church somehow harbor sinister motives and that critics simply don't want a black church and its followers. This could not be further from the truth.

In its current state of presentation the information provided is woefully inadequate and this project should not be considered for any change in zoning status. Thank you.

Mr. Victor Goodman – 20201 Glen Russ Lane. Two weeks ago I came in front of this then Council and then Mayor and learned something. I learned that what I thought was a monopoly was not, but it brought an interesting question. I'm talking about Adelphia and the fact that the citizens of Euclid are continuously being, what's the right word, they're being taken advantage of because there is no competition. But then outgoing Council President stated there is no monopoly. But the only problem was that nobody seems to want to come in here and compete.

Well, I asked myself a question and I ask a new Mayor, a new Council President, existing and new Council people. Isn't your main job to bring new businesses into the City of Euclid to create competition, to create a better environment for the citizens of Euclid? All it takes is a phone call, a simple phone call to induce somebody to say there are 50,000 people in this City. Wow, that's quite a base to come in for.

Wide Open West, which is the name of the cable company that currently competes against Adelphia in 12 suburb communities and helps rates, why hasn't nobody at all has contacted them and sold them on the great City of Euclid? And if not them, why not Cox or Comcast or Time-Warner? I challenge this new Administration and this new Council. Make a phone call and help the citizens of Euclid to get better rates and better service. Thank you.

Ms. Rose M. Allen – 2621 Lake Shore Blvd. Briefly, one is the safety matter, which probably needs to go to Chief Maine or the person who's responsible for the traffic lights. When persons who are westbound on Lake Shore Boulevard attempting to turn onto E. 260th. At one time before the new traffic lights were installed, a person, well, the traffic gave a left turn light at all times. Now that isn't the case. And for some reason, I don't know if there's a sensor in the street that detects whether or not there are cars waiting to turn left, but if there is, it isn't working because there have been times when there are 10 to 15 cars that have to backup onto Lake Shore Boulevard waiting to left because there's not been a left turn arrow. Is it possible to fix that so that there is a constant left turn arrow because there are many cars that come from this, all the way from the City, Euclid City limits westbound on Lake Shore that need to turn left. And that's creating a safety hazard because I've seen some pretty close calls with people who get tired of waiting 2 or 3 changes of the light.

Next matter, recycling and you'll probably hear a lot from me on recycling. Those persons who live in single-family units have the privilege of being able to recycle material. Persons who live in multiple-unit dwelling, multiple-unit dwelling units are not afforded any opportunity to recycle. There was at one time, at one time a place on Lakeland Boulevard where persons could take their recycling. But I know the City is in some financial straits, however, recycling is important because pollution affects us all. And it's not fair that persons who dwell in single-family units are the only ones who have some method of recycling. If necessary, can the owners of

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multiple dwelling units be encouraged in some way to pay for recycling? Those are my two issues. Thank you.

Mr. Bob DeMinico – 145 E. 196th St. Twenty-six and a half years I've said this many, many times. I've enjoyed the whole, the whole ride. I have the best job in the City of Euclid in the Parks & Recreation Department. Entertaining people, making children laugh, having just a great time. It was wonderful and there are many, many people that I have to thank tonight. I'll get it done in under 5 minutes I promise.

The very first person that hired me was Phil Carney, God rest his soul. Working summer help, he said, he brought me into his office. He said I'm going to go out on a limb for you, kid, don't let me down. That was my first opportunity of working maintenance in the Recreation Department.

Duane Ganser, who recently just retired about, oh, within the last year. I remember pounding in the snow fence stakes with him. My wife was pregnant and I thought I was going nowhere and he said just stick it out. He goes things are going to be okay, just stick it out. I'll never forget that conversation right by Voelker when we used to put up snow fence, Duane, thank you so much.

John Clapacs, John Clapacs brought me into Administration. It was under Mayor Giunta and I had a great time running programs. Learned an awful lot from John Clapacs and I owe him an awful lot.

Dave Lynch, Mayor Lynch, he gave me the opportunity to run the department. Didn't have experience of managing a multi-million dollar operation. He put his faith and confidence in me and I put my best foot forward and ran with what I thought was the best decisions to be made.

Mayor Oyaski, he took over 8 years ago. I remember going into his office and he said Bobbie, you're my man. He said just keep doing what you're doing. Mayor Oyaski, thank you very much.

We've done a lot of things. I've worked with a lot of great people. I heard Mayor Cervenik earlier in the meeting talk about going on a search for the next Parks & Recreation Director. Mayor Cervenik, you don't have to look very far. The most qualified candidate is sitting at the end of the table there in Kathy Will.

Kathy Will, Kathy DeAngelis, Paul Dietrich, who just recently was here. What a team we had together, Chris Kendall, Marcia Fialko, we had some tough times, some lean times. We had budget cuts. We increased programming. We're camping out in Sims Park. We're running fairs; we're running festivals; we're parking cars. You know, it was a great team and I know that person that's sitting there now is going to be able to do the job.

To my family, my daughter, Jennifer, she missed her father a lot, definitely. She's away at school. She wanted to be here tonight, but allegedly there was a snowstorm coming to the east. She had to drive out Route 90 so she left a little early.

To my son, Matt, graduated from college, working for the Department of Defense. Imagine that, a DeMinico in the Department of Defense soon to be a father, a little granddaughter we're having in two months, Anna Marie. I know that his support has been invaluable in this last two weeks.

But foremost my wife, who missed a soulmate many, many times being here at night; being at volleyball courts; being at different events, I never could convince her to come and camp with us at family sleepouts. She took the comfort of her bed. But, Carol, thank you so much for sticking with me through everything.

Mayor Cervenik, good luck, I truly wish you the best. We're Euclid residents. We've been here 36 years we're going nowhere. You're going to have my support. Council, I hope everything works out according to plan. And, Regina, it's very nice seeing you sitting there and good luck to everybody. Thank you.

Ms. Susan McGinn – 141 Sunnyclyff Dr. What a shame, he'll be missed. I'm here also this evening to speak about the Hillandale property. We have a core of, core group of residents who have been researching this project and what we've come up with is, what we've found has given us more questions than what we started with. We tried, well, first of all, I'm not sure about the Master Plan of the City. I actually got a copy of it today and tried to read it but it was over my head. But it does, this plan does seem to be in conflict the Vision 2020 recommendation and some of the wording in the Master Plan.

We tried to research the companies involved in this proposal and we kept finding different layers of different companies setup with the same owners. There wasn't much information on any of the companies, however, one of the companies P T & Associates states and this is a direct quote P T & Associates was formed in 1992 to develop and implement banking products and services to penetrate the growing low to moderate income market. This quote is quite concerning. We've been told this would not be a low-income housing project, but that is what this company specializes in. There's no proof of any upscale projects on any of the involved companies' websites.

I guess the basic question to this whole thing what does the City get out of this arrangement? We will be rezoning quality land and now seeing anything in return. I just don't get that thinking. This land will be tax exempt and our government and our schools will see nothing in return. If the proposed housing is approved, it will be funded by reverse mortgages. People with disposal income do not qualify for reverse mortgages. This means that the residents in this development will be on fixed incomes. This will have an adverse reaction to our redevelopment, the City's redevelopment. The much needed stores and restaurants will not move into this area if we do not provide them with a solid base of residents with disposal income. Also if the residents are on fixed incomes, who will pay for the basic infrastructure of this area? How will these residents be able to afford the taxing for the streets and the sewers? You cannot expect the rest of the City to pay for these items.

These are just a few of our questions about this proposal. As Mr. Cooke mentioned, Peter Rubin of the Coral Company met several times with the residents before being allowed to move forward with the 205th Street plan. I'm asking you give the residents of the City the same opportunity to learn about this project. Thank you.

Mr. Joe Udovic – 21371 Naumann. I, too, would like to say a few statements about Mr. Bob DeMinico. As Mr. Bob DeMinico just stated, he's been involved with the City for the past 26 years. I've only got a chance to know him over the past 6. It was my pleasure to personally know him, work with him, volunteer for him and establish a deep respect and friendship with him. Bob DeMinico will listen to any suggestion, ideas and will implement those that he could. Even though we might have been on opposite sides of many issues, yes, I'll be the first person to admit it. I did not see eye-to-eye with him. I did learn to work with him and compromise with him. He has a hard work attitude about him. This man has done much good for our City and our community and his dedication shall be missed by all Euclid residents.

It was stated that Bart Wolstein is looking to build a stadium for major soccer team in the Cleveland area. The PMX site would be a beautiful site and it is available acreage would be a nice facility. Our request of the new Mayor and Administration and City Council please research, contact and try to bring this facility to the City of Euclid. Eastlake has a Captains stadium. It is revitalized Vine Street and the City of Eastlake. Has brought much new development to that community. If the owners and management would have known about the PMX site years ago, we might have had the Euclid Captains instead. No one's done the research and we let the ball drop. The City of Euclid that was mentioned many times over needs growth, development and money for infrastructure. I would like to see this become a reality if it's possible. Have a good evening.

Mr. Jack Hagenbaugh – 20200 Hillcrest Dr. I'd like to express my appreciation and thank Mr. Balazs, Mr. DeMinico for their years of dedicated service to the City. I'd like to wish them the best whatever the future holds for them. Thank you.

Mr. William Hilf – 891 E. 237th. First, wonderful, very nice comments made by Mr. DeMinico tonight. I know that had to taken a lot to get up here. Had the pleasure of working with him as a tenant of Shore and great guy to work with. Even though I felt his hands were tied because the building was being ignored by the Administration, I felt that he did all he could for us as tenants. And I don't think we've had a bigger cheerleader and more positive person for the City of Euclid as a Director than Mr. DeMinico. I would also echo statements that I do think that Kathy Will will be able to do a very good job if she's given the opportunity to replace him.

To speak also to directors being replaced, I know Mr. Balazs resigned. I don't think that he had any intention of doing that until after the election and the results. He served this City very well for over 25 years if the paper had it right it'd be 29 years. Of all the directors that I'd seen in coming to these meetings, he always had the numbers and the figures there and they were right. It seems that the biggest qualification to replace him would have been a willingness to work for people and to support them instead of being fair and working for the citizens of Euclid. You replace Mr. Balazs who was very well informed, very thorough and came to meetings with his numbers with a fellow director who couldn't even bring phone records to Council for months when that information was requested by previous Council President.

I know there's a law director opening and I see that also went to someone who, you know, was a very active and open supporter of campaigns. And I don't think that should be a qualification.

President Sustarsic – Mr. Hilf, I would like to say that you're out of order right now. In the sense that based upon what I said earlier in the evening as far as respect as far as decorum...

Mr. Hilf – Well, I think you got rid of two very good directors and it's nice to see what we're going to be having that when criticizing for someone for changing directors, this is what I get. Thank you.

President Sustarsic – You're welcome.

Anonymous female voice – Let him speak.

Mr. Hilf – That's okay, I'm not going anywhere.

Anonymous male voice – Sore losers.

Ms. Jan Gajda – 421 E. 257th St. and Mr. Tod Guntner – 390 E. 257.

Ms. Gajda – Now we get 10 minutes. We're here for Euclid Pet Pals. And the first thing I want to do is remind people that on this Saturday, December 6th, from 11 to 3 we're going to have pet photos with Santa. And also on Wednesday the 10th from 6 to 8 p.m. and this will be at the Animal Medical Center of Euclid. That's 24100 Lake Shore Boulevard. That's Dr. Hammond's office. If he's your vet and you're not sure what his new place is called.

And we're also going to do the drawing right now for the computer.

Mr. Guntner – Mr. Nagy. These things have been stirred. They've been shaken; they've been tumbled; they've been taken out; they've been thrown back in. We're going to throw these all in the bag right now. Mr. Nagy has agreed...

Sgt.-at-Arms Nagy – Nothing in my hands.

Mr. Guntner - ...has agreed to pick 3. The first one will be the computer. The second one will be the \$100 cash prize. The third one will be...

Ms. Gajda – You've got two there.

Mr. Guntner - ...the \$50 cash prize. Okay, the winner of the computer system is Claudia Rose of Euclid, Ohio. Now, for the \$100 prize, while he's pulling that. I want to thank Dan and Robin Chan of Soho Tech Village. They are the people and built and donated this computer system for Euclid Pet Pals to raise money that goes directly for the care of the animals at the Shelter. The \$100 winner also of Euclid is Alice Kaporc. She's our \$100 winner. Okay, our \$50 winner is George Elias from Brunswick.

Once again, I'd like to thank everyone who bought a ticket. There is a couple of people that I would like to especially thank who gave money and said here give this to a child that needs a computer. Another person bought a book of tickets and said here if you win, this is going to Fred's Club, who is a tutoring service out of Master's Church. So we thank you all for your donations.

One more quick item. Someone came up and looking for recycling in the apartments. The Animal Shelter has a recycling program many people may not know about. If you will rinse out your aluminum cans and place them in a plastic bag and bring them to the Animal Shelter, we will also take that money to the recycling center, cans to the recycling center and exchange that for dollars, again, to go to benefit the animals. The Animal Shelter does not need to be open. If they are not open, simply place them on the front steps and when people come in in the morning, they'll take them around. And we would appreciate the City of Euclid joining us, we have a recycling program for aluminum cans in our neighborhood association. So I'd like to ask all the neighborhood associations just to get together also and start a aluminum can recycling program for the Animal Shelter. Again, thank you all very, very much and congratulations to the winners.

Ms. Gajda – Thank you.

Councilwoman Hufnagle – Excuse me, may I ask how much we raised, they raised with that fundraiser?

Ms. Gajda – After the prizes, the \$100 and 50, we got \$1950.

Councilwoman Hufnagle – Thank you.

Councilman Daly moved to rise and report; seconded by Councilman Sustarsic. Yeas: Unanimous.

COUNCILMEN'S COMMENTS

President Sustarsic – At this point, we have Councilmen's comments and you have 5 minutes, too, and like everyone else during the course of the meeting. We'll start today with one of our new rookies, Mr. Daly.

Councilman Daly – I just want to say look forward to working with everyone over these next two years. Quickly, the only thing I'd like to comment on I'd like to congratulate the coaches, players, students of Villa Angela-St. Joseph High School for this existing run through the playoffs. I know it brought a lot of pride and joy and excitement to a lot of alumni and congratulations on that runner-up championship. Thank you.

Councilman Delaney – Just welcome to the Class of 2003-2005. Thank you.

Councilman Gruber- Thank you, Mr. Chairman, congratulations on your first meeting. Just again, Director Gulich, to assure the folks up in the Indian Hills area, Ward 4 area, that the leaf trucks are still coming. I had several calls today and maybe next year we could promise them they'll come every other week instead of every week because they really got overwhelmed and got many, many calls on that. But they are on their way, right?

Director Gulich – They are on their way and I wish I could tell you I could control the way the leaves fall from the tree.

In regard to your ward, also, since I've had some calls about Beverly Hills Drive, the pavement is beautiful. And I think back two years ago when all we had complaints about the waterline breaking and the poor condition of the road. That concrete was treated with a special treatment and we will be able to salt it this winter. So it'll be business as usual when the snow and ice is all around.

Councilman Gruber – Very good and I know when we had the neighborhood meeting with the residents down there, we did address some concerns about speeding and I'm sure that the Police Department will be glad to work with us on those concerns.

In earlier comment, another mis-comment by Mr. DiDomenico about the Jehovah Witness site up on Glenridge, that was a single-family home that they had wanted to buy and tear the home down and build a church and we in the community worked with them and found a lovely home for them on Euclid Avenue.

Also, I'd like to wish Jennifer, my wife, a happy birthday and Council President Sustarsic, I think, you're having another birthday?

President Sustarsic – No.

Councilman Gruber – Happy birthday.

President Sustarsic – No, I gave that up about 8, 10 years ago.

Councilwoman Holzheimer Gail – I would like to add my thanks to Bob DeMinico and Dick Balazs. It was a pleasure to serve with them for the last six years. I think they both served the City very well and it was a pleasure for me to work with them. It was great to see Bob here tonight. I wish he had stayed so we could have given him congratulations on a job well done for the last 26 years.

I also want to welcome Jack Johnson to the Finance Director and Chris Frey. I know both of them will do, are very well qualified and will do a great job. So I think those are two good choices despite the earlier comment.

And I also would like to welcome the new Council members, looking forward to working with you. And one of my first official duties today after the, being newly sworn in, I was able to swear in the Lincoln Elementary Student Council. So I'd like to extend my congratulations to Jodi Ferlitto, who is President; Sarah Miller, Vice President; Jessica Sandy, Secretary; Vanessa Iosue, Treasurer and wish them good luck in their journey as well. Thank you.

President Sustarsic – Mrs. Hufnagle, another rookie.

Councilwoman Hufnagle – I would like to thank the Eleanor Park Homeowners Association for inviting me to their annual holiday party Saturday before last. They had a great turnout and I was happy to be there and I'd like to thank them for that invitation. Thank you.

Councilman Langman – I am sitting in former Councilman McTighe’s seat so I do have to congratulate Villa Angela-St. Joe’s on a very fine season. Director Gulich, couple questions for you, do you think you can send those trucks down to Garden Home Estates after they swing by Indian Hills to pick up the leaves?

Director Gulich – No problem.

Councilman Langman – All right and now the more difficult question, 242 and the traffic signal, do you have an update for me?

Director Gulich – Yes, I do, Councilman. That report is sitting on my desk. I found it there when I came in from the holiday weekend and I expect to spend some time with it tomorrow. I’ll be glad to share that information with you and the rest of Council very shortly.

Councilman Langman – Very good, thank you.

Councilwoman Mancuso – I don’t get a rookie statement? Come on, come on.

President Sustarsic – All right, another rookie, the third rookie.

Councilwoman Mancuso – I’ll keep it short and sweet in the interest of time. I just, when I got here tonight, I was hit squarely in the face with what this position was and it was quite overwhelming. I hope it gets easier as we go on. I really do. Those 39 phone calls and you know you have to talk to everybody and say I hear you, I hear you. So I hope they all heard me tonight. It was, it was quite gratifying, it was a huge responsibility. So thank you.

President Sustarsic – Thank you for your comments. Son, I mean, Mr. Sustarsic.

Councilman Sustarsic – Wow, sitting here, third generation of my family sitting in this seat right here. And there’s a few people I’d like to thank. I guess the City of Euclid for the last 10 years all the guys I had the privilege to work with. I’d like to thank two people in particular. One is Ralph Farinacci, who took a chance on some punk 17-year-old kid and gave him his first fulltime job when I was working for the City of Euclid. And I’d also like to thank Bill Grida. He brought me into the Traffic Department and I’d like to thank Monte Carlo, who I’ve been working for for the last 2 years and Hank Gulich. I made a promise during this election that I would resign my job and so with that I have the keys to the traffic boxes and the City building there. I wasn’t messing around with these signals here. I heard a lot of complaints. It wasn’t me. And I’ve got the City uniforms here so I’d be happy to turn these in and it was a pleasure. Thank you.

Director Gulich – Councilman Sustarsic, looks like this is in good order. As you know in terms with the contract with our uniform suppliers you’re liable for any damage done to these for the rest of the meeting I’ll be checking these out.

Councilman Sustarsic – There might be a little bit of paint on there. I don’t know.

President Sustarsic – Finally, I’d like to thank everyone for indulging with us this evening. It’ll get a lot smoother from here on in I promise you that. According to Ms. Mancuso, she’s hoping it’s not going to get any tougher, but I can’t promise you that. We do have a lot of big issues coming up for as far as finance, housing, everything else like that that we normally do. But again, I look forward to serving the City, the people and working with this Council and this Administration and Mayor. I want to congratulate everyone that was elected. I also want to congratulate everyone who was appointed. And I think we can all put it together and do great things for the City of Euclid. And on note I look for a motion to adjourn.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council

