

**COUNCIL MINUTES
JANUARY 20, 2004**

The regular City Council meeting was held on Tuesday, January 20, 2004 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.

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

Rev. Oglesby of Boulevard Presbyterian Church gave the Invocation.

COMMUNICATIONS

Council has received a request to transfer a D1, D2, D3, D3A, D5 liquor permit from TOBO Freds, Ltd., to Yardie Productions, Ltd., Dba Caribbean Flavor at 321 Babbitt Road.

President Sustarsic – Councilman Langman, would you have any reservations about this, or care to make any comments?

Councilman Langman – No, Mr. Chairman. No negative comments about the transfer.

Councilwoman Hufnagle – I have a question about the transfer. My understanding of this is because Brogan's is changing ownership?

President Sustarsic – I believe so. Mr. Hayes will you be able to address that?

Commissioner Hayes – I wasn't aware of this being on the agenda. I'm not sure who the owner is.

Chief Maine – The only thing that I can advise Council is that Brogan's has closed. There's a new business outfit, Caribbean Flavor. We've done a background check. There's nothing in the history of the principal owners that there's anything wrong.

Councilwoman Hufnagle – May I ask you a question?

Chief Maine – Sure.

Councilwoman Hufnagle – I received a phone call this morning from a Ward 3 resident that had heard about an incident that took place at Brogan's last week involving some sexual misconduct. I was wondering if there's a history of perhaps a lot of activity at Brogan's that we need to be aware of. Or do the police answer an unusual amount of calls there?

Chief Maine – No, we have not answered an inordinate number of calls there. The history there is pretty consistent with any other establishment in this City, maybe even less so. The incident that you're referring to, if its the same one, I think you would have to categorize it as an isolated one and not something that is typical of that place.

Councilman Langman moved to receive and approve without objection. Councilman Delaney seconded. Roll Call: Yeas: Unanimous.

COUNCIL MINUTES

Councilman Gruber moved to accept the Council Minutes of January 4, 2004. Councilman T. Sustarsic seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Service Director Gulich – I think everybody remembers that in the year 2002 we went to bi-weekly recycling. This measure saved us \$77,000 a year on this contract. It became very apparent in the early part of 2004 that the calendar we initially handed out had expired as a lot of people expressed a desire

to receive a new calendar so we could stay on course. We were able to come up with some grant money for printing, which will pay for most of that. We should have a schedule out with some new informative literature, sometime in the next couple of weeks and that's schedule would begin providing recycling for 2004 and 2005. Hopefully that will keep everybody on course with bi-weekly recycling.

Second of all, it got off to a rather cold start last week. Shores of Edgecliff did get underway with the infrastructure installation. If you go out there you won't see a whole lot except for some pipes going into the ground. Again that infrastructure will go in during the cold winter months and we hope to be on course with construction when the nice weather gets here.

Mayor Cervenik – I also would like to mention that I was able to attend the announcement at Lincoln Electric last Friday on President Bush's manufacturing initiative. I was able to speak with the Secretary of Commerce, Mr. Evans. I welcomed him to the City and thanked him for being here and told him whatever he can do for our manufacturing segment would be greatly appreciated by all of us. The good news is Lincoln Electric is doing some hiring. They have invested very heavily in their plant over the past two years during the recession so they'd be ready to go when the economy turns around. We're expecting good news to come out of that facility for some time to come.

We did receive a notice from Viacom that the billboard that was discussed in Ward 3 by the freeway site, has been turned down, due to its proximity to the freeway and the exit ramp. So the billboard will not be built there. They did give us two potential possible other areas, neither one is not in the Euclid and the other one is not owned by the City of Euclid. We have not investigated that, but the site that was originally proposed is not available for a pole sign or a billboard. That's the end of my reports for this evening.

REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Humane Officer's Report of December, 2003; Board of Control Minutes of 12/22/03 and 1/05/04. Councilwoman Mancuso seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

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

President Sustarsic – And might I remind you that it seems to be a short agenda this evening and with that we have several of the pieces of legislation that will be public hearings. The first one #1 is the Second Reading. Public Hearing will be on the 17th of February. The second one, #2, I believe it might be going into committee. We might be talking about that when we get to that. Number 3 and 4 will be Public Hearings on February 2nd. So I really don't know that there'll be any need to address those during this particular portion of the meeting. And that would leave Items 5 and 6. So again, if anyone would have any comments regarding the legislative matters only, please speak to the microphone. Give us your name, address, serial number, whatever the case and we'll entertain your comments. Thank you.

Mr. William Hilf – 891 E. 237th St. I'm here to speak tonight about the two pieces of legislation that are commonly referred to as the Hillandale project. Before Mr. Taylor's presentation last week, some of the people, residents of the City were chastised for not doing their research, for not knowing all the facts.

Well, I'm a professional real estate title examiner so I put my work, my experience to work and I did some research before the last meeting that Mr. Taylor spoke at. And so I came up to this podium and I asked Mr. Taylor about other work he had done in Cuyahoga County in the last five years. And initially he denied having done anything other than the Oakwood Village project. And then I asked him about the Christian Fellowship Center, which he also initially acted as if he hadn't heard of until I mentioned that I had done my research. And then he said yes, yes, he had. And I just wanted to point out a couple of the things I found.

For instance, you know, the first things I found with American Church Builders and the Christian Fellowship Center started in February of 2000 and then I found one in August of 2000 which was a notice of commencement that said American Church Builders were the general contractor on this project. And this project didn't turn out too well. Even though Christian Fellowship had a \$2.1 million mortgage on it which tells me it must have been a pretty big project unless in the planning stage because American Church Builders had to file a \$96,196.63 mechanic's lien on the church. And I wonder why Mr. Taylor would not know about this church considering I asked him about it when he's the one that signed as the agent for American Church Builders. And out of this mechanic's lien American Church Builders has filed foreclosure on the church and I'm not exactly sure what's going on with this case, but there is another case going on as well in Franklin County. And not to say that

there'd be a problem on this project financially, but when I questioned him, he was evasive. This was public record. I asked him about public record. It was a simple question about whether or not you've done any work in the County in the last five years and he said no. And I'm just wondering on a simple question like that where it's public record that you can look up on the Internet. You can go to any of the County websites and find. What is he not telling us about American Church Builders and about his ideas and what he plans on doing. Because it was a pretty simple thing that I asked him and I couldn't get a simple answer out of him until I questioned him on it. And if you want, he'd like to refer to go back and view of the tape, that he's got copies of all the tapes. You can go back to last week and you look at the tape and you can see what I asked him and you can see what his answers were.

And I came up here tonight and not at the meeting you're going to vote on it because I wanted to give you both the Administrative and the Council the chance to do your own research. So you can find what I found by doing a simple search on the County website and running American Church Builders. That he wasn't exactly truthful with the answers he gave me last week. So I ask you before you vote on this do a little bit of your own research because I wasn't paid to do this and this is what I was able to find without doing much work. So I ask that you do the same and do your due diligence. Thank you.

Mr. Dennis Fricky – 141 E. 280th. Since the Hillandale project being one of the biggest projects ever done in Euclid, my question is what was the big hurry to get it out of committee since Snavely, which is the builder wasn't here and the market analysis was not present. This is not a problem of misinformation but little information. The booklet that was passed out right before the meeting gave us little information, but it did create a lot more questions. But because the vote was taken the same night, no more debate by Council. What was the hurry? I am not for or against the project, but the process, how we got there. How can we be for or against something when you know little about it.

In the booklet they mentioned SRP talks about development for low-income tax credit projects and to create low-income rent, rental housing. Congresswoman Maxine Waters was mentioned. She actually works with the firm in the development of national mortgage initiatives through Fannie Mae. SRP, which Mr. Taylor is the development manager, provides the opportunity for single mothers and credit in paired families to rent or own quality homes in stable communities also families that do not have the needed down payment.

Mr. Taylor talked about initiative in Cleveland, Columbus and Atlanta. When I questioned him about the financing with reverse mortgages, he said there are different kinds of reverse mortgages. Since he never did answer my question about financing, I would like to ask the five Council members who asked very few questions, if any. Councilman Tony Sustarsic, if the Federal government is involved in any way in this project like subsidized, loan guarantees, grants, etc. just any Federal involvement that you know of? Yes, no, or you don't know. Could you answer please?

Councilman Sustarsic – I don't know.

Mr. Fricky – Okay, Councilman Hufnagle?

Councilwoman Hufnagle – Yes, your question is?

Mr. Fricky – Yes, yes is your answer? Okay.

Councilwoman Hufnagle – Could you repeat your question please?

Mr. Fricky – If there is any Federal government involvement in anyway in this project, like subsidies, loan guarantees, grants etc.?

Councilwoman Hufnagle – I believe that I asked Mr. Taylor about the customers.

Mr. Fricky – Excuse me, yes, no or I don't know.

Councilwoman Hufnagle – Mr. Chairman?

President Sustarsic – Excuse me, sir, you know, it's...

Mr. Fricky – I only have...

President Sustarsic - ... you came up there, no, no, just listen, you came up here. We're giving you the courtesy to address this body and at least give us the courtesy of answering your questions and don't take off on anybody because I'll just have you sit down.

Mr. Fricky – Okay, thank you.

Councilwoman Hufnagle – Would you like me to answer it now, Mr. Chairman?

President Sustarsic – Yes, if you would.

Councilwoman Hufnagle – I believe that I asked Mr. Taylor in the meeting about a person obtaining financing once they decided on a house. And I believe that Mr. Taylor answered me that that was a personal choice between the customer and the builder how they financed that purchase. So I don't believe there's any government anything subsidized. And I believe Mr. Taylor did answer that question.

Mr. Fricky – Councilman Gruber?

Councilman Gruber – Thank you. I asked the question, too. He said there's three ways conventional, cash and also reverse mortgage. But I do know of local developer, I believe it's K & D has been approved for a \$1.2 million loan from the HOME program, Federal Block Grant Program for the Waters Edge Apartments at 23951 and 24101 Lake Shore Blvd. in Euclid. K & D will use the forgivable loan for fixing up Euclid Municipal Code violations and other repairs to refinance a portion of the acquisition costs. The work includes repair to the roof and guarantee that at least 46 of the apartments of the 248 complex will remain affordable for 15 years.

(Woman's voice shouts something from the audience.)

Councilman Gruber – That's the only local product I know.

President Sustarsic – Ma'am, you're out of order speaking from the audience. But please refrain. If you want to make a comment, you can come up to the podium.

Councilman Gruber – That's the only project I know.

Mr. Fricky – I didn't ask any of that stuff. I just asked about the... Councilman Daly, do you know?

Councilman Daly – I already stated there will be no Section 8. But the issue on the table was about zoning.

Mr. Fricky – Right. Okay, thank you. Councilman, President Sustarsic?

President Sustarsic – That's Sustarsic.

Mr. Fricky – Sustarsic, I'm sorry.

President Sustarsic – What it would be, again they stated and I thought they were perfectly clear in stating that it would be no such things of the kind.

Mr. Fricky – Oh, okay, I was just wondering because his track record, which was in the booklet that we got the night before, because I would've asked him all this but, like I said, there was no information coming forth. Mayor, I would like to ask you the same question, could I?

Mayor Cervenik – I believe I will agree with the other people that answered the question. That there's no planned subsidies as you, as you are stating. That would, you know, if someone qualifies for an FHA loan or any regular, normal, obviously, that would be. That is not what you're asking, I assume that's not what you're asking because those really aren't subsidies. Also, most of the, you know, he said it's going to be a private choice between those that purchased the property and are going to buy the property.

Mr. Fricky – Okay, thank you very much. I was wondering if anybody interested out there that could get the booklet, is there any place that they could get this booklet that was passed out at the meeting?

Mayor Cervenik – The big black booklet, I believe...

Mr. Fricky – No, not the big black, just the one that was passed to the audience.

Mayor Cervenik – I believe there's a few left in the Clerk's office. You can pick it up and if you would like to review the larger book, we can make arrangements for you to sit in a conference room and review that at your pleasure.

Mr. Fricky – Okay, thank you much.

Mayor Cervenik – Okay, you're welcome.

Mr. Jon Herak – 78 E. 224th St. My comments are directed at the Hillandale projects #3 and 4. I am very concerned with the way this Council's handled their fiduciary duties concerning this entire process. I've heard several Council members are considering the zoning change because they fear a lawsuit. That is not doing your job. After asking several Council members about this project and getting few answers, we kept hearing that the January 12th meeting would address many of our concerns.

After that meeting I came away feeling that Mr. Paul Taylor is a very intelligent man, very quick on his feet and an excellent salesman. However, there are still serious issues with this project. We don't know the size and price range of the houses being built. One minute it's 180,000 to 250,000, but the next it's about matching the 90-125,000 price point consistent with the area.

Senior housing will it be 2/3 of the development, 50-50? The irrefutable fact is we don't know what they're going to do up there. What is more troubling is that the thought provoking questions on January 12th came from the audience and not from Council members. From my discussions it was clear that some members of the Council were also waiting for the January 12th meeting to have their questions answered. A few of you didn't ask any questions.

It is only my opinion, but it appears that current Council lacks the financial sophistication of the former Council when it comes to dealing with high-powered developers. The E. 205 project should have served as a model in the way a city and its council deals with a developer. There were numerous public meetings, plenty of neighborhood input. The developer provided altered plans to accommodate the citizens. In the end, was everybody happy? Maybe not, but the end result was a development that had gone through a significant metamorphosis and one that served the City's best interests.

All we're asking is the same principles apply to this development. At the January 12th meeting one citizen requested that a background check be done on American Church Builders and its owners. The Mayor shot back that we didn't require a background check on the Coral Company or Doug Price. This comparison doesn't hold water because the Coral Company has a significant portfolio and local development that we actually visited. A trip that enabled us to see exactly what kind of construction this company was capable of. Doug Price also has many local projects that can be visited. At the January 12th meeting Mr. Taylor said that a portfolio would be supplied if requested. Has anyone from the Administration or Council made this request yet? I take that as a no?

Mayor Cervenik – I have not requested a portfolio.

Mr. Herak – Did we get a portfolio from them?

Councilman Gruber – We got firsthand information from all his projects and visited firsthand.

Mr. Herak – Okay, so we don't have a portfolio. Thank you. Lastly, I resent Mr. Gruber's sarcastic remark at the end of the January 12th meeting. He thanked the 17 or so citizens that live north of Lake Shore Blvd. that spoke out against this project for being so concerned. His tongue-in-check comment inferred that since we live near the lake that we have no business concerning ourselves with things that take place south of Euclid Avenue. Let me repeat something Mr. Taylor said and I quote we're not going anywhere end quote. The more you people foul things up the more involvement you're going to see from the public. The bad old days when Council did as it pleased without any fallout from the public is over. We are all watching you. Thank you.

Councilman Hufnagle – Just a correction, I believe that Mr. Taylor referenced the \$90-120,000 price range as the average price of a house selling in Euclid, not the average price of what the development would be. He consistently said that the starting price would be \$180,000. Thank you.

Rev. Gary Henderson – 26370 Edgecliff Dr. I'm also the Senior Pastor of East Shore United Methodist Church located at 23002 Lake Shore Blvd. and an active member of the Euclid clergy community. I've lived in Euclid for 2-1/2 years and relocated here after serving a congregation in Cleveland Heights for 13 years. I'd like to speak relative to Items 3 and 4 on the agenda.

I'm a native of Jackson, Mississippi and have personal experience in the segregated South. I'm also a member of the First Generation of Southerners both black and white that successfully made the transition from segregation to integration with finesse maneuver the sometime rough terrain of racial ambiguity. That journey alone has shaped me and continues to form my perceptions and interactions among the members of the human family. I learned in the fiery crucible of the 60s and 70s what it meant for people to struggle, to live together in mutual respect and unity and to appreciate the vast differences found among the people God created. I learned to risk, to trust, to evaluate, to be quiet, to pray, to meditate, to seek direction, to love and to steer clear of hate. I learned to listen to those around me even those I disagreed with and to consider the opinions of others as much as I considered my own. I learned, also, what it meant to make a decision and stand by it even when it may not be the reflection of the most popular views. I learned to dream and hope and count on the providence of God.

I am still learning in my role as senior pastor of a congregation that is predominantly Euro-American White and facing the clear realities of a multi-racial, multi-ethnic community. We want desperately to look like our community and to serve the present age and to do so without fear or bias. Some days we do better than others, but the good news is that we're still willing to try.

I rise this evening to speak in support of the plans as outlined by the Providence Baptist Church to develop the 68 acres of property they own in the City of Euclid. And I want the record to reflect that I have no prior history or involvement with Pastor Maiden or any member of his congregation. I just happen to believe that fundamentally the church is a good thing and that adequate housing for people is a good thing regardless of cost, square footage or a floor plan. I'm excited about the clear vision they have articulated in writing and also excited about the possibility of an established and growing church moving into Euclid, especially since for more than 20 years most, probably all, mainline churches in Euclid have been experiencing membership loss and decline.

I have been personally chagrined by the atmosphere of fear and distrust that this issue has engendered in our community. I've been annoyed, saddened, angered by the environment of innuendo that clouds any discussion of the subject in particular the last public gathering or should I say 5-hour inquiry in these chambers. We're not modeling an openness to change in the midst of a community that is already very changed. We must do better. We must communicate a different message to our neighbors around that if we are to move forward into a vibrant future.

We must communicate a different message to our children who are growing up in a radically different world than the one many of us have known. Euclid will never again be an homogenous speck on the shore of Lake Erie, but Euclid can very well become an emblem of cultural, ethnic and economic diversity if we choose. Rather than make innuendo, I want to name the impediments as I see them. They are as follows.

One impediment is fear. We must not be afraid of change. We must not be afraid of looking differently. We must not be afraid of the differences that new people and new ideas inherently bring. Our society is changing and Euclid is not exempt.

Another impediment is race. It would be naïve for us to say that race is not an issue. It is an integral part of the fabric of American society. We cannot get away from it, but we do not have to be overcome by it. As I listened to the questions that were directed towards Mr. Paul Taylor and the Rev. Rodney Maiden at the last meeting, I could not help but ask myself if these same questions, if the persons before us had been white, would they be the same questions? As I listened to the murmuring around me I was challenged to ask myself why such angst? I did not like the conclusions I drew.

Another impediment is power. A new large congregation in Euclid represents a potential shift in religious and political and economic power. What will this mean? Rather than see this as a threat, we can see this as a gift. A strong church in Euclid makes for a stronger City. We are all winners.

And finally, another impediment is vision. As a City we have not been clear regarding our preferred future, our preferred vision for the future. And in the absence of this we cling to the nostalgia of the past. I call upon the Mayor and the City Council to be vision casters and not simply vote counters. Lead us toward a desired future. The question is not what do most people want, but the question is what will be the best decision for the future? Listen carefully and take a stand. Risk, trust, evaluate, be quiet, pray, meditate, seek direction and clear steer of hate. Be open to an answer that you may not even expect. You have not been elected, you have been elected to lead not follow. And if you do this with clear and decisive vision, then the community will see, hear and respond favorably.

I have a vision...

President Sustarsic – I'm sorry. Your time is up.

Rev. Henderson – Okay, all right. If I'm in order, I'd like to leave a copy of this for the Mayor and members of Council.

Mr. James Bandlow – 21731 S. Lake Shore Blvd. I've been a Euclid resident for 16 years. Ohio House Bill 278 would transfer regulation of gas and oil wells from a municipality, such as Euclid, to

the State of Ohio. I am preparing briefs for State agencies that call into question the ability and willingness of the City of Euclid to maintain proper regulation of technical matters including gas and oil wells. And I would like some answers that I have not been able to get through normal channels.

Some of this information I just learned yesterday in a talk with a police officer, a senior police officer and today at City Hall. So I've not yet transcribed all recordings or executed all affidavits yet. But I do have a copy of one executed affidavit and some of the reportings with me and I offer them to the Clerk if he wants them. For security reasons this affidavit can also be found at techohio.com/codes-52.

My safety has been threatened at least four times because of my objecting to violations of Euclid regulations. And the pattern of ignorance and disregard for the law raises doubts about continuing municipal regulation of oil and gas wells. I am aware that all of my claims must be truthful. I even received a non-violent threat from a Euclid police officer, which is covered in this affidavit. I've been battered, assaulted and menaced by construction workers. Fortunately, Ohio law allowed me to record substantial supporting evidence. I was sworn under penalty of perjury to reasons for doubting the willingness of the local authorities to protect me or my property or to enforce Euclid laws including any regulations for oil and gas wells. I have admissible evidence that Building Inspectors for the City of Euclid knowingly ignore or seriously uninformed about the Euclid Building and Housing Code. And that raises doubts about regulating oil and gas wells.

I have admissible evidence that threats of violence have been made against me regarding alleged violations of the Building and Housing Code and that the Euclid Police were not responsive on those issues. As found in this affidavit, a Euclid police officer said that an immediate maintenance inspection could be done in my home by an inspector present on site if I didn't back down from my objections of permanent fraud. There have been incidents of battery, assault and burglary related to this problem. But I have lost faith in the Euclid Police Department as explained in this and other affidavits. A senior officer with the Police Department told me that I should file any complaints of Euclid police misconduct with the Euclid Police Department. That is an obvious conflict of interest and bad advice at best.

Instead of shutting up as ordered from several sources, I will present copies of evidence and give depositions at the proper times. Construction worker angrily shouted that he knows the Euclid Building Inspectors and that they don't care about his compliance with Euclid law. Unfortunately, my experience with Euclid government seems to support that statement and raises doubts about control of oil and gas wells. There is an affirmative duty of the City of Euclid to immediately secure all information related to these matters and not doing so would be a dereliction of duty. I won't reveal my evidence before it becomes necessary so that information is not withheld based on knowing what evidence I don't have. There is an affirmative duty to preserve all relative information for authorities outside the City of Euclid government.

The only damage control will be cooperation. I will not be intimidated by anyone. And if the Clerk wants these, he may have them. These are just partial to show good faith in what I have at home and located in places that can't be found. Thank you.

Mr. Tom Cooke – 23100 Chardon Rd. I'm speaking with regard to the Hillandale project. I believe it's Item #3. Consistently I have asked for a portfolio from American Church Builders regarding their history in the building of churches and I have yet to receive anything from them. And as I understand right now, Council and the Administration have neither requested nor received anything. So I went out on my own.

What does this look like to you right here, a barn or an airplane hangar? If you were to answer to one or the other, you'd be wrong. This is a church at 147 Lake Shore, Christian Fellowship Church. Would you like to take that? Just pass that along. It's a corrugated metal building. I took a series of pictures that show the north elevation, south elevation, east and west elevations.

Let me make one thing clear. I am here regarding this project neither favoring it or against it but is what is in the best economic and social interest of the City of Euclid, but this concerns me. I also went out and visited Mount Zion Church in Oakwood Village and took several pictures. And here I'll pass this along to you also. One thing that's common in every one of these structures is that it is a corrugated metal building. It's a warehouse. I also went to the website and looked at the St. Louis Church of Christ, which was also built by American Church Builders in conjunction with the Highland Church group. Again if you'd like to take a look at this, it is also a corrugated metal building with a small brick façade and a cross on the front of it. My question to you is, is this what we are to expect to be built in the City of Euclid? These are three projects. One common element is that they are all corrugated metal buildings.

To all of Council, Mayor Cervenik and President Sustarsic, President of Council Sustarsic, your political futures ride on how this project comes out. Whether it goes well or whether it goes bad, it is in your best interest along with the City's best interest that you research this project thoroughly and fully without making rash votes. One thing I have noticed is that both Mr. Tony Sustarsic and Hugh

Daly, you've been pretty quiet regarding questions. It tells me one of two things. Either you have or the answers, which I doubt, or you already have your minds made up and that kind of bothers me. Thank you.

Ms. Susan McGinn – 141 Sunnyclyff Dr. Before I present this, I would like to ask the Law Director if he knows if there's anything in the Charter that states a petition must be turned in in its entirety or can I bring parts of it in at different times? Someone just told me that I had to have it all at once.

Director Frey – What kind of a petition are you referring to?

Ms. McGinn – A petition pertaining to Items 3 and 4 on the agenda that are known as the Hillandale project.

Director Frey – I don't see any reason you couldn't turn in whatever petition you have here.

Ms. McGinn – Okay. President Sustarsic, you have claimed to be an advocate for your constituents in the past. You campaigned stating something similar to that. Here are 540 signatures of your constituents who do not approve of the rezoning of this property. I'd like Regina to give copies, if you can, or whomever to each of the Council members and we do have many more coming. I just wanted to get this to you this evening.

I also take issue with Mr. Gruber's hostile comments. And Mr. Henderson, I want my City to be diverse. I want it to be prosperous. I don't care about homogenous. It hasn't been homogenous for a long time. I want it to be prosperous. Thank you.

Ms. Laverne Lewis – 1501 E. 193rd. I'm speaking in regards to Items 3 and 4 on the agenda. I'm confused about the action taken at the end of the Hillandale meeting. It was evident from our residents that questions, it was evident from all the residents' questions that there's still much more to learn about this project. Yet, the majority of Council voted not to have another meeting to get more facts. It seems that certain Council members don't care what the public thinks and this is wrong. Thank you.

Councilman Gruber - I would request Law Director Frey to answer the legalese on why that had to be moved out, if you would please.

Director Frey – There is a period of time which totaled 90 days during which Council can review any planning or zoning requesting such as this. The time begins to run, the 90 days from the time the petition for the rezoning is filed with the City. That 90-day period encompasses any review that's handled by Planning and Zoning as well as committee review that this Council should undertake. This particular zoning request was filed with the City on September 4th, 2003. The 90-day period has long since lapsed. It is my opinion and you were advised in a memorandum sent this week that that matter had to be resolved either for or against the rezoning by this Council. That's why it was my opinion it had to go forward as set for the February 2nd Public Hearing.

The State Code requires a 30-day public notice of the Public Hearing itself. So that notice was given, I believe, on January 1st, 2004 for the Council meeting on February 2nd, 2004. Both the public notice and the Public Hearing are being conducted in accordance with our ordinances and the Ohio Revised Code. This Council must act on the request either positively or negatively, but must act on the request. It cannot sit with no action.

Ms. Anne Rucker – 246 E. 272nd St. Would you please give this to Attorney Frey. My message is for Council members who will vote the 23 acres of Hillandale property be tax free to the Church Builders. The citizens of Euclid do not owe anyone tax-free acres. I'm sure future generations will also resent the tax-free acres should this Council play fast and loose with something they were elected to honor and protect. These, there are churches in the vicinity that have closed their doors to schooling. We don't need another church school. There should be no zoning change on that score.

The City cannot afford senior citizens' housing in view of the fact many seniors have to apply for Homestead Exemption reducing income for the already strapped City. There is another Church Builders community planned in the Karush Park in the Lee and Tarkington Road neighborhood. These will be segregated communities. Many generations of blacks and whites fought for segregation. Now we're going back, fought for desegregation. Now we're going back to segregation again. It's too Martin Luther King did not live to see segregation. These pockets of segregation also can be used as clout during an election if it happens to be payback time the citizens of Euclid are not the debtors. Thank you.

Mr. Joseph Udovic –21371 Naumann. I was not planning on speaking on this issue because I, too, am looking at different avenues of this project as well. But I figured since everyone else was talking, I might as well throw my hat in the ring as well.

I would just like to mention I was a former member of Euclid Community Concerns and I do agree with one of the past comments. Euclid has not been an all Caucasian city for decades. We've been mixed for a number of years now and we will continue being mixed. That's my first comment.

My second comment, a comment was made by the Church Builder when we get the zoning, we shall do the study for the homes. Obviously, this is not a very clear or no goal was set in mind. Let us not forget Jay Scott Shields when he wanted to build two more buildings on a corner of 260th and Lakeland Blvd. He came here with no drawings just visions. He came here with no proposed tenants. Can anybody tell me, I know a lot of people here are new on Council but the people who were here once before on Council, can someone tell me what was his fate? As far as I remember, he was turned down. Maybe we ought to ask this gentleman for more plans as well. He had no studies, no specs, no ideas were brought forth or very limited ideas.

Also as was mentioned Christian Fellowship Church Center on E. 147th and Lake Shore Blvd. It came to a halt because the pastor had a heart attack. In my view, I'm Catholic, from what I see if my pastor has a major ailment or dies he's automatically replaced by another pastor. Why didn't this project continue to go forth with a new leadership? No one asked that question. I would like to have an answer from somebody this evening if they know what is the total fate of that project as we stand right now. Also this gentleman never mentioned Christian Fellowship Church until after Mr. Bud Hilf mentioned the project. Did he totally forget what he was doing in five years? I'm a landscape designer. I have a portfolio. I know who my clients were. I have addresses. I have letters of recommendation. I'm very curious to know why no one asked him that question. That's a very simple one.

Also can I, also what I'd like to ask is what can the church do for the organization or the City of Euclid if it does come here? Thank you.

Mr. John Conway – 291 E. 276th. And at first, I'd like to address Council President Sustarsic. You were quoted in the January 14th Plain Dealer planning to vote favorably for the rezoning request. And my request to you is that if you would keep an open mind over the next several weeks and really demonstrate the same passion you did when you represented the people of Ward 3 during the billboard debates. And I just wanted to remind you about what you stated during the August 11th, 2003 Council meeting. During that meeting you stated, we have to remember as representatives that we serve at the pleasure of the voters not in spite of them. These people came up here to plead their case. They said a year and a half ago that they did not want this billboard. There have been expressions made this evening that if they don't like it, it doesn't happen. Well, they don't like it. I believe that we are not doing our jobs as representatives on this Council or this City government by just ignoring these people. I just ask that you listen to the people regarding the Hillandale project.

The other members of Council, many of you also campaigned on the premise that you will be keeping an open mind and listen to the concerns of the people you represent. I hope you are listening as well with an open mind.

And finally, I'd like to ask a question to the members of Council who voted last Monday night to keep the Hillandale in Executive Committee. It would be interested to know if the reason you voted against the Hillandale project leaving Executive Committee is because you cannot afford one of the proposed properties. Now don't answer that. I think I'm out of order. You may think I'm out of order as well. I probably just insulted you and I think it's an inappropriate question. And I respectfully apologize to those Council members. My only hope tonight is that Councilman Gruber will follow my lead and apologize for his comments during the January 5th Council meeting. I assure you, Councilman Gruber, I can afford any of the proposed price points being quoted on one of the Hillandale properties. But the greater question I have is why would I want to buy one of these properties? Even if I believed this project was in the best interest of Euclid's economic development, in the absence of the comprehensive marketing plan, it is just too risky of a decision to make and move forward with this project.

Ultimately at the end of the day there is only one question that each member of Council will need to answer. Can I honestly say my vote was in the best interest of Euclid's economic development and the people that I represent? Thank you and have a good evening.

Ms. Pearletha Taylor – 1495 E. 193rd St. I'm here tonight, I decided I wasn't going to speak because I've been here too much; but after listening to the minister it saddened my heart to hear a minister say that this is race, a discrimination. Churches are not in the business to profit. They're not in the housing business. They are there to save souls. They help the poor, the needy, the fatherless, the motherless, the homeless. No one said anything about all these homeless people we have walking the

streets not only in downtown Cleveland but also Euclid Avenue. But here we want to vote for a tax-exempt church?

Mr. Paul Taylor did not answer a lot of question. I, too, am part of racial. I'm from Birmingham, Alabama. I rode at the back of the bus. I had to go to black, not black but color white fountain. I know what race is about. This is not race. This is about what is best for the City of Euclid. We are taxed out. Police service are very poor, although, they say it's good. But during this summer of 2003, I called on my cell phone. I was watching a drug deal and I call Euclid City Hall and I was told they didn't have the manpower and to call narcotics.

Most of the resident in my area are calling me. They are so disgusted by looking at that tape last week. They couldn't believe that President of Council let Paul Taylor talk so long. He gave no documentation. I read his blue book and it's mostly about him, putting flowers on him. But he have no portfolio. My son is a landscaper. He keep portfolios of everything he does. But yet they put a projector up here. No pictures were shown. What was that for? Was that for a show? You know, I'm not, I'm really hurt and I'm really sad that when people want to do things they use the word race. I feel they should take the word race out of this and do what is right for the City of Euclid.

We need grocery stores on the south side of Euclid. We have none. Save-a-lot, how many people shop at Save-a-lot? We have nowhere to go shopping for shoes or clothes. We're going to Richmond Mall or Mentor Mall because that's where I go. Sometime it's easier to go up Chardon Road to go to a grocery store rather than coming on Lake Shore. So you know, look at the citizen. They asking you, they begging you to take your time and look at this and make a decision that will help Euclid. Look at our schools. They overcrowded. Central, the kids is on top of each other. And then you talking about bringing in a sub-division?

Councilman Gruber, that offends me when you made the statement last week, the houses going for 185,000, you can buy one if you can afford it. What is that to say? I love my little home I have. I worked hard and I am thankful that I have my home. I want to see Euclid grow. Euclid be a city that my grandkids can grow up in and be happy. I want to see Euclid have shopping centers, shopping malls, grocery stores, better police service. The streets in Euclid are awful. You're saying you be able to take care our streets. My phone been ringing off the hook, mainly, because I'm President of Heritage Park, what happened to the streets? Why aren't they plowing out the streets? Well, you saying you be able to handle this new sub-division, but you can't handle what you have now. That's sad. That's very sad.

We need a youth center. Our kids are going wild. They on the streets, they have no where to go. They cannot afford to go to the Y. But yet you want to bring a church with slab homes. Go on Gay Avenue. We have so many slab homes. Half of them are being condemned. Half of them are up for sale. We don't want slab homes. And no offense to the minister, but it's nothing about discrimination. I love Euclid. I love people. I'm Black. I'm a Baptist. But churches have started to become business and we don't need business making money off poor people. We need business to help poor people. Thank you.

Ms. Pam Spadaro – 23221 Gay St. And yes, our house is a slab home. It was something that my husband did not appreciate when we moved here. We've been here a year and a half, but I do enjoy our house and I like it very much. And we do know that we will be moving looking for a place with a basement. We do want to stay in Euclid and we have been looking around. We'll probably be moving in a couple more years as we increase our family.

I do want to mention to Mayor Cervenik and Mr. Sustarsic and all the Council people that it is not our courteous to be heard. We are the citizens of Euclid. It is your privilege to be in those seats. We voted for you and I want you to remember that. Thank you.

Mrs. Deborah Kinds – 177 E. 192nd St. First of all, I need not indicate to you that I'm African American. I'm sure that you can see for yourselves. I have a few comments and I'll just start.

I, too, have concerns over the quality of housing that is being offered to the City of Euclid in the sub-division. I, too, have concerns over the quality and the design of the church that is being proposed to be built into the City. The questions aren't answered yet on the quality of the homes, the design and I think we need to allow them to present that information to us.

When did Provident indicate that this was going to be a segregated housing project? I haven't heard that. In 1983 I purchased my first home here in Euclid. My sister also purchased her home in Euclid in 1983. Within 2 months of purchasing our first home in Euclid, we had acid poured on our cars and on our house and nigger, go home, I'm going to be quite explicit, nigger, go back where you came from indicated on our front yard and painted on our cars.

This past Saturday afternoon, well, this past, last Monday my husband spoke at Council. This past Saturday afternoon a car drove up across our tree lawn and through our yard. This past Sunday a truck was driven through the fence of our backyard. I'm bringing these issues out. This is 2003. I hope and

pray that it is 2003 and I'm not seeing a repeat of what happened in, 2004 excuse me, and I'm not seeing a repeat of what happened in 1983.

When did American Church Builders indicate that they were going to actually build corrugated buildings for this property for the church? I haven't heard that indicated yet and I think we need to actually find out what the specific design is as I indicated earlier.

Who are we to say what a church has the right to do in the way of trying to build their church if they are forthright, upstanding and legal about what their attempt is to do? How many years did that property sit and nothing was built there? And now that the church wishes to do something with the property, there is this much resistance. How many years did we pursue seeing that something was done with that property or is now the issue that we cannot let the church be built?

This past Sunday I contacted the Police Department pertaining to the issue that I had in the backyard in my home. They were there in 2 minutes. I need to indicate that. We had very good response. Each individual has the opportunity to choose and build any home that they wish to or live in any home they so desire. That's the freedom of choice that we have today. And I hope people take that into consideration as we continue to hear these comments over the next upcoming weeks. Have a nice evening.

Mrs. Rebecca Conway – 291 E. 276th St. I had something written out to talk about Hillandale tonight, but I need to speak from my heart to the kind Reverend that talked. I'm not prejudice and I'm not fearful. I'm fearful of not getting tax money and for me that's what this issue is. It's an economic issue and what's best for that land.

My husband and I started watching Council meetings on TV, which was the best thing Euclid could have done. We didn't come to Council meetings. We watched them on TV starting in the summer. We've bought three homes in Euclid; this is our third home and we don't plan on moving any more. And so many, a few months ago we saw, we were watching. What's the Hillandale thing? What's the Hillandale thing? So we came to our first meeting, which was your first meeting as Council President with the new Council. And in six weeks, I'm embarrassed, the comments and the unprofessionalism. You spoke of decorum. The first meeting we had Mr. Gruber with guests sitting here giving us this huge, informative, very important presentation and he's telling who lives where and, and, and who's coming out saying they're for it or against it. We have him asking the Mayor if anyone campaigned or gave him campaign money and how people would be disappointed to hear that. And I did see you laugh, Mr. President. You know, Mr. Gruber talking about who can afford the houses up in Hillandale. It doesn't matter if I can afford the house or not. I'm allowed to come out and speak. I'm a Euclid resident. And in six weeks of or being here in three meetings, I can't believe the sarcasm and the unprofessionalism that I've seen. And it's really disappointing because this City can be so much better than it is. And that's why I do live in Euclid. Born and raised in Euclid and I don't want to leave here. So I hope that everyone can start learning to work together and cut the bull crap out. Start being professional and working and doing what's best for the City. Thank you.

Ms. Elizabeth Whalen – 145 E. 209. I also want to address the Hillandale project. And all I really want to do is respectfully ask that you listen to what I have to say and make a good decision. When Mr. Taylor in his biography was listing some of the services and some of the people his church ministers to, I happen to work in an area close by to the church and I happen to know some families that have really been helped out by that church. So I'm very grateful to that church because they've helped out people that I care about. And I think it's important to say that.

When we talked to him about how many houses we have here for sale and how open we were to the fact that come on in and buy these starter homes and he mentioned that it just wasn't what they were looking for. It's just not their plan. They had a different plan and it just sounded to me like, you know, it wasn't a good match for him. And I get that that's business. But I think that on the same token, we should also look at for those of us who are against the project for whatever reason. I think it's fair to say, too, it's okay for us to say that's just not what we're looking for for that property, without making it a race issue or any kind of issue other than what those things honestly are.

My reasons, really, for being uncomfortable with the project are basically because of all the information that I've gotten from other people about it not making much economic sense because we need money. And honestly, I really understood the spirit of what that minister had to say. He said some really cool things. And I hate to sound this way, but it's about the money. You know, it's about money and we need it.

And the other thing too is that there is some research to support that that kind of project doesn't necessarily support healthy diversity. Any kind of us and them thing makes me uncomfortable. And that's not a color thing, that's an us and them thing, whatever that us is. I will be very honest to say that lots and lots and lots of my friends are leaving Euclid because they don't really like the direction that the City's going in. They don't feel like they're being heard or listened to. And I haven't really had that experience. I've had really good experience when I've called the police and I've had good

experience when I've called my Councilman or another Councilman for help. I think that the members of the Administration that I know are, you know, fairly reasonable people. I'm not of that they're evil. They're just going to do it anyway. I really don't think that. I think this is part of the process and so rather than just, you know, talking it up with my friends I think it would just make sense that I would say it to you.

One thing that comes to my mind is during that whole cement crushing plant thing that I have no feelings about one way or another. One of the Councilmen were speaking out against the cement crushing plant. And I was asking him after our meeting, jeez, what's your deal with cement? What ya' got against cement? And he was saying that it's not really about the cement or the plant and it's not necessarily a bad idea. It's those people don't want it and I represent those people. And I guess that's just really what I want somebody to do. I want you to hear from me that I don't want that Hillandale project because it doesn't make economic sense and it doesn't breed healthy diversity in my own little opinion and I already live here. And I want somebody to stick up for me. That's all.

President Sustarsic – We have to make a public service announcement. S & S Construction Company, there's a red truck. The headlights are on in the parking lot. S & S Construction Company, a red truck.

Mr. Ron Emser – 26501 Farrington Ave. I really did not anticipate speaking this evening. Primarily, I just wanted to speak on an issue relative to communications. Initially, we were told that we might not be able to have 5 minutes here at the podium, which thankfully, that did not go through. The reduction of time there because we were told we also had e-mails, good way to communicate, as well as letters to the editor. And I'm just saying I'm real disappointed that the e-mail is either not working well or is not being utilized. Very little or no response have I had from any of the Council people or the Administration other than the Law Director. The Law Director has responded to...

President Sustarsic – Mr. Emser, excuse me, this is to particularly speak to any particular piece of legislation so...

Mr. Emser – Well, with the Hillandale, the e-mail that I'm referencing here happened, the one e-mail that came from Mr. Gruber this past week only because I had sent an e-mail out to many of the people saying, you know, just a reminder we are to you folks, a privileged few, are to be representing the people in your community, your neighbors, your constituents. And the only response I got back from Mr. Gruber was perhaps when you save enough money you, too, can step up to a house in Ward 4.

Councilman Gruber – Mr. Emser, I'll be glad to share that e-mail with everyone. It came from your wife, Laura, and I understand you use that pseudonym a lot when you e-mail people. You're using your wife's name on there and it was very derogatory.

Mr. Emser – Yeah, we have a joint Corecom account. Thank you.

Councilman Gruber – It was very derogatory.

Mr. Emser – Oh, I'll be glad to share that too. That was not very derogatory at all. I was just wondering how much you had paid for your home in Ward 4, Mr. Gruber.

Councilman Gruber - \$128,000 and I'm not behind on my taxes.

President Sustarsic – If I may, one of the problems we have at these Council meetings, it's supposed to be conducted in a business-like manner. They're supposed to be conducting business of the City at hand and emotions tend to get in the way on various issues and everything else like. If you insist on screaming from the audience or making comments from the audience, that's not apropos. I mean you can be ruled out of order. I think I've been lenient to a great extent, but at the same time please, if you have any comments that you have to make, don't make them through smart remarks. Come up to the microphone and make a decent presentation. Seeing that there's no one else coming up to the microphone, I'd like a motion to rise and report.

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

Ord. (031-04) Rezone 881 E. 222 St.

An ordinance rezoning P.P. #643-13-008 from UR-2 (Church) use district to U-1 (Single Family) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

Second Reading; Public Hearing will be held February 17th.

Res. (032-04) U.D.E. to Jesus House 1465 Dille Rd.

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Euclid Codified Ordinances to Francis Akin Tella, Pastor of "Jesus House", to allow a UR-2 (Church) use in a U-6 (Industrial/ Manufacturing) Use District, at 1465 Dille Rd. (P.P.#646-29-014). (Sponsored by Planning & Zoning Commission)

Councilman Gruber moved for passage; seconded by Councilman Delaney.

Councilman Gruber – I'd like to waive the third reading and I'd like to make a motion to put this in Business & Commercial Business Committee chaired by Mr. Daly.

President Sustarsic – Those are two separate motions. We'll have to vote on each individually.

Councilman Delaney – That's actually my committee and I'd be happy to entertain a committee meeting on this.

Councilman Langman – Before we vote on the motion can Mr. Hayes describe the properties in question that are up for the rezoning?

Commissioner Hayes – We're talking about 1465 property?

Councilman Langman – Yes.

Commissioner Hayes – It's a building on Dille Road. It's a commercial building, single-story. I don't remember the square footage right off the top of my head. Basically, the proposal or as proposed the request is to put a church into that building that will house approximately 45 congregates at this point in time.

Councilman Langman – What was the recent history of that building? You said manufacturing. What firms were in there, do you recall?

Commissioner Hayes – Most recently there was a Use District Exception for a daycare center that came through Planning and Zoning. Came to Council was approved by both. And was then ultimately not gone forward with why those particular applicants. Prior to that it was empty for a while and even before that it was an electric company. I believe, it was Tower Electric, an electrical contractor-type company. In the back of the company there was a landscaper. That part of the building is now vacant again.

Councilman Langman – All right, thank you.

President Sustarsic – Okay, any other comments? Okay, we'll take the first issue.

Councilman Gruber moved to waive the Third Reading; seconded by Councilman Delaney.

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

Third Reading waived.

Councilman Gruber moved to place the legislation into the Business and Commercial Development Committee; seconded by Councilman Daly.

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

Placed in Business and Commercial Development Committee.

Ord. (572-03) Rezone Hillandale Project

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) (From Executive Committee)

Public Hearing February 2, 2004.

Councilwoman Hufnagle – Do we, do our Building Codes allow for a corrugated metal building?

Commissioner Hayes – Yes, they could, yes. The Building Code is the Ohio Building Code and it allows for a variety of different looks.

Councilwoman Hufnagle – Could you just tell me what the process would be that they, do they not have to send their plans or apply to get them approved?

Commissioner Hayes – Certainly, they would. If in fact we ever get to that point for the development of this property, the plans would have to be submitted to the Building Commissioner. They would be reviewed by several different entities throughout the City including Engineering, Police Department, Fire Department, Building Department, several others. Ultimately they would have to be reviewed by the Architectural Review Board.

Councilwoman Hufnagle – And do we have any churches or commercial buildings that people meet in that are corrugated metal buildings in the City now?

Commissioner Hayes – The ice arena.

Councilwoman Hufnagle – Thank you.

President Sustarsic – Okay, thank you, again, the Public Hearing will be February 2nd.

Ord. (573-03) Rezone Hillandale Project

An ordinance rezoning P.P. #648-52-001- Parcel B, located on Brush Rd., U-7 (light industrial) use district to U-1 (single family) use district and further amending Ord. NO. 2812. (Sponsored Planning & Zoning Commission) (From Executive Committee)

Public Hearing February 2, 2004.

Councilman Langman – I did have one quick question for the Law Director. Law Director Frey, I did ask via e-mail about deed restrictions and some of the legal ramifications around that. I didn't have time to open the laptop this evening before tonight's meeting. I don't know if you had a chance to respond, but I think perhaps entire Council would be privy to your good counsel.

Director Frey – I have not responded to that. I've made some preliminary research. I am not prepared at this point in time to be able to give you an answer to that. I am continuing to do research. I've also made contact with counsel who deals extensively with planning and land use issues to get an outside opinion on that matter. So I will be sharing that with you as quickly as I get that.

Councilman Langman – Would you say by Friday, early next week?

Director Frey – I would hope by Friday.

Councilman Langman – Okay, may I ask who the outside legal counsel is?

Director Frey – Sure, his name is Anthony Coyne with Mansour Gavin.

Councilman Langman – Very Good. Thank you.

Res. 8-2004 (035-04) Breast Cancer Protection Act

A resolution in support of the Breast Cancer Patient Protection Act of 2003. (Sponsored by Mayor Cervenik and entire Council)

Councilman Delaney moved for passage; seconded by Councilman Sustarsic.

Mayor Cervenik – I would ask you and Council to please support this issue with me by adding your names on to it. It was an oversight on my part that we were unable to do that. The Breast Cancer Protection Act of 2003 extends the mandatory or allowable stay that a hospital, hospital plans may give to those recovering from mastectomies and lymph node dissections. I think we all know everybody in their life knows someone who's had breast cancer. I lost my mother a little over three years ago. A lot of the things that happen with breast cancer, it's a lot of an awareness factor that if you find it early and

you're not afraid of the treatment and the care you're going to receive, the woman's going to receive, there's a better chance for cure. And I just felt it was important that this Council notify the Federal government and all its representatives that we stand behind this greater level of care to women suffering from breast cancer. So if it's okay, I would like the Law Director to add everyone's names on to it before we send it to the representatives. Thank you.

Director Frey – If I could add, also, for Council, some of the organizations that support this legislation including our Congresswoman, the Honorable Stephanie Tubbs Jones, there is also support from the American Medical Association, the American College of Surgeons, the American Society of Plastic and Reconstructive Surgeons, the Susan G. Coleman Foundation, the National Breast Cancer Organization, Families U.S.A. and there are many, many more. So I would echo the Mayor's comments and concerns. Thank you.

President Sustarsic – Are there any other comments from Council?

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

Ord. 9-2004 (036-04) Oppose HB 278, Oil and Gas Wells

A resolution opposing House Bill 278, of the Ohio House of Representatives, that would eliminate municipal authority over oil and gas wells. (Sponsored by Mayor Cervenik and entire Council)

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

Mayor Cervenik – Again, I would like to have everybody's name on this. I think it's very important that municipalities have the ability to take, to watch the zoning, rule on zoning regulations regarding the drilling of oil and gas. We are the authority. It is our neighbors; it is our residents that would suffer illy for this if we did not have some local control over the various placements and uses of the drilling and gas wells. So I would strongly ask that you would support this with your names being added on to it. I cannot address the problems that the one speaker tonight was eluding to. All I know is that nothing that we passed tonight on here would help or hurt him. In fact, it would probably help him if he's having some local problem because House Bill 278 as written would tie our hands. We'd be unable to regulate this at all. And I do plan on looking into the gentleman's problems to see what, to see if there's anyway we can help him. But I would appreciate your support on this resolution.

Councilwoman Holzheimer Gail – Thank you, Mayor, for bringing this to our attention, I'm assuming there are overriding State regulations whether it be through the EPA or something that we couldn't get around anyway. This issue gets to us, the local municipality being able to decide where they go within those guidelines, doesn't give us blanket...

Mayor Cervenik – Right, we're not the ultimate authority, but this House Bill 278 would take us totally out of the picture.

Councilwoman Holzheimer Gail – Right and as I understand it, isn't there a community that's going through a similar battle of getting a gas well they don't want because they don't have the zoning in place?

Mayor Cervenik – Yes.

Councilwoman Holzheimer Gail – I appreciate you bringing this, I'd be happy to add my name.

Mayor Cervenik – If it's okay, we'd like to add everybody's name? Okay, very good. Thank you.

President Sustarsic – Any other comments from Council?

Councilman Langman – Mayor, if this House Bill would continue in its current form, is there a financial impact to the City of losing control over that? After all, we do have a currently operating gas well.

Mayor Cervenik – It's possible there could be some financial. The downfall if nothing else if, a misplacement or placement of these drilling and oil rigs would be somewhere that would reduce property values in a neighborhood, yes, it could have a strong, I think, financial impact.

Councilman Langman – The way it's currently written, we would not lose the current royalties we're getting from these wells?

Mayor Cervenik – No, no.

Councilman Langman – Any future wells that we would drill on City property?

Mayor Cervenik – I don't think so. What this would do would be to stop, this stops local governing units from controlling or restricting or regulating the placement on our own property. We would want to follow, obviously, the safety rules and the appearance rules as we did for our present gas well. But no, now 278 could possibly restrict what we can do on our property because we wouldn't be allowed to determine what to do on our property any more because from this point on they would set the rules. And I think as a home rule community, it's very important that we establish that and keep the home rule powers that we get from our Charter.

Councilman Langman – I agree. That seems like the State slowly but surely eroding home rule in this state.

Mayor Cervenik – On certain issues, yes, they are. Thank you, Mr. Chairman.

President Sustarsic – Any other comments?

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 Councilwoman Hufnagle.

Mr. Dave Griesmer – 314 E. 216th. My question tonight is for Councilman-at-Large Tony Sustarsic. It surprises me that you only asked one question at the Executive meeting about the Hillandale Project. Yet you appeared very comfortable enough to vote to send this to Council. Can you honestly tell me and the citizens of Euclid that you have no other questions and concerns about this legislation? Do you really know all there is to know about this project? And lastly, have you visited any of these projects?

Councilman Sustarsic – Actually, I had the one question about the development because that was one question that wasn't answered by the gentleman. I thought it would be redundant to ask questions that were already answered. I had a list of questions I wanted to ask as far as the effect on the schools, financial aspect that was answered by Mr. Gliha. He answered that. I don't claim to know everything there is to know about this project. I'm not going to lie to you.

Mr. Griesmer – Would you be willing to take a quiz if I gave you a quiz?

President Sustarsic – I think you're out of order, sir. You are out of order. Next please.

Mr. Tom Cooke – 23100 Chardon Rd. Guess what I want to talk about? Hillandale. Ms. Hufnagle, what you have to ask yourself is would the people in the Hillandale area be happy or look upon favorably or something as being aesthetically pleasing as a 60,000 sq. ft. corrugated metal building. Because this is all we have to go on for what American Church Builders can build. And I ask you please, at least as far as I know, three projects. One, I did not see yet which I understand Mr. Gruber went down to Columbus to take a look at. So I'll reserve my comments on that project.

But please, go look at 147 Lake Shore Blvd. and you can't miss it. Just drive in, take a look around. The Mount Zion Church, it's in Oakwood Village right off of Broadway. Take 271, get off Broadway/Forbes exit, head east and it's on the left-hand side. The sign is or it's on the north side which is the left-hand side, the sign is right there. You can't miss it.

Two other items, these are items that bother me, okay? As a businessman, this man, Paul Taylor's coming to our City with a \$30 million project to sell to the City of Euclid and he shows up 20 minutes late, okay, as a businessman that bothers me. I question his professionalism. Also, he shows up with only half of his party. Where is the Snavely Building Company? They are a major part of this project to the tune of roughly \$20 million if you take 110 homes multiply by 180,000; 200,000 that's roughly what you've got.

Paul Taylor made comments with regard to contingencies, if he had enough contingencies in the project for cost overruns and so on and so forth. And he pretty much said that everything had been covered and, again, you can review his tapes because that's what he said. Everything had been accounted for. He had this big thick book, 6', 8' thick and that all the testing was done. Well, let me clue you on something. The testing agency that he used, Solar Testing, is the same agency that I used on the testing of the soil for my house. They tested the soil at my house everything was fine until the steam shovel shows up and they start digging for foundations. And guess what, they find bad soil. Well, that bad soil cost me 36 caissons and \$50,000 later. What do you think that's going to cost American Church Builders if they hit bad soil? You talk to any reputable excavator out there and they will tell you the exact same thing. The total unknown is digging in the ground. Nobody can tell you for sure what is in that ground until they actually start digging. To tell someone that they know for sure because of all their testing that there is no risk. Either he's lying or he doesn't know what he's talking about. And the guy's been around for a long time. He's been in the business so I have to believe that he has to know what he's talking about. Thank you.

Mrs. Susan McGinn – 141 Sunnycliff Dr. Mayor Cervenik, I would like to ask you, I'm sure the Euclid residents are on the edge of their seats with this question. Would you or are you, excuse me, in favor of rezoning the Hillandale property?

Mayor Cervenik – As I've stated many times from the information I have and from the quality of the project and the need for this community to have upscale housing, yes I am.

Mrs. McGinn - For upscale housing, how about the tax-exempt property?

Mayor Cervenik – This project is actually going to increase the amount of taxes that comes into this community, ma'am.

Mrs. McGinn - I disagree. Okay, also I have another question. I'm going to make a little transition here. Have you formed a committee, yet, to review the renovation of the golf course project?

Mayor Cervenik – We are meeting Thursday at 9 o'clock in my office.

Mrs. McGinn – Thursday at 9 o'clock, can you tell us who's on the committee?

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Mayor Cervenik – Not at this time.

Mrs. McGinn – Okay, all rightie, I'm going to try to be as clear as possible here. I'm concerned about the loss of momentum on this project due to the fact that it may also mean a loss of revenue for the City in the long run. So I'd really appreciate it if you could get that committee going.

Okay, here's a sequence of, sequence of events that I have some concerns about, okay? The previous City Council of the past two years studied, deliberated, passed several pieces of legislation and overwhelmingly voted to go ahead with the renovation of the Golf Course project. This was done in November of 2003. At the start of the new Mayor's term he put a hold on the project sighting concerns with the project's costs.

Okay, a couple of weeks ago at the January 5th meeting, I believe it was, Mrs. Hufnagle, you inquired about a memo written by the architects with their concerns, more or less, about the practicality of renovating the Knuth Center for a, at that time, senior center/golf course clubhouse. Okay? I believe that was what the plan was. We need some clarity here. How is a memo dated December of 2001 read by Mr. Johnson, who just happened to have it in front of him, a 25-month old memo, how was that made to look relevant to the 2003 approved project by our just recent Council the project that was just passed. Let me finish. More importantly, Mrs. Hufnagle, why did you seemingly attempt to connect the two projects, the earlier one from 2001 before the Gudenas-led Council and the 2003 project. Why did you attempt to connect those with that memo? Am I clear?

Councilwoman Hufnagle – The memo was referred to the week before the Council meeting was referred to Jeff Piorkowski's column in the Sun Journal.

Mrs. McGinn – I understand. We all read it.

Councilwoman Hufnagle – So I was merely asking what that memo was.

Mrs. McGinn – You didn't inquire before the meeting? You waited until that night to inquire about it?

Councilwoman Hufnagle – Yes, I did because I believe in asking the Administration questions. I'm here to represent the people.

Mrs. McGinn – Okay.

Councilwoman Hufnagle – So, am I believe told then that I shouldn't ask the Administration questions?

Mrs. McGinn – I just, I think, I received many calls and it was obvious that it was more or less a staged...

President Sustarsic – Okay, can you proceed into the next...

Mrs. McGinn – Okay, let me just finish. You were...

Councilwoman Hufnagle – Well maybe Mr. Piorkowski can give me his column and an update...

Mrs. McGinn – Okay, I'm talking here. This is my time please.

Councilwoman Hufnagle - ...then I can clear it with the Administration.

President Sustarsic – Both of you, both of you settle down.

Mrs. McGinn – You were elected to bring positive ideas, Mrs. Hufnagle, to the table, to bring vision to the future of the City and to solve problems. Not to look behind but to look ahead, not to discredit the accomplishments of others but to make your own accomplishments, this City deserves more. Thank you.

Mayor Cervenik – I'm probably going to leave a few names out, but I have Mr. Johnson. I have Bob Holmes. I have Tom Sloat. They're both from the Golf Course. Hugh Daly, as a Council representative, I'm not sure he Hugh can make it; but he will get the minutes of the meeting. I have Denny Valencic, who has taken over the project, the senior project. He's our building maintenance. We'll have Kathy Will there and, I believe, Mr. Gulich, I've got you coming too. And there's probably one or two others, but that's the committee. And we've got the architect coming in to explain us the problems that they wrote about at various times and see what direction we should go. Okay and that's Thursday morning, I believe.

President Sustarsic – Okay, thank you very much.

Mr. Dennis Fricky – 141 E. 280th. I wasn't going to mention this but since the Golf Course was mentioned at the January 5th meeting, also, it was on the agenda about three different Park employees and a couple other about being represented by a union. And Mr. or Councilman Langman asked, I think it was Law Director Vento, about the impact to the General Fund and she said she didn't know anything about it. She asked the Finance Director, Jack Johnson, and he said I'll get back with you. And I was wondering have you got back to us or anybody on that?

Director Johnson – As a matter of fact, no, I have not. I do intend to fulfill Mr. Langman's request. We are in the midst of trying to close our yearend, prepare W-2s and try to put a budget together to present to this Council within the next week or two. We have a number of requests for information like that, which we intend to fulfill. But I believe right now our priorities are to try to put a budget together to present to this Council.

Mr. Fricky – Okay, thank you. I was just wondering about that because that same deal you were all to vote on it. And that's what I'm talking about the process. In other words how are you going to vote on something when questions are not answered? And that's my question about a lot of this that's going on with the process.

Talk about the Hillandale again, I asked all of you, a couple, many a month ago or whatever, to watch a P & Z meeting when the Hillandale project was approved to come to Council. And I don't know whether anybody did or not, but that's where it really turned me off on the Hillandale project because a lawyer, if you watch that, he was more or less saying if you guys don't pass this, I'm going to sue you. Now whenever there's projects that can't stand on its own merits, and this is the same thing we're getting with the racial thing, when race is brought into it it's because you don't want it because it's race, you know, and it's not. And that's it. Because at that meeting I mentioned, Snavely,

they asked him what the price housing would be and he said 200,000. When Smith asked him about that, Taylor said no, they were 130 and Snavelly said he misspoke. Okay? Fine. Also Mr. Drake asked, you know, that the Council just approved 2,000 sq. ft. for minimum of new housing, Mr. Taylor said no problem. Up here when he was talking he's talking about 1800 sq. ft. He's talking about a lot of different things. What we're all trying to get at here, there's a lot, a lot of questions going on here and in two weeks you're going to have to vote.

Now, the question, I was not trying to embarrass anybody. There was one I don't know about the financing and he voted for. Okay? In other words, take it out of committee, let's do it. Okay? We're running out of time. So am I. A lot of, one of the things, you know, you might want to consider. You know, Americana used to be the Gold Coast; it was going to be the Gold Coast for like Lakewood and we know how that kind of turned out. It's turned around now, but how that turned out. Also the project over here where we just got rid of all those project over there where the Home Depot is, how long did it take us to get rid of that? Okay? I think you need to be thinking about these things instead of just going, you know, hog wild on this. Mr. Taylor also mentioned that the church would have bought this property anyhow to land bank it. They do that a lot. Well, fine, let's do that. You can land back it or come back. I just think there's too many questions about this project. Now, everybody is coming up, you're thinking like, oh, you're against churches. You're against whatever and basically what everybody's trying to say is, you know, we want the best for Euclid. What to do with this land that is best for Euclid and that's it and you all are charged with that. In other words, that's why you were elected and not to find out all the information you can about this. I think you're, you're just responsible doing that. And that's all we're asking. Two weeks, that's all you have. Yes or no. Thank you.

Mr. Joe Udovic – 21371 Naumann. I would like to ask a question for City Council or Mr. Sustarsic regarding Providence Baptist Church. I, myself, and the News Herald writer, both compared notes. This man was dancing around some of the residents' questions. If he is to be asked any more questions, can we get a promise from you or City Council, he will give us direct answers. No more this skirting around certain questions, we want direct answers. That's all I'm going to ask about the project as of right now. Thank you.

My next comments and questions shall focus on the Golf Course Clubhouse project. This Executive Summary that I have here in my hand of this document is speculation by some consultant that are, there is no fact or data in his summations. Mr. Cervenik's plan for a Senior Center and a Golf Course Clubhouse is a bad idea because as said in this report the senior citizens wanted and needed to be separated from the Golf Course Clubhouse because of usage conflicts. Many of these issues, conflicts will never be resolved entirely when the two functions are combined on such a limited and small site. The new layout attempts to separate these conflicts as much as possible. It was mentioned about basement water leakage through the walls and through the floors. I talked with the developer himself and from what I pick up or understand this was to be addressed and corrected or repaired through the \$1.7 million bid that was supposed to be accepted by this community.

The roof over the clubhouse or the former senior site is in need of minimal repair to correct the water leakage. I could not phantom that a new facility would be remodeled or modernized into a banquet hall without the attention to correct and improve this roof problem. Under the Clubhouse Dislike Section, it mentioned that the pavilion leaks but no mention of the Briardale Greens Golf Course Clubhouse roof leaking.

Finally, this project implies for a renovation of the current Golf Course Clubhouse and still deals with one facility that houses two particular groups as a unit. Mayor Cervenik is still under the impression through your recent comments that this banquet facility shall be utilized by the Golf Course only. Your vision is limited. It needs to expand to see the potential of public usage, such as, through ceremonies and celebration events.

Mayor Cervenik, during your hiatus from City Council during 2001 and 2003 as a private citizen why did you not express your concerns or opinions during the open microphone session of City Council? Why did you not writer letters to the Sun Journal, Plain Dealer or News Herald as so many other residents have done. As an accountant have you worked up any studies or numbers or figures or estimates to compare or counter the ones submitted by the past Council? I would like to have an answer to that question, please, Mr. Cervenik. Thank you.

Director Johnson, during the past two years' worth of Council meetings and Board of Control meetings, there was a favor in vote of this project with legislation. Now, you are inconsistent with your actions and comments and have tried to block the acceptance of the submitted bids. Everything has moved ahead without a hitch, but now that we have a new Council and new leadership there is a monkey wrench being thrown into the works. At the City Council meetings and Board of Control meetings comments and questions were asked and yet you never said anything. You never gave any type of negative information about this project. You never shared any concerns or ideas. There's a dark cloud of suspicion now lingering around you and your office. I did attend this afternoon's Board

of Control meeting to review the etiquette and procedures, just witness first hand how the procedures occur. I did notice some questions were fielded by Directors but not many. That's all I have to say right now about this issue.

One quick question, Greg Miller stated during the past election debate that as leaders we need to set the example. Council President, why do you constantly address Council members by Mr. or Mrs. not the perspective rank as Councilperson or Councilwoman? Also to save some money the Jefferson Wells document did state through decrease in population that we need to, that we have a total now of 9 Council members was not warranted. There's a couple suggestions made that can save up to \$48,000 for the City. I was wondering if you were planning on bringing anything forward now to reduce the number of City Council members by 2005. Thank you.

President Sustarsic – If I may make a comment on that and coordinate with the Law Director on that. I think in relationship to the number of members that would serve on Council if that would not necessarily be involved with the Charter, City Charter, the Charter Review Commission, which I'm not familiar with when the next time that will convene, your comments on that.

Director Frey – Yes, Council President, it would require a revision to the Euclid Charter. It seems to me at the last Council meeting I had to look to see when the next Charter Review Commission is scheduled and I want to tell you that I think it is either 2006 or 2008, but I will have to review that and properly advise.

Mr. John Conway – 291 E. 276th. Believe it or not, what frustrated me the most out of the Executive Council meeting was not the final outcome of the vote. Kind of expected that we still have a couple of weeks to, hopefully, change a few minds. But really, what truly frustrated me the most about the Executive meeting was the fact that I felt that Council was put in a very awkward and uncomfortable position when discussing what their legal obligation was to vote on the rezoning on February 2nd, especially if I look back and remember what Mayor Cervenik said when he opened up his comments. And that our main purpose of that night was because there was so much unfounded and unknown information. We were here to get answers, but there was something you said that's just been ringing over and over again every time I watch the tape and I just don't understand if the intent met how the final evening ended up. When you stated that there was no pressures for deadline for voting. I can only imagine what Mr. Taylor was thinking when we clearly displayed an inability to understand even our own legal obligations.

My request at this point, really, is that in the future that items like that be addressed prior to it being discussed, especially uncomfortably discussed, in my opinion, in front of an invited guest into these chambers. Thank you.

Mayor Cervenik – I would just like to state for the record that it is not the Administration's responsibility to make sure that Council follows their rules. We're here to help and we're here to advise and our Law Director is here to advise. But we had to advise Council that night, for those that didn't know, was that they had a legal responsibility. And that legal responsibility was 90 days. We had to remind the Council that we were afforded additional time by the group to have that meeting with the understanding that there was going to be a Public Hearing on February 2nd. I think it's important for us to follow our own rules and it's important for us to live up to the agreements we made with the other party. If I get criticized for that, I'm a big boy I can handle it. But we've got a job to do here, too, and part of it is to follow the rules. Thank you.

Mr. Conway – Do I get to come back and take my two minutes?

Mayor Cervenik – No.

President Sustarsic – Ah...

Mr. Conway – Or once I walk away I'm out?

President Sustarsic – I'm sorry.

Mr. Dennis Berzinskas – 20890 S. Lakeshore Blvd. Lower Lake Shore Drive, it still has a ring to me. I don't know. Talking about money with all the notification in the newspapers and everything about lottery winners, I mean, the real lottery winners. We had a law here that we thought we had about lottery winnings. I just wonder if it's been enacted yet or if we're considering enacting it? You know, maybe it could be a windfall for us because what is it, South Euclid didn't have a law. They thought they had a law like we did and they lost out. Are we going to address that in the near future?

Mayor Cervenik – That was addressed in December. The Administration provided Council with legislation that amended all the rules and included lottery winnings in all of our ordinances pertaining to taxable income. So when our case, if we were fortunate enough that Mr. Langman would have won 175 million, we would have been able to tax him for that amount.

Councilman Langman – All right.

Mr. Berzinskas – Good, thank you. The other thing, Hillandale, you know, nobody's ever addressed the issue of what is the property lot size going to cost not in conjunction with the house to be built? If you have an \$80,000 lot, you're not going to build much of a house. Go to price a sheet of plywood today and see what it's going to cost. See what's going to be next week and next month.

A lot of that land that the church bought is going to be for water retention. Well, they can't make money on that. And if my church would have bought land like that, I'd be really keen on them making money. That's what \$2-1/2 million they spent up there? One of the things we really have to look at is what is the price of the land going to be for the lots because that's going to be included in the price of the house.

The 23 acres, they're only going to be building on what 14 acres, something like that? I think it would be best built for upscale housing. Euclid should be looking for the business of making money for the citizens because 40 years ago, when I was at Euclid High School, our 10th, our last period math teacher told us don't let them build the apartments on Lake Shore Blvd. Go home and tell your parents. Call City Hall; call your Councilman. Don't let them build it. Well, at the time it sounded good, you might have had 40 houses on the lot making so much tax money. But he said sooner or later the people are going to be using the services of Euclid, that's going to cost us. They won't be paying their fair share. Second of all, sooner or later, the government's going to come along you have to allow children there and that's going to hurt our school system. Let's not make a 40-year-old mistake again. Thank you.

Mr. Jon Herak – 78 E. 224th St. My question's for Hank concerning the Senior Center. The waterlines they're redoing over there. We have a real mess on our hands; the neighbors are all screaming. A couple of weeks ago I think I asked you about, they were cut across my driveway to possibly cut a tree down to run the lines. You said we could go around it. I came home from work last Thursday the tree was gone. Now, I know you didn't cut it down and I was wondering what happened in that situation. Do you know?

Director Gulich – Yeah, I did want to save that tree. We do try to save them whenever we have a chance. As a matter of fact, we designed that plan in order to go around it. I was informed that day when they did excavate passed that tree it started to lean severely. We were concerned about the safety of it coming over the road. I had a quick conversation with Chagrin Valley Engineering, our engineers, they recommended in the interest of safety the tree come down as soon as possible. I can promise you we can do some planting there when we're done. But we did make an attempt to save that tree and, fortunately, we were able to save the second one.

Mr. Herak – Okay, thanks. The other thing is, I can't remember the exact timetable, it seems like these guys have been there a long time. Is there a problem over there with this waterline setup or are they having issues that we didn't, you know, account for?

Director Gulich – Mr. Herak, I'll be the first to admit they're not the fastest firm in the world we've ever hired. They are getting the job done. It's an unfortunate situation with that leak over the weekend. After they finish tying in the dead ends over there near the cul de sac, I believe, that's the end of all excavation in the area and I think I told you a couple weeks ago that you wouldn't be without water again and there you go. You didn't have any over the weekend. But, unfortunately, I can't blame that break on them but, no, the project is going according to schedule. It has gone slow and we appreciate all the people in the neighborhood have been very, very patient and I appreciate that.

Mr. Herak – Thank you.

Ms. Deborah Kinds – 177 E. 192nd St. In January of 2002 my husband and I set out to build a home in Euclid. It took 15 months to get the designs through the Housing and Zoning. I trust that if this project ever gets to that stage that those same stringent guidelines will be adhered to because I know that our builder had to follow numerous standards that the City had.

Do the, does changing the zoning requirements allow the church to build any style of church and housing designs or does it just allow the zoning to change? And that's something that I think

people need to take into consideration. Just because it does get through Council to change the, the, you know, to get, you understand what I'm talking about, the zoning that this does not say that the church is going to be able to just build any style house or any design of the housing designs. And I hope people take that into consideration.

Mr. Jim Cole – 26301 Shirley Ave. Six generations in Euclid, seven houses of our children in here now. Mayor, you made the comment from what you've heard that you're for this Hillandale project. The night you heard about 147th Street, I think, an extensive look as to be looked into that. From what I hear the pastor of that church lives in Euclid and I think all our Council people have to look into that very entirely before anything can be done February 2nd. If there's mechanic liens, let's find out what's going on up there. A lot of these people out here are trying to protect the church. There's no racism and we know that. Thank you.

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

COUNCILMEN'S COMMENTS

Councilwoman Holzheimer Gail – A quick thank you to Rev. Henderson, who spoke so eloquently earlier today. He and his church hosted a Martin Luther King Community Celebration yesterday. I was able to attend as well as Councilman Gruber and the Mayor and Director Johnson. And I want to thank him and his church and the Euclid clergy who were a part of it and also the Rev. Roger Hopson, who was the keynote speaker. It was a wonderful program and I know many of the other Council members who have been there had their work obligations allowed them to and also to the E. 222nd Street Jazz Band from the High School. They did a great job and the Lewis Sisters. It really was a wonderful program and I was happy to be able to attend.

I would also like to ask Council, the Mayor and I, and I hope all of Council at the next Council meeting will be sponsoring a resolution to support the Euclid School Levy that is coming up March 2nd. I have an information sheet and it really is very similar to the last levy. It really is looking at a crises overcrowding situation in the schools. And I like many of us that own older homes we know that repairs need to be done. This levy is critical to our future, I feel, and I hope that Council will join me and the Mayor in supporting a resolution to support that. I would ask each of you to e-mail or put in writing to Director Frey if you would be willing to sponsor that in part. I'll be providing more information as the Council meetings go on.

The only other issue, I guess I wanted to talk about and indirectly I wasn't, it really didn't occur to me until we got to the end of the agenda tonight; but there are two issues on tonight's legislation that I think are pretty relevant. The Second Reading for the use district exception which we sent to the Business and Commercial Development Committee talk, looks at changing from U-6 industrial manufacturing use district exception to a church. It looks at changing our zoning codes to allow that. That's a pretty pertinent issue today. And I hope that Councilman Delaney may see fit to have that meeting prior to February 2nd because I think, especially as a new Council, we could be educated on what our roles, what our obligation, what our rights are as a City as a local government over zoning regulations. So I think that could be a very informative and educational meeting if we were able to have that it would perhaps help with the decision on February 2nd.

And then Item #6 is also very similar although it doesn't appear to be. But it looks at local control over in part the zoning regulation of gas and oil wells. We do have an obligation to decide our zoning our zoning. So it didn't hit me until after we thought they were, you know, six quick items on the agenda; but two of those issues really are very pertinent to the discussion that we're having regarding the Hillandale. So I just wanted to bring that to the attention and I think that's it.

President Sustarsic – Okay, if I may interject, we'll take a 30-second break. They're changing tapes it'll be 9 o'clock. So hold on for a minute. Okay, we're back on the air.

Councilwoman Holzheimer Gail – I just have one quick question. I'm sorry, I wanted to ask about the budget hearings and you said you're working on the budget when we might expect to get that and if you have dates planned yet?

Mayor Cervenik – The plan right now is to have budget hearings, and I will confirm that with the President, the second week in February. My plan is for you to have a booklet a week before. We may delay that a week. We're not sure yet. A lot depends on what happens Thursday. I've got meetings scheduled with the Finance Director Thursday, Friday, Monday. And depending on how those two meetings go and depending on our bottom line where income is and where expenses is to begin with how much work we have to do to even that up, we'll know. Ideally, would like it the second, hearings to be the second week in February.

Councilwoman Holzheimer Gail – Okay, do we have final figures from last year yet or that's what, Director Johnson, you indicated you're working on now?

Director Johnson – Yes, we've, we kind of know, yes, we have finalized those figures. I don't have them in front of me now. We have a small cash balance left and we're waiting for all of the requests, we have received some from departments and as soon as we've received all of those requests we will do a compilation and present them to the Mayor and figure out where we go from there.

Councilwoman Holzheimer Gail – Thank you.

President Sustarsic – And once they do formulate that I'd give a little bit of lead time to put the books in order seeing it's a new Administration, everything else like that. We'll be notified as soon as possible as to the format and when the committee meetings will be.

Councilwoman Holzheimer Gail – Thank you.

Councilwoman Hufnagle – I'll start off on a light note. I would like to wish my nephew, Brandon James Hufnagle, a Happy 10th Birthday. He turned 10 on January 19th.

One thing that I've learned very early on in the campaign was how important the contact was with the people in the City. Since being elected, the thing that keeps coming back is how important that contact is with the people. And I appreciate the correspondence, phone calls that I've gotten from the people, especially on this Hillandale subject.

I would like to address somebody that wrote me a letter and I'm going to address them tonight because they didn't sign the letter. And while I appreciate the communication, this person is a coward and I want you to understand that is what I think of you. You said derogatory things about members of Council, about members of the Administration, about members of the church and you did not sign your name. And I would also like to just remind the public that it was this Council that put this into committee. One of the first things we did at our first meeting was discuss putting it into committee. Check the minutes, it's there. The previous Council didn't put it into committee. We put it into committee. We've been accused of ramming this through. We're doing anything but ramming it through. We have a timetable to work with. That's not our own choice. But we're trying to get the answers to the questions. We put it into committee. We invited the people here and we invited the public to speak at that committee. We've made trips to Columbus. We keep researching this project. We're doing anything but ramming it through.

The book that Mr. Gruber presented couple of weeks ago, one resident referred to it as the bible because it's 5" thick and it had all the information in it. We find out that that book sat in Council's office with the former President of Council's name on it. The information was there. We know that in July of 2002 the former Council President walked the property and knew of the plans. The opposition didn't come out in the first public meetings of Planning and Zoning. The opposition didn't come out when they met with the residents of Hillandale. So I would just like to state this evening and remind the public that it is this current Council that put this project into committee to get answers. Thank you.

Councilman Langman – Just as a procedural point, when something is in Planning and Zoning, you have to allow that process to take place. I don't think it serves anybody whether they're for the project or against the project to come out at that time and override the prerogatives of Planning and Zoning Committee and Mr. Hayes. They did their due diligence and now it's in our court. So I don't think that's the responsibility of the prior Council leadership to come out and oppose it at that point.

Moving on, Mayor, you said you're going to have the Golf Course meeting on Thursday. Are we still using Brandstetter, Carroll and Zofcin?

Mayor Cervenik – I don't know if using is the right word, right at this time. They will be at the meeting. They, we do have questions to ask them concerning the report and that's your answer.

Councilman Langman – Director Johnson, you quoted that memo and I'd appreciate you getting it to myself and the other Council members I'm sure. About a year we did have a committee meeting regarding Golf Course Clubhouse and Mr. Zofcin was there to speak on some of the issues. I just want to read some of that for the record.

Now let's see. This is Mr. Zofcin speaking. He was referring to the original proposed Senior Center and Golf Course Clubhouse. I think when we first started and we looked at the mixed use on the site combining and, actually, you have to, you have that now. And we will look at trying to

maintain that mix of uses with the Senior Center and the Golf Course on the same site. We were really frustrated because that is not really the ideal mix of uses on that particular property.

And it goes on to say and what we're trying to do with this plan, the current plan that is now on hold is to encourage people to get up and spend, generate income. So that they do spend more towards the natural average of golf course usage by the way that we have the place laid out. Making it a little bit more inviting for you to stay there after you do have your round of golf, I think in the industry, they call it the golf experience. We're trying to just upgrade that so that this does not, so that this does become a destination place and a place where people want to go. Want to play golf and want to stick around to spend a few extra dollars. That I think is the bottom line of what we're trying to accomplish. We can't simply do something that is adequate for the confines of the City of Euclid. If that golf course is going to survive, it has to be competitive with courses throughout the area. If not, we are confining the golf course to eventual obsolescence.

And I do have a few more minutes so, Director Gulich, if you could, can you tell me the status of the leak on 224? Has that been repaired?

Director Gulich – As we discussed a little earlier with Mr. Herak, the leak did occur over the weekend. It was repaired some time this afternoon. Everything is up and running at this time.

Councilman Langman – Okay, well, Jon did take some of my thunder. But I did want...

Director Gulich – You do have that one on Lake Shore, though.

Councilman Langman – Yes, that's right. There is that item on Lake Shore. You can answer that in just a minute. But you did say the contractor's moving a bit slowly. Now there's created quite a mess over there, are they contracted to go ahead and clean all that up when they're finished with that particular portion of the job?

Director Gulich – Of course by their contract they have to do a complete restoration on that. Of course, according to the confines of their contract we do withhold part of their pay for an entire year to ensure that we are happy with their restoration. And this company does have a policy when it gets below a certain temperature, they check out a little early in the interest of the health of their employees. And we adhere to let them follow that policy.

Councilman Langman – Also, there were several residents that were concerned about the actual break in the water main and they called City Hall and, quite frankly, they didn't get any kind of answer one way or the other. I don't want to put the onerous just on you, so I'll shift some of it to the Mayor. But, do we have a policy in place for when waterlines like this do break, the people call City Hall, although that is the Water Dept., we have some central number that they can call, some central department where they can get information, instead of getting passed or getting no information.

Director Gulich – The best direction I give somebody if they want to know the status of a water break is to call the Water Dept. directly. They do have a number and I hope you won't ask me to repeat it. They do have a number. That's the best source of information. Our Street Dept. does keep the running list of the water leaks that we've called in and we expect them to get them repaired. That's probably the second best source of information. My office is probably the third best source. I have to rely on information from our Street Dept. or by directly calling the Asst. Commissioner's Office.

Councilman Langman – I see my time is running out, but two more questions, Mr. Chairman. One for the Service Director. That item on Lake Shore. Then for you Chief Dworning, since there was a water main break on 224, several residents were concerned about the ability to fight a fire in that circumstance. So if you could answer that question first.

Chief Dworning – Typically when a break like that occurs Cleveland Water will have to shut down a portion or a segment of a waterline. But they also have representatives on the scene who in the event of an emergency, we have means of them isolating that break and providing water when we need it. Typically it doesn't cause us a problem. We also have the ability to stretch hose lines to an isolated segment on another street, or further away that is not affected by the water line break.

Councilman Langman – So I would assume that some areas were affected by low pressure, that you are able to handle that contingency also?

Chief Dworning – Yes, we'll be able to handle that without any problems at all. The Water Dept. does let us know where these areas are, so that we can anticipate them in advance of arriving to that particular area.

Director Gulich – I called the Asst. Commissioner on that Lake Shore leak on Friday afternoon and asked them if they could pay some close attention to that very promptly because I'm concerned about the pavement eroding, having more repairs than would be normally. As of my call Friday, they were there sometime this morning, I don't know what time they showed up. I don't know what the status of the repair is. They did address my call.

Councilman Langman – Thank you one and all.

President Sustarsic – Mrs. Mancuso was called away. She has a business related commitment in Columbus. We'll switch to Mr. Sustarsic.

Councilman T. Sustarsic – Relative to some comments earlier tonight, I do take my position here on the City Council very seriously. I do research. I'm at home. I've got the so-called Bible now and I'm there every night reading that thing. Trying to get the most information. I do have every intention on going out to Columbus to see what is going on out there first hand. I'm trying to keep an open mind on this still. I just want to know as much as I can about it. I'm working with it. I just want to let that be known. Thanks.

President Sustarsic – Also comments were made relative to me, regarding the fact that the Plain Dealer article that came out. Actually I really don't care if people believe or not in that regard. But when I did speak with the reporter, I mentioned everything that I had heard up until this time, regarding the commitment of the developer, of the associate contractors, and of all the other people concerned, that I was leaning toward the vote. Again, the reason that I voted to pass it on to Council for a full vote was us being told that there was a legal obligation that we did have. As you might recall, I believe it was January 5th, which was supposedly the date for the third reading and public hearing. Because of the members of Council and members of the general public, we thought it important enough to provide that information from the builder, the developer to those people prior to the public hearing.

Based upon that, that's the way it is. I'm leaning towards it, but at the same time we do have two weeks left yet. There is more information that needs to be clarified. I look forward to getting that information like my other colleagues and putting everything together. The bottom line of all of this, we have to realize that this is just the initial process. This is merely planning and zoning for those particular properties. Once that is set, we in a sense set the ball rolling, if Council agrees to that. There will be more than enough scrutiny. There will be utility companies, the service dept., there will be the engineering dept., there will be the Architectural Review Board, Planning & Zoning again. There will be many, many, many people and agencies let alone the EPA, Army Corps of Engineers and the like, which these people have to pass muster, if in fact this thing were to get off the ground through a successful vote by Council. Consequently, I would like the public to keep that in mind that we don't want to look bad either. We're looking out for the best possible concerns of the City of Euclid. Again, everything that I've seen and heard gives the indication that this could satisfy many needs. One of them upscale housing debate which has been brought up time and time again. Bringing in more taxes. Bringing in more revenue, hopefully. Bringing in of businesses, retail, if you will, restaurants and the like and build up other parts of the city. We've got two more weeks to go on it. I look to continue to doing research on it as I'm sure all of my colleagues are and we'll do our due diligence on behalf of the people of the City of Euclid. Thank you.

Councilman Daly – Thank you. On Thursday, we did go down to Columbus and spent 4 hours and I'd like to publicly thank Mr. Smoot, Jr. from Smoot Construction. Mr. Schottenstein from Joshua Homes. Mr. Taylor from American Church Builders for giving us their time to tour their facilities, see the projects that they have done. They took us to housing developments that are under construction. I'd like to thank them for answering questions and showing us physically what's going on in Columbus.

I have been to the E. 147 St. Church. I will be at the Oakwood Church property before that vote. I do want to acknowledge some people have come to the podium and commented that they've sent an e-mail and not received a response. I do try to acknowledge receiving e-mails. I do try to answer them when I can. But this project has created a flood of e-mails and phone calls to where its not possible to run a business, do your research and then answer each and every one. I do receive them and I do read every e-mail that I do receive.

Lastly, one thing we do need to consider also when we're comparing, you know, when we bring up Wells Court or the billboard or the rock crusher or E. 205 or Century Corners versus this

project. All those I mentioned prior were City-owned property or City projects, proposed projects or both compared to this. This is a private property and a private developer making a presentation. So you have to compare the amount of input and, you know, looking out what's best for us, you do have to look at those others we owned and we were proposing them versus this project. So they're similar but there are differences. So that's all I have. Thanks.

Councilman Delaney – In regards to the Dille Road property, I do, I would like to have a committee meeting as soon as possible. Mr. Hayes, could you and I get together after this meeting and find a time on your schedule we could meet on this? Thank you.

Director Gliha, it came to my attention today that Palisades might be questionable as far as its future. Can you tell me a little bit about that?

Acting Director Gliha – The Mayor called a meeting this afternoon. We met with the current owners, who are soon not to be the current owners, the property is probably going to revert back to the previous owner. After having discussions with them, we have also set up a meeting with the previous owner. We will be meeting with him tomorrow to see if we can work out a solution to making that area or making that complex a profitable bowling alley. That has been the big concern of the present owner. They own the Wickliffe Lanes. The Wickliffe Lanes are not completely filled. The number of leagues that were represented to be at the Euclid Palisades, in fact, were not correct. Financially it does make sense to combine their Euclid leagues with their Wickliffe leagues to fill that bowling alley. But they did express several concerns to us and did say that if we could work with the previous owner that they would be willing to reconsider and keep the bowling alley opened. So we will be progressing on that point and, Mayor, if you'd care to add anything else.

Mayor Cervenik – As it stands, I believe the bowling alley will be closed the rest of this year. In fact as you know, I bowl on Tuesday nights and tonight was my night off; but I am going to go up there. What they've been doing is talking with each of the leagues that come up and moving them to, it's not actually Wickliffe Lanes, it's Freeway Lanes in Wickliffe. There is a Wickliffe Lanes, which is not owned by them. It's a 96-lane house versus ours, which I believe is 32. Both buildings were very underutilized so they have shifted these leagues over into the larger building. The larger, they didn't have enough room in this building to bring them down. They've got probably, I think they said, \$3 or 400,000 structural problems on the building not to mention the updated equipment. They also feel that the previous owner did not market the bowling alley they should have once they opened up the what was called The Palace. So it does not look too bright for this year, but we're going to work hard to get a bowling house in there next year because I think it's a quality of life issue more than anything else. And I'm very disappointed that it has come to pass, but we're going to work at it.

Councilman Delaney – And so it will be open for the near future?

Mayor Cervenik – No, it should be closed, I believe, they started Thursday moving the leagues so this Thursday they will be done informing all the other leagues they're moving to The Palace, as it used to be called. There are two Saturday leagues that don't bowl every time. In fact, I bowl on one of those also that they will allow us to finish the one night of bowling there. And inform us and talk with us and move us over because they do have contracts with each of the leagues and they've got to be careful to follow through with the contracts. But it will be within two weeks there will be no bowling there for the rest of the bowling season. We've got to work with what we can.

Councilman Delaney – Well, good luck, that would certainly be disheartening for our community to see that by the wayside. I'm glad to see that you're all...

Mayor Cervenik – Sort of been a standard just like movie theaters and everything else. All the smaller houses are closing down because of the efficiencies of the larger houses. You know, you used to have one-screen theaters. Now you've got 7, 8, 10 or 12.

Councilman Delaney – But they come back.

Mayor Cervenik – Some do. You know, we had Justin Lanes, Euclid Lanes on 185th Street. San-Lar, Shore Bowl, they were 12-lane houses and they've gone to the wayside. But we're going to work at it.

Councilman Delaney – One other thing, today in Euclid we had a very important visitor. The last day on his visit was the Counsel General of the Republic of Slovenia, Marcel Koprol, and I'd like to wish him a safe trip back and he promised me he would be back in Euclid in the near future and hope to give him the nickel tour of the City, a more official visit next time. I got to tell you for an Irish kid that

makes Slovenian sausage it was a career day when he came into my store and bought Slovenian sausage. Thank you.

Councilman Gruber- I would like to start off on a sad note. I'd like to give my condolences to Madeline Scarniench on the loss of her sister. Also a very good and close family friend and a good American, who served on Iwo Jima with my father and who actually witnessed the flag raising, that'd be Mr. Bill Fletcher. A Ward 3 resident, long-time Euclid resident, leaves behind a wife and many grandchildren, children and great-grandchildren. They will be sadly missed.

We did take a trip to Columbus on Thursday as the Councilman mentioned. Mrs. Hufnagle was there. Mr. Hayes was there. We talked to the Church Builder and they have tentatively agreed to remove some acreage from the church project itself and rezone it to single-family home and, therefore, it would become taxable. They were willing to negotiate that point so that's something to remember.

In regards to the question about Bill's campaign funds to the church, we do receive many e-mails both positive and negative and there were several questions raised in e-mails and I got the e-mail that Mrs. Hufnagle also referred to. Some were nasty; some were awful. But that question was raised and it was raised by a citizen and they wanted to ask and that's why I ask him.

In regards to Mr. Emser's comments, I will no longer respond to Mr. Emser. I know several people who have a spam e-mail delete put him automatically on that and that's probably why he used his wife's name. When you get 7, 8, 9 derogatory e-mails in a short span when you're trying to answer real constituent problems, you probably, it's probably time not to answer those. And I remember the famous e-mail that he had up on the screen that was in the Plain Dealer. So I will not respond to those e-mails from him.

We did get lots of phone calls, lots of e-mails and like I said not all are negative. I know when we did 205 that the residents from 205 packed the house. What people have to remember is that there are people who live in the Hillandale area. I've heard those people. I represent those people. They're interested in this project. They think it can be a good thing. It might be a good thing for the people of Euclid that we have some numbers here from the Economic Development Department. Right now, that property pays about \$37,448 in taxes. If they were to build 110 at \$195,000, which would be on the low end, I think we can all agree. The current residential tax rate that's currently in place would generate \$384,813. Of that \$230,000 would go to the schools, the City would receive \$45,177; the County would receive \$88,276; the Metro Library levy, Metroparks and the Library would receive \$21,357. The church property, like I say, they are willing to reduce it to about 15 acres. Some of that is not buildable. Along with the church there would be an approximate payroll of over a million dollars. That would be a direct benefit to the City of \$30,951. If we were to build factories up there, they would get 100% 15-year real tax abatement and 75% 10-year personal property tax abatement. So there are issues. You know, a young lady spoke earlier about money, money, money. I agree. This is no infrastructure improvements by the City. If we did light industry up there, we would have to do that.

I don't think anyone on Council's really made their mind up yet. This information is available from Mr. Gliha, I believe, if the public would like to have some. But we need to listen to people both good and bad. The same 20 angry people that show up we got the point. Okay? But there's 52,700 people in the City and we get input from a lot of them. So we will make an informed decision. And in that I'd like to close with this thought. The ultimate measure of man is not where he stands in moments of comfort and convenience but where he stands at times of challenge and controversy, by Dr. Martin Luther King. Thank you.

President Sustarsic – Thank you, Councilman, and on that note can I have a motion for adjournment?

ADJOURNMENT

Councilman Delaney moved to adjourn; seconded by Councilman Langman. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council

PLEASE NOTE:

AN ATTACHMENT TO THE COUNCIL MINUTES AS SUBMITTED BY JAMES E. BANDLOW IS AVAILABLE IN HARD COPY IN THE COUNCIL OFFICE.

