

**COUNCIL MINUTES  
FEBRUARY 2, 2004**

The regular City Council meeting was held on Monday, February 2, 2004 at 7 p.m. 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, Law Director Frey, Finance Director Johnson, Public Service Director Gulich, Acting Parks & Recreation Director Will, Asst. Law Director Vento de Crespo, Acting CS&ED Director Gliha, Zoning Commissioner Hayes, Housing Manager Tollerup, Fire Chief Dworning, Police Chief Main, Building Commissioner Apanasewicz, Sgt.-at-Arms Nagy, Clerk of Council Cahill

Dr. Witthuhn of Lakeshore Christian Church gave the Invocation.

**COMMUNICATIONS**

Council has received a request for a new D1 liquor permit to Sidewalk Café at 27100 Euclid Avenue.

Councilwoman Hufnagle – I'd like to make a motion to move that into the committee. I just have some concerns with it being a new license what our responsibility is in approving this and I just don't want to approve it without getting some background on it first. So I make a motion that we move it into the, there's a liquor committee?

President Sustarsic – Safety Committee.

Councilwoman Hufnagle moved to send the request for a new D1 liquor permit to the Safety Committee; seconded by Councilman Gruber.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic  
Request sent to Safety Committee.

Council has received a request for a new C1 liquor permit to Lake Shore Gas USA, 21820 Lake Shore Blvd.

Councilwoman Holzheimer Gail – I would like to, since we're having a meeting, move this one as well for discussion. This is a gas station right off of downtown Euclid and I would like to have some discussion before we decide one way or the other as well.

Councilwoman Holzheimer Gail moved to send the request for a new C1 liquor permit to the Safety Committee; seconded by Councilman Sustarsic.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic  
Request sent to Safety Committee.

Council has received the following communications:  
A summary of legislation from Law Director Frey.

**COUNCIL MINUTES**

Councilman Gruber moved to accept the Council Minutes of January 20, 2004; seconded by Councilman Daly. Yeas: Unanimous.

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Mayor Cervenik – I'm glad to see that so many came here tonight to listen to my State of the City address. I'm quite impressed. It's coming at the end of the meeting so all stick around. Director Gulich has a few statements to make.

Director Gulich – I think one and all will agree that maybe not have the coldest January on record or the snowiest but it did beat us up pretty bad with the 1-2 punch. I do want to commend my Service Department across the board. Every person involved who helped keep the streets clear, who helped keep the vehicles running, helped keep our City going on some pretty bad days. I do want to recognize my people in the Service Department. Thank you, Mayor.

Mayor Cervenik and Tod Guntner, President of Pet Pals, presented Benjamin and Sarah Wilson a ceremonial resolution for their contribution to Pet Pals and the Animal Shelter.

Mayor Cervenik – I just talked with the Clerk and if we have your permission, we would like to begin the budget hearings on February 23<sup>rd</sup> and the 25<sup>th</sup>. With some conflicting schedules for the week before we determined we could move ours to the 23<sup>rd</sup>, begin at 7 o'clock. And I would like to hold them to no more than 3 hours, after about 3 hours you don't get a lot accomplished as we've known in the past.

We've got some serious budget constraints to look at this year in 2004. One of the larger ones that is very difficult to control is the fact that we do have 27 pay periods and that's a function of getting paid, having 26 pay periods each year. That comes out to 364 days. About every 6 or 7 years you get that 7<sup>th</sup> day added on and there's 27 pay periods. For the General Fund that amounts with pension and benefits to nearly \$820,000 and another \$180,000 to the other funds. We also have a Self-Insurance Fund with less than \$180,000 into it. The balance has gone over the past few years from over a million so we're going to need to make a transfer of at least 400,000 into the Self-Insurance Fund, just to meet the obligations that we know are out there. So my Administration has a couple of weeks to fine tune what we have and then we will present to you. And our plan is to make sure that you get the full packet one week before hand and we would like you to review it and ask questions. Come in and get any paperwork and details that you need so that when we go through the actual hearings we're all prepared and know what the numbers really represent. So, hopefully, the 23<sup>rd</sup> and the 25<sup>th</sup> can do it for us and this will be for the General Fund only. And that concludes our Administration reports for this evening.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive Executive Committee Minutes January 12, 2004; Service Committee Minutes January 14, 2004; Self Insurance Report for 2003 and Board of Control Minutes from January 12, 2004. Councilman Delaney seconded. Yeas: Unanimous.

#### COMMITTEE OF THE WHOLE

Councilwoman Hufnagle moved to move Item 7 on the agenda, the School Resolution to #1; seconded by Councilwoman Holzheimer Gail seconded.

President Sustarsic – And I believe those individuals in the house this evening so they'll be able to at that point in time would you come up to the stage area. Okay, also, we have a Public Hearing for two issues tonight, #2 and #3. What I would like to do is to have everyone hold their comments on those two items at the Committee of the Whole because of the fact that they are on the agenda and I feel this will save a little bit of time and cut down on repetition and everything else like that. However if someone does go ahead and make comments to those particular issues, keep in mind that you will be discouraged from making those comments but later on, or similar comments when the discussion is held.

The big thing on those two, what I would like to emphasize, is the fact that we're here strictly to discuss the change in zoning. And I look for us not to, not for anyone to demean, ridicule, show disrespect to members of Council, the Mayor or his Administration, those making the presentation and everyone that showed up here this evening to join us in this meeting. And I can say to my Councilmen, I will show everyone the respect that they do deserve in this particular area.

Relative to any conversations that might go on within the audience at that time, you will be advised to, if you have a comment to make, to please step to the podium and to make that to the public. Otherwise if you could kindly keep your decorum and make sure that everyone has the ability to listen to the questions and the answers and the comments to be made by the presenters this evening.

Any persistence in disagreeing with any of that, we can provide an escort. Either you can leave and continue your conversations in the lobby or if it gets a little bit out of hand, we will have people escorted out of here if they do refuse to leave. I think it's very important, we're here to gather information for the principals on the property and we're here to talk about the zoning issues strictly. So again, if you could refrain from any personality issues or anything, what we're looking at is the property. So with that in mind and hopefully, and I will come back and remind people of those rules if they so happen to forget. What we can do is move ahead.

Councilman Delaney moved to go into the Committee of the Whole for Legislative Matters Only; seconded by Councilwoman Mancuso. Yeas: Unanimous.

#### COMMITTEE OF THE WHOLE

Mr. Dave Griesmer – 314 E. 216. I'm here tonight in support of Euclid Schools' levy. I'm a graduate of Euclid High and my kids are enrolled at Upson in the Tots Program. My daughter has some developmental delays and I think it's a great program. But there is a dire need for more space in these schools and I hope the people of Euclid step up and support this levy. Thank you.

Ms. Rebecca Conway – 291 E. 276 St. I'd like to also say that I'm for Issue 24 for the school levy. As I said before, we've bought three homes in Euclid and we don't plan on moving. And regardless if my kid go to private school or public school, it's a win-win situation for all of us when are schools can, the two schools that are closed can be opened and we can provide better services for our children. Thank you.

Dr. Joffrey Jones – I'm Superintendent of the Euclid City School District, and in hopeful anticipation of your support of this resolution this evening, I want to thank you. Issue 24 is an affordable plan. We have created this plan to address a very critical issue in our school district, actually, a few of them. One of them deals with overcrowding as you've heard a couple of our citizens already express. We are overcrowded in the Euclid City Schools, especially at the elementary, kindergarten through 8<sup>th</sup> grade level. It is affecting us academically. We have students who are learning in inappropriate learning spaces, such as in hallways or in stairwells, in storage spaces, on stages where they were not designed for students to learn. They're distracting and our students are being impacted by this.

A similar situation exists for us relative to maintenance and upkeep of our buildings. Our youngest building was built in the late 1960s, our oldest in 1919 that's Roosevelt Elementary. For those of us who have older homes in Euclid we know how much money it costs us to maintain our homes. We are concerned about roofs, doors, windows, heating, ventilation, electrical and plumbing upgrades, concrete repair and all of these cost tremendous amounts of money for us and, thus, the citizens of Euclid. Maintaining our schools, keeping overcrowding from happening any longer, those are very critical issues.

One other benefit from Issue 24, an affordable plan, is being able to bring back to the City of Euclid the fine tradition of all-day, every-day kindergarten, which we've had to disband over the years. Bringing this back will help our youngest citizens and some of the academic challenges now expected of them from the State of Ohio through standards, benchmarks and indicators, the curriculum that students need to know can't be addressed in only half a day. And this will allow us not only to bring back all-day kindergarten but to receive from the State of Ohio \$900,000, which we currently cannot access. I really look forward to your support in this matter and I'm happy to serve the citizens of Euclid in this way. Thank you.

Mr. Kent Smith – 34 Charleston Square. I'm a member of the Board of Education, a graduate of the Euclid schools and I'm speaking in favor of Issue 24. First of all, I want to thank this Administration and this Council for being unified in their support of this levy. I think it is, it is personally heartfelt, very encouraging that you all have come behind the school system. If you can find unity in this issue, hopefully, you can find unity in other issues in the future as well.

I would also like to speak to some of the advantages of Issue 24 passing. One of which is the notion that we will, all of our elementary school buildings will go to K-5 and then we will have two working middle schools, Forest Park and Central. They will both be 6, 7, 8 programs. One of the things that that will do is that will allow us to offer more extracurricular activities for those students that are in a very, that are in a very stuff age. When Mr. Poulson, who was the principal at Central try out for his basketball team, he would have, you know, 70-100 young men. And he only has 15 uniforms. So one of the true advantages is, what we're doing is, we're allowing twice as many opportunities for sports, twice as many opportunities for show choir, twice as many opportunities band by being able to reopen two elementary schools and then reconfigure the district.

I'd also like to speak to a point Dr. Jones raised, which is the advantages of all-day, every-day kindergarten. Many of you know that I'm on the School Board. Some of you know that I'm in a Ph.D. program for economic development at Cleveland State. One of the critical advantages to economic development is the quality and cost of your labor. By adding all-day, every-day kindergarten, the reason why we don't have it right now is we literally do not have the room. It would take 10 more classrooms. We don't have 10 more classrooms to allow that. Because of the help that we can get from the Federal and State government to offset those costs, what we're basically doing is we're adding a full grade of education at virtually no cost to the Euclid taxpayer if we can just reopen those 10 classrooms. That'll allow our graduates to be better equipped by the time they graduate. I mean, surely the residents of Euclid, if you're a parent, would love to offer them, their child another free year of education. This program will allow us to do that. If this issue passes, we'll be able to offer all-day, every-day kindergarten.

I think this program is good for the community. I think this program is good for the schools. We're greatly encouraged by the Council and the Administration backing this and I would politely encourage support of this resolution. Thank you very much.

Mr. Tod Guntner – 390 E. 257. Tonight, I'm speaking on Item #6, the renewal of the Neighborhood, Tenant, Condominium Association Grant for 2004. I see this as being amended. I did read the amendment and I am in full support of it and I hope all of you are, too. I know many of you are in homeowner associations and, again, this is a great thing for the City of Euclid to get this back. I appreciate all of your support. Thank you.

Ms. Pearletha Taylor – 1495 E. 193<sup>rd</sup> St. I'm President of Heritage Park Homeowners Association. I'm here tonight on behalf of signatures for people that is against the Hillandale property. And we would like for the Council to reconsider rezoning the property and I have petitions to make it go up to 600. We asked them for copies of each page. Also listen to everyone talking about the overcrowdedness of our school and also the money that we need to build our schools up to accommodate the children that we have here. It really bothers me a lot to think what is going to happen when we bring in more kids. Where're we going to house them as for school? How we going to teach them?

Today I received a letter in the mail and my taxes went up \$43 more a month. And I am sick and tired of being taxed to death. And I'm very concerned, not only myself but the people on those signatures, they're very concerned about the Hillandale property. A tax-exempt church and new homes coming into the community where we already do not have room for our kids in school. Thank you.

Mr. Brian Palisin – 27100 Oriole Ave. Here to talk on two issues on the agenda tonight. First one being Issue 24 and I am a member of the Board of Education and your support of Issue 24 is critical to the future of this City. I'm just going to outline just a couple things that would be a significant benefit to the schools. All-day kindergarten, all-day kindergarten would give kids a better learning environment a lot longer during the course of a day. A current kindergarten student currently spends maybe 2 or 3 hours at school each day. That would be expanded, obviously, to a more, no, 9-2, 9-3 environment where once you get the attention of that small child you're going to have it for the whole day. And not just when you get to 11 o'clock, you get the child's attention, then it's time for that child to go home.

Funding is available to help fund all-day kindergarten. It would be a significant benefit to the schools and with proficiency testing the way it is today, it's, the extra academic time is definitely needed. We currently have overcrowding in most of all the schools that we have here in the City. And Issue 24 would address restructuring the schools. Let the schools be less overcrowded and the kids would have more time to spend in each building. As opposed to the current structure where between six years kids change schools four times. Now obviously transition and change is not bad for students, but between the ages of, grade 4 through 9, a child changes schools four times in six years. That much transition is not good for the kids. It would replace that with a more, better educational format where the kids are going from school from K-5. You have a 6, 7, 8 building and you have a 9 through 12. So more time for a child in a particular school creates a better learning environment where the teachers, administrators and the students can all work together and try to create a better learning environment.

Currently maintaining our facilities, we currently have approximately \$370,000 to maintain eight buildings. That's five elementary buildings, two middle schools and one high school. That's not a lot of money to maintain so many buildings. Just to give us an example, we need a new roof at the high school. That's \$1 million just for one roof. And it's, you know, we all have, many of us have homes and we need to put the money back in our homes to maintain the values. The schools are no different. So those are some of my, my factors while I think that Issue 24 would be a significant benefit to the City of Euclid.

Second item I'm going to talk about is the Hillandale zoning change. I think on the Hillandale zoning change we need to look long term into the future. Permanently abating 23 acres of land, between the estimation on income taxes and real estate taxes if that, if that 23 acres was zoned residential for step-up housing, you know, my estimations we're going to lose about \$200,000 a year. The majority of that is income tax, the majority is in real estate taxes. There are parts in income tax. We need to look long-term for the future of the City. My opinion, I think, the Hillandale area should be residential. I think that offers, residential offers a big asset to that area and bring in more people into the area. I just don't want to see ourselves sell ourselves short by giving away 23 taxable acres of land, especially in its, it's beautiful land. It's some of the most developable land in the City. My opinion on Hillandale is strictly my own. It doesn't necessary represent anybody else's in the Board of Education or anybody in the Euclid City Schools. So I want to make that clear. But we must do better. We must think big. We need to look long-term. Vote no on the Hillandale change.

Mr. Jack Hagenbaugh – 20200 Hillcrest Dr. First of all, I'd like to speak in support of the legislation for the Neighborhood Associations. They do a lot of good work and I ask you to approve that.

Second of all, on the school issue, I'm the parent of three children, one graduate, two still in the system. I think the schools do a great job; however, they are seriously overcrowded. On this issue when harmful overcrowding make, will improve achievement, make necessary repairs and upgrade the school buildings. Reopen Indian Hills School and Memorial Schools, establish all-day kindergarten, which the State will kick in 900,000 to support. We can do all this for \$5.85 for the average homeowner. All the funds can only be used to upgrade and/or repair buildings. We open schools and buy new textbooks and technology. No funds can be used for salaries or benefits. Thank you.

Mr. Tom Cooke – 23100 Chardon Rd. I'm here to speak on two subjects. Number 1, Issue 24 I'm in full support of supporting this permanent improvement levy for Euclid. It is very important for the Euclid School System. But one thing to remember, it doesn't matter how good of a school system we have without proper security without the, without the support of the Police, if people do not feel safe in the City, I don't care what kind of school system you have. They're going to run out of here as fast as you can, as far as you can imagine. So while we do have to remember our school system and support our school system, we have to remember that it's also tied together to the security and safety forces. Very, very important, don't forget the two go hand-in-hand.

Also regarding the Hillandale project, I debated for the last week whether to come up here and say anything about this project. I think it's been beat to death quite a bit so far in the media and in Council. I don't think anybody has even scratched the surface regarding all the issues of this, of this project. I just want

to remind all the Council members here including Mayor Cervenik, Council President Sustarsic, you will be held accountable for your votes tonight and what you do in the future regarding this, regarding this project and how you handle it. It is a huge project for the City of Euclid \$25-30 million. It's huge. Thank you.

Mr. Mike DiDomenico – 24770 Farrington Ave. I want to speak on Items 2 and 3, which are the rezoning of this property, again, at Hillandale. I'm urging a no vote on this rezoning. This is our last undeveloped property in the City, 68 acres. It's currently zoned industrial. I think it should just stay in industrial. The project as presented so far is an average project at best. And in my opinion doesn't carry an overwhelming amount of weight to say we should change it. The buyer should have known when they bought it; it was zoned industrial. Since they bought it that way, if it doesn't get rezoned, oh, well, they should have known coming in.

I think that you've gotten petitions that said 600 people have said we don't want this rezoned. I keep hearing about we should listen to the people. I got from the Sun Press. Mr. Sustarsic on another issue, which was the sign that didn't get passed, the billboard, saying the residents don't like it. I don't believe we're doing our jobs by ignoring them so you should listen to the people. I think when the concrete crusher was presented people came to the microphone and that was again voted on. We should listen to the people. We're exactly, the same type of thing, a rezoning was proposed at Lakeland Blvd. for a, and that was only 6 acres. And the gentleman came in and didn't make his case on why it should be rezoned and, therefore, the zoning wasn't granted. Now, I know I read in the paper in December in the Plain Dealer in the Plain Dealer that if this project doesn't get rezoned, they're going to sue us. Well, if that's what we're going to go on every time somebody says they're going to sue us, then just get rid of Planning and Zoning and let people do whatever they want because it's ridiculous. Once you rezone, once you rezone it for this project the door's open. They can end up doing whatever they want really. We haven't seen anything that's been in concrete. We keep seeing little bits and it's going to be this; it's going to be that. And things conflict. And again, people have been coming up here for two months talking about this. Tonight's put it on the line. I say vote no on this. I don't see that this is the big bang for the buck that we need.

There might be some other empty land if they want to build a church find it. That's fine. But this particular piece of property needs to be something big and if industrial's going to get us more money, leave it industrial. Thank you.

President Sustarsic – Excuse me, if I just like to reiterate what I mentioned earlier, you will have a choice this evening. If you choose to address Items 2 and 3 now, you can but at the same time once they come up on the agenda, give other people a chance because you've already expressed your comments on that particular issue. Thank you.

Mr. William Mabel – 24661 Hawthorne Dr. First issue, I want to talk about is the schools. I've been in this community 50 years. I have served on Council in this community. And I've cared deeply about it. Deeply enough to have two of my children here with my grandchildren, five of them in the school system, and I've continually supported the school system and felt very good about our children. I am not going to move out of this community. I know some people are running around saying I'm going to move. I will not. I had a conversation with my neighbor, Joe Radisek on Hawthorne Drive, and we talked today. We're not moving. We love this community and I know we can do better.

I know what it is to win and I know what it is to lose. But I also know that your integrity is very important because in the years to come people will remember that you did the right thing. Not whether you won or lose or you got a lawsuit. I'm supportive of the Hillandale project. I was pleased that those attended the meeting up at Bethlehem Lutheran Church the other day. And I was pleased to see some of you there. I was pleased to see the Building Commissioner there, too, to answer questions. It was an open dialog and trying to understand what was happening in this community.

I personally support this. I feel that it will bring jobs, tax dollars and everything to our community, 180,000 to 200,000 is not cheap housing. It will regenerate a lot of things in our community. And I'm proud to support it. I have noticed in Cleveland Heights, they have a total of 316 homes going up there. The community development group a year ago took several people around from Chicago to New York and I and my daughter were ones that took the tours to see the homes and how positive it is and the impact on their city. I see no reason why we cannot do as good as they.

So once again, I would ask you to support this rezoning tonight to move it for the housing and church. And I'm also reminding you that the pastor, Rev. Rodney Maiden, has high credentials, a great reputation and there are people in that church that are great people and would be coming into this town and bringing a church. And of course, there are some risk when you bring a church in. They talk about supporting the poor, loving your neighbor and things like that. And I think we could use a lot of that in Euclid.

Mr. James Hollingsworth – 23 E. 242<sup>nd</sup> St. And the two issues that seem to concern everyone else also concern me. I happen to be the father of a kid that moved from Georgia this year, this school year, was coming from kindergarten, all day, all year round. And unfortunately for him, he was pushed into a class setting half a day, not all year round and, fortunately, we were able to move him to first grade where he can

get right back into his appropriate study habits. So therefore, I think the issue regarding the funding for schools is an important issue that should be taken up in order to keep the kids in this area competitive with kids from other areas. That are moving very much forward with questions regarding the quality of education at the early levels. So I'd like to speak favorably to that.

Secondly, on the Hillandale project I've heard a few people speaking for the citizens of Euclid saying that they don't want it. But I'm a citizen of Euclid and I can tell you quite clearly that I do, I would like to see this project go forward. I'm a person who is heavily involved in many faith-based initiatives. I realize the important implications related to not only helping the poor, not only helping with things that's at the core mission of most churches. But also there's a significant economic impact component to the kinds of work that large churches are doing. Providence is, as, positioned well for this as any church in this area and; therefore, not only brings the quality of life questions in terms of churches to equate but also the potential for heavy economic impact. And quite honestly in the next year or two, if there's some really nice housing like that available in Euclid, my inclination is to stay and to buy not only that housing but to continue to buy products in Euclid and continue to add to the tax base. And frankly, I have no expectation but to continue to be a better and better wage earner with more money to spend in whatever community I live in. And I can certainly speak that there are probably other people that are just like that. And if that's the case, then I think the question of taxes and other things that go to economic impact have to be thought of from that perspective because if there's not great housing here, then someone like me won't necessarily stay to buy a small older house. Someone like me wants a larger, bigger, better house because after all it is all about quality of life when you get to a certain place. And I think this project has the potential to have that kind of impact. So I would say vote in the favor of that zoning.

Mr. Robert Tilk – 207 Wells Court. First of all I'm a member of the Wells Place Homeowners Association so I actually am in support of Item #6 and I hope that the tenants and associations will get their just monies.

Also, I'm here to talk about Items 2 and 3, Hillandale. And I've contacted many of the members here in Administration and on Council concerning the economic impact of this project. And also I gave information about how much property tax it takes to educate a child so we're really not here to talk about that. That was for your information to help you make your decision. But the real issue tonight is a zoning change and what effect it will have on our community. So I want to give you a little history lesson.

A lot of you were here at the time Century Corners was formed. It was a multi-family use apartment, Parklawn Gardens. And the City decided that Parklawn Gardens had to go. A blight study was done. The property was purchased, over \$5 million was spent by the City and City money, Brownfield money and, of course, the Brokaw Advertising campaign.

Now once this property was cleaned up and ready to go they had to decide how should we zone this property from multi-family use. And the U7 (light industrial) zoning was the choice. It was the choice then; it's the choice today. And just about every city but Euclid, U7 (light industrial) is in high demand. So they've changed it to light industrial, Century Corners and now they've matched the abutting property the Hillandale parcel. All were U7 (light industrial) zoned. This made sense. Who'd want to buy a house next to a factory or vice versa? Who'd want to put a factory in close proximity to a residential area?

So I looked up performance standards of a U7 (light industrial) district. What's allowed in these districts? And within the performance standard for U7 zoning, the following things are permitted. Noise, 69 decibels are permitted to the edge of the property. Well, we speak in a negative 5 so that's quite loud. Smoke, visible gray not darker than #2 on the Ringelmann Chart. They're allowed 4 minutes of smoke every 30 minutes. Radioactive material are permitted. Hazardous waste are permitted. Toxic chemicals are permitted as long as they were kept within the performance standards, you feel they might not pose a problem. But as you all know, things can happen. Gasoline can explode. You're allowed to store gasoline, too, especially if you've got vehicles there. Fires can happen. Then it wouldn't be a good idea to live so close to an industrial site. Maybe this is why we have zoning laws to keep residential and industry as far apart as possible.

Now I can't cast a vote tonight, but you as my representatives can and I would vote no to both zoning requests. Thanks for allowing me to have my say.

Mr. John Herak – 78 E. 224<sup>th</sup> St. Speaking on numbers 2 and 3, we have been here many, many times debating the pros and cons of this proposed development. I'm against the project in its current form for a couple of reasons. No one from Council or the Administration has yet to request a portfolio from American Church Builders to my knowledge. American Church Builders has not been forthcoming with this portfolio on its own. What is everyone trying to hide? Tom Cooke's pictures of the last meeting may provide the answer. The only projects that we've been able to view have been an unsightly corrugated metal warehouses with a church façade, not exactly upscale work.

Another issue is tax abatement. Although Mr. Taylor has given us assurances that they would not ask for a tax abatement even though the City of Euclid allows tax abatement for up to 7 years on all new housing projects. This project qualifies within parameters of the Community Reinvestment Act, which allows a tax abatement of up to 15 years. Law Director Frey, I ask you how does the City plan on addressing this abatement? We'll get to that later.

When you include the 23 acres that will be permanently tax abated for the church property, you have an additional burden on our safety forces as well as our schools from the housing development. Where will the funding come from? A few people have spoken in favor of this project, many people spoken against it. I believe the composition of these meetings represent a microcosm of our community. The residents have spoken. Mr. Jerry Sustarsic, your main theme for running for Council President was that you wanted Council to listen to the residents. I hope that just wasn't campaign rhetoric. We will see. Thank you.

Mr. Harvey Mlachak – 23831 Lake Shore Blvd. There are too many unanswered and important questions on this matter to pass this ordinance tonight. Therefore, I ask you to vote no on these issues until all the questions and issues are answered to the best advantage to the City of Euclid. Mr. Taylor says once we get over these processes. If you pass this ordinance tonight, you put the hammer in their hands. A couple of questions, it's like anything else. Once they get their foot in the door look out.

Number 1, Providence Baptist Church says it will not ask for a tax abatement. What about individual rights? Jim Smith buys a house and/or lot and it's tax abatement allotment. He wants his abatement and will fight for it. Protestant Baptist Church true to their word did not ask for the tax abatement, but Jim Smith and 109 other people insist on it. They are on a tax-abated allotment and a precedence has already been established by the City.

Item #2, deed restrictions, who's going to enforce them? Through experience, who's going to enforce the deed restrictions? Through experience some years ago, the City denied me a permit. Who's going to enforce it? The City cannot. Several years ago or sometime ago I took the City to court because they denied me a building permit because the house did not comply with deed restrictions. Judge Blyson ruled it is not within the police powers of a city or a municipality to enforce clearly private deed restrictions. Who's going to enforce them? They going to try to put this burden on you? If the church or somebody up there, whoever or the community ignores these deed restrictions, basically, the City can't do anything about it. Do we not have a legal and legitimate right to enact and enforce zoning laws in courts and codes as established by the United States Supreme Court in Euclid vs. Ambler Realty. Where the Supreme Court ruled that the City has the absolute power to zone its land and to enforce these zoning laws. Let's just as zealously protect our City as other mayors and councils did before you were here. Thank you very much.

Mr. Sam Ventura – 23800 Glenbrook Blvd. I also support #24 school issue. My wife, my four children, three of my grandchildren graduated from the Euclid System and they all got a great education. I just want to make a personal comment about the rezoning of Hillandale. Won't take long.

Where else but in America we have the right to debate and express ourselves without any fear of being jailed. There are pros and cons on any subject you want to talk about. In Euclid today we're being conned about the proposed Hillandale project. Meetings are being held everywhere. To some if it still hasn't been decided by our Council people about the project. I believe the outcome of the vote tonight, the way I see it, was cast on November 4<sup>th</sup> when a new Mayor and Council were elected. I think there are certain political paybacks. In my place of business the talk of the day is Hillandale. Not even the football playoffs and the Super Bowl even came close.

I would like to ask one question. Why would anyone want to spend so much money for this property knowing it wasn't rezoned for their specific use? Sounds strange to me. Thank you.

Mr. Jeffrey Larick – 20980 Priday. I would like to address the Hillandale project. I'm in favor of it. As I understand the main point of opposition to this project is the opposition to the tax-exempt status for the land and the desire to see the land developed as light industrial. But frankly, that's just not going to happen because it's been tried before. Does anybody remember Euclid Means Business? It was a miserable failure. Now, why would the City of Euclid attempt the same old plan from 4 years ago and expect a different result. That just doesn't make sense. And what business wants to relocate to a city with a tax burden like Euclid's? Our effective industrial rate is 75.62 mils compared to Mayfield's 55.11 mils. And a month from today the School Board wants us to approve an additional 2.5 mil permanent levy. So no wonder Progressive Insurance is so keen to build in Mayfield and not Euclid. And I'm not even going to get started on the income tax rate difference.

Now let's look at what kind of revenue you are going to get if the zoning is approved if the zoning change is approved. A hundred ten new homes if we conservative estimate the value of \$200,000 each that's a \$22 million market value. An assessed value of \$7.7 million and that will generate over \$450,000 a year in revenue almost a half of million dollars annually is nothing to sneeze at. The school's portion is going to be about \$270,000; the City's portion almost \$53,000 a year is probably \$50,000 more than you collect from that property now or ever hope to in our lifetimes. But in, there's a far more important reason to support the rezoning of the Hillandale project and that is the character of the families who compose the Providence Baptist congregation.

Now most kids today are not socialized by their parents; they're not socialized by a church family; they're socialized by degenerate pop culture that's personified by MTV. Case in point is the Super Bowl halftime show. Now, these Providence Baptist families are traditional nuclear families of Christian parents. These parents are going to send their kids to Euclid schools. These parents are going to insist that their kids dress

and groom themselves respectfully. Insist that they pay attention in class and behave responsibly. These kids are going to have a positive spillover effect on the whole student body, which is of far more value to the Euclid schools than money. The Providence Baptist congregation are exactly the type of newcomers that we need in Euclid. Thank you.

Mr. Greg Thomas – 25430 Glenbrook Blvd. also 24370 Glenbrook Blvd. And I'm a lawyer and a pastor. And one of the intriguing things about this particular issue, two issues mindfully, one is the levy associated with our kids. My issue as a lawyer as I see multitudes of time through the criminal system is either you educate the children now or somehow the judicial system will eat them up and grind them up and then the police forces will have particular issues and then the judicial system. My, I would propose that I would recommend strongly to the Council and all involved to support the levy. Because if our children are educated, I came from the City of Cleveland and from a very small or from a big community and education made the most significant difference in my life.

Now the other different, the other difference that made in my life the church influence and that leads straight to the Hillandale Manor project, Hillandale project. I'm sorry, I have a client at Hillandale Manor. But the incredible thing about it is those were the two influences the church, the positive of the church, and also education. I would venture to say that the Hillandale project, the Hillandale area is not earning significant monies now. But you would have a positive impact with the church there. I am be bias as a pastor, but I think the soul food and I don't mean it in a slight sense. The soul's spirit food that people that will be fed there will benefit this whole entire community. In addition to that I would recommend strongly that this dormant property be used to this effective and highest use, which in my particular opinion is church. And I respectfully request that this matter be expeditiously taken care of tonight. There's been debalking on both sides of the fence. I hear people balking about I don't like their particular contractor. Well, unfortunately, they're not the ones paying for the contractors so if you're not paying for it then you can't do much about it. So again, I don't mean to be strong or anything of that nature. This is the first time I came to a Council meeting and I think it's important enough that the new Mayor along with the Council people that represent me to give this very serious consideration. And consider the proposal of Hillandale and not just only consider it, pass it wholeheartedly and stand firmly on what you believe. Thank you.

Ms. Janelle Daugherty – 121 E. 200<sup>th</sup> St. I'm talking tonight about Issue 24, the school levy. I just wanted to say that many cities today are building brand new schools. And no matter what city you live in you're going to have a school levy that's going to have to get passed. You can't move somewhere else and avoid this. So I think we need to ante up and all of us realize that this is a significant improvement to the City to our schools. It's only 5.85 per month for an average homeowner just to reopen two older schools and maintain those schools. We are not building new schools.

As I was working today as the, on a parent volunteer spreadsheet for Ward 1 I was reminded how many wonderful active public school parents that we have in this community and friends. We need to keep these active public school parents in this City. We need to keep them in Euclid and they have a very positive impact on the schools. And many of the children from these parents are the ones receiving the high proficiency scores. They're one of the ones receiving the high achieve test scores and there are some positive, very positive things happening in the City through the public schools. And those are the parents that are behind their children that are active in the schools. And if this school levy does not pass, we will see these more active parents move out of the City. And I am afraid that if we do not pass this levy these families will move. And these are the families that are making a difference for our schools. I urge you to please support Issue 24. It is a low-cost permanent improvement levy. It is only to reopen old schools. We are not asking too much of our City and too much of our citizens and please, please support this to help the future of our children and the future of the City. Thank you very much.

President Sustarsic – All right, is there anyone else to make comments on legislation today?

Ms. Clarice Turley – 27580 Tremaine Drive. My property happens to back the Hillandale project. And originally I was in support of the project. I am concerned with the housing issue. I'm concerned about the impact of my property value. I am concerned about the type of neighbors that will be incoming into that area. And we've already begun to see some of the housing being rented out to or subsidized housing. And within the first year I've immediately seen how it impacts my property. I don't want low-income housing in the Hillandale area. I'm not prejudice against it. I want my property value to remain as is or to increase not decrease. Thank you.

Mr. Greg Miller – 564 Babbitt. And I'm blessed to be a resident in this community along with my love wife, Ann. We have no children in the school system, but I favor the school levy wholeheartedly not because it's going to provide better schoolrooms or education for my children or for our grandchildren but because it's better for the community as a whole. That perspective isn't one that comes to me naturally but is one that comes to me spiritually.

As an attorney who's also in ministry like the pastor before, many of you know that my wife and I were called into the ministry to help start up Open Door Maternity home in 1995. We were the original house parents and then executive director team and the like. What's the relevance of that at this point? Well, actually, it's just kind of a déjà vu experience at this moment.

In 1995 we had standing room only as the Open Door Maternity Home rezoning issue was being heard in meeting after meeting in these Chambers. In 1995 Bill Cervenik, who was then on City Council, stood as a matter of principle against tide after tide, wave after wave of opposition to the opening of Open Door Maternity Home in the community. Some of the opposition was based on racism. Some of the opposition was based on a fear that Open Door was going to bring with it undesirable residents. Pregnant teens from the inner-city who would really be a bit of a blight on the neighborhood. Some of the opposition was also based on the fear that a group home would also be a blight on the neighborhood, that is, that it would be less well maintained than owner-occupied homes in the neighborhood. Those fears, although based on stereotype of both the inner-city residents who would come to live with us and who did come to live with us and based on the stereotype of group homes. Those fears weren't without basis, now, they're not fair. It's not fair to put that label on everyone, but there's a rational basis for some of those fears. And so in 1995 thanks to the courage of Mayor Cervenik and others on Council, I think Kirsten was also on Council at the time. No? Okay. But thanks to the courage of those who were on Council who stood for principle at that time, they gave us the opportunity to open.

What the hearings also did was to give us the opportunity to hear the concerns of the community. And that was terribly important, just terribly important. Otherwise, frankly, I would have naively come in and thought we're just a charity, an organization seeking to do good in the community and we should be embraced. No, it's a special case and we have special standards to meet. And I think in a nutshell that's what the community's concerns are addressing here for the Providence Baptist Church community. And so I address my concerns and my remarks to you, but really in a sense I'm addressing them more to the Providence Baptist Church group, okay?

As brothers and sisters in Christ, welcome. Praise God. Bring more of the spirit of Christ to this community. Bring not only the, the quality of life in that portion of the community, but the quality that the Lord brings in the upbringing of children and everyone else who's influenced in that community. And here, be very attentive. Let those with ears to hear, hear that these are real concerns that the community's addressing.

Number 1 concern, the City of Euclid, the residents in the City are very concerned about whether this community is going down hill, economically, in the school system, can we afford to maintain much less to improve. And we want to improve. We want growth. We want to raise the bar. And so your church needs to reflect that. No corrugated metal, okay? None of this warehouse stuff, okay? It needs to reflect something that honors and glorifies God. And secondly...

President Sustarsic – Excuse me, Mr. Miller, your time is up.

Mr. Miller – I'm sorry. I'm sorry. I think everybody gets the point. Thank you.

President Sustarsic – Thank you. Are there any other comments from the audience relative to items on the agenda?

Ms. Jai Walton – 27591 Mills Ave. I have a procedural question to ask. The questions, the statements we make now, is that it before you take a consideration of vote on this issue, 2 and 3?

President Sustarsic – The statements that you're making now?

Ms. Walton – No, yeah, the statements that are made now.

President Sustarsic – No, this is the Committee of the Whole portion rather, where people address what is on the agenda. Once all those comments are made, we'll move to rise and report. We'll go on to the regular agenda, Council. And then those two particular items will be addressed.

Ms. Walton – May I also make it understood that this is not a statement of question and that I will hold my comments to the other portion of this process. I just wanted to ask the procedural question to clarify for others. Is that acceptable?

President Sustarsic – Yes.

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

**Res. 11-2004 (041a-04) Issue #24 School Levy**

A resolution in support of Issue #24, an on-going permanent improvement 2.5 mil levy for the benefit of Euclid City Schools, which will appear on the ballot in the primary election on March 2, 2004. (Sponsored by Mayor Cervenik and entire Council)

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

President Sustarsic – Mayor, would you want to address this?

Mayor Cervenik – Yes, Mr. Chairman, thank you. I think you're heard some comments tonight concerning the grave importance of the passing of Issue 24. I am fully behind it and cooperating with the Euclid School System. Dr. Jones and I have got a standing date of every other Tuesday morning to have breakfast and discuss our common problems. And we do have common problems and we're going to work together to solve them. Issue 24 is a good deal for all. We get free kindergarten all day long for our students. And we have our overcrowding eliminated for a little less than 6 bucks a month for the average home. You will see that show up in increased test scores. You will see it show up in the moods of the children that no longer have to be cramped in a school that was built for 600. We've got 900 or so, closer to a thousand at Euclid Central. It's the right thing to do.

I was at the AARP meeting this morning and a woman says, you know, I wish the schools would spend their money correctly. And I said I serve on the Audit Committee of the schools and have for, I think, 5 years now. Our school system spends their money correctly and they watch every dime. And they account for it correctly and they do as they're told. And they always get glowing recommendations from the State of Ohio during audit time. Certain people a few years ago when I was on Council, when I was Council President, said to me why we can't the Euclid Schools run their finances like the Mentor Schools? All right? And some of those people are in this room this evening. Now, I'm not taking any joy at the problems the Mentor School System has and it's not, it's ironic, maybe not that our former treasurer is also helping them out there. They've got problems and we hope the Mentor School System rights themselves. But I'm glad that the Euclid School System has handled the finances the way they have through all these years. And I guess what I'm trying to tell you and the people out there that are going to vote in March have confidence in our School System and our School Board. They spend our money wisely. They're dealing with a lot of problems that you didn't deal with when I went to school and you went to school. And they're dealing with them well.

And last but not least, we need a strong school system if we want to continue to have a strong community. So I back this. I strongly urge everyone to get out there and vote for Issue 24. Thank you very much.

President Sustarsic – Thank you, Mayor, and I think we all agree on that. There's the old time and tested axiom that pretty much a school system and a municipality are directly linked together. We are two separate entities as far as government is concerned, but at the same time what we're looking for is progress and we're looking to move forward as a City. And I believe strongly that the only way we can do that is by supporting our schools. Because with strong schools you do have the instances where industry, business and the like if they're going to be relocated or if they're choosing to locate within the City of Euclid, the number 1 thing they will look at is the education provided by the school system. If it's a good system what the products and the like. So I would think that the, well again, this is sponsored by everyone. And I can only urge everyone at the next election to go out and support the school levy and this could help us in the future in the development and in the progress and in the success of the City of Euclid. Are there any other comments?

Councilwoman Holzheimer Gail – I'm pleased to be a sponsor of this resolution and I'm equally pleased that the rest of Council and the Mayor join me in that. I'm a parent of kids who go to the schools so I can look at it from that perspective. I want my kids to be able to learn in an environment that is suitable for that. Euclid Schools do a wonderful job and I'm very happy my kids are going there.

But equally important as a community leader and as someone who plans on being in Euclid, I know the importance of our schools and what that means to attracting residents to the City. I know that our schools and our community are linked. With strong schools comes strong community. I know that smaller learning environments will help the kids achieve better. I know that buildings that are not too hot or not too cold will help the kids achieve better. I know that my house that was built in the 20s needs a lot of improvement and regular maintenance. It certainly goes that the schools do as well.

We need to pass Issue 24 for a number of reasons. Most important it will make our schools better. It will make our kids smarter and able to achieve more in their life. And we all need to be worried about that because the children are our future and we will be depending on them. So I would ask everyone, I thank Council for their support, and I ask most importantly for the residents to support this as well and vote yes on Issue 24. Thank you, Mr. Chairman.

Councilwoman Hufnagle – I, too, would like to add my voice to Councilwoman Holzheimer Gail and encourage everyone to please consider voting yes for this levy. I am the proud parent of a student in the Euclid Schools. He went from one of the smallest schools to being transferred into one of the largest schools.

I see the effect of that every day. I believe that our school system does a good job in educating our children and I think that a sign of that was that the High School won the Bill Gates Foundation Grant, which will enable them to create a better learning environment in that school. And I believe we need to follow it up with passing this levy.

I served on the Superintendent's Reorganization Committee, which met for months, and researched this problem of the overcrowding and came up with this solution. And they did it with much thought, much research. They put a lot of time into it and I believe it is the best plan for Euclid. I know that it only costs, to some it only costs \$6.00 a month. I know that there are people out there that would consider that a lot of money. I know that there are people who don't have the choice of eating at McDonald's. They have the choice of eating peanut and jelly. But I would encourage people to please consider this. It's something that our children need and until the Federal government gives us a better way to finance our education for our children it becomes our responsibility.

I believe that the school system has been responsible with the funding that they've been given. Several years ago when the enrollment was down that they were financially responsible to the citizens and they closed buildings that were not needed. Now they've proven that the enrollment is up. It's going to continue and they need our support once again. Thank you.

President Sustarsic – Okay, any other comments?

Councilman Sustarsic – I'm proud to have my name on this legislation as well. I'm a product of the Euclid High, Euclid School System, a 1994 graduate of Euclid High School. They're some of the greatest times of my life. I got a great education, was involved in extracurricular activities for student council. I just believe that every student today should have the same opportunities that we've had. Thank you.

Councilman Gruber – I would also like to urge all Ward 4 residents to support Issue 24 and this would be a direct impact in our neighborhoods in the Ward 4 by opening Indian Hills School, reduce overcrowding in the Glenbrook Schools. It would make the neighborhoods a friendlier and safer environment for all the children because they would be closer to their school buildings and it would alleviate overcrowding in the building. So I support this and urge all Ward 4 residents to it as well.

President Sustarsic – Any other comments? Okay, we're settled.

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

**Ord. (031-04) Rezone 881 E. 222 Street**

An ordinance rezoning P.P. #643-13-008, located at 881 E. 222 ST., from UR-2 (Church) use district to U-1 (Single Family) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

Third Reading. Public Hearing February 17, 2004.

**Ord. 12-2004 (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)

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

President Sustarsic – I think what we can do looking at this is before the presentation is made if all, any and all questions being that the two ordinances #2 and 3 are directly related. I think it would be in the best interest of this Council, if you don't mind, if we could here the complete presentation. Comments can be taken from both Council and the audience and then being that I think the answers might be given or might not depending upon who's listening. If then, we could vote on the first issue and then pretty much dispense with a lot of comment on the second issue being that that would be covered in the overall presentation. So with that in mind I invite Mr. Taylor and the Rev. Maiden. They will be making the presentation relative to the rezoning of the two issues, two parcels in question.

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

Mr. Paul Taylor – As a point of order and decorum we have more people speaking and I just ask that they sit here so they can address the mic from this area just for ease and comfort so we don't have to displace people here. Thank you.

Thank you everyone for coming back out this evening. As we go through the presentation, a more or less the overview of the project for the Euclid development of the Providence Missionary Baptist Church. As I have stated in our last meeting and presentation, I will overview this evening for you our package and our presentation. And I have brought before you this evening to comment. I will have Chris West from Colliers International here who will speak on the land use prior, he was our realtor, who has the history of this land. We will ask Bob Hill to come. He's a land planner. He's got a lot experience in this as far as the current use of land. We will also have Brian Nichols from the Snavely Corporation. He's the President of the Home Builders Group for Snavely. We will have comments from Rev. Maiden, who's the pastor of the church. And we will have final comments from Sheldon Berns, the zoning attorney for Providence Missionary Baptist Church.

The project is located at 1700 Metro Drive, Euclid Avenue. It's a 68-acre piece of property. The ownership of the land is that of Providence Baptist Church. This land was purchased April 18, 2003. The land use for the church facility is 22.989 acres and 43 acres for market rate single-family housing. The zoning requests to change from a U-7 (light industrial park) district and U-4 (local retail or wholesale store) district to a UR-2 district (church). The housing development we're requesting a change from the U-7 (light industrial park) district and U-4 (local retail or wholesale store) district to a U-1 (single-family house) district.

The development timelines, once we complete the zoning and planning process the church facility will be constructed in 18-24 months after completion the housing development should be completed within a 30 to 36 month after zoning process. I brought this evening, one of the questions that had come up several, several, several times and as I stated in my comments the other day, I apologize to the members of the community but I don't discuss these matters in the press. And I've tried to be respectful of your legislative process. But we have submitted all of our documents and paperwork to your Planning and Zoning Department and to Mr. Hayes, who's been your representative in these matters. But what I did do this evening to try to help to clarify in packages that were presented before, we had listed a complete exterior elevation of the building. This building is not a metal corrugated building. It is a brick and stucco type structure with a lot of glass and this is a rendering of that such facility.

The church facility itself is a 63,275 sq. ft. facility. It'll be approximately 42 feet tall without the steeple. The worship center seats 1430 people. There's 18 classrooms for Sunday schools. There's an auditorium for recreation and banquets, kitchen facility, multipurpose rooms for meetings and crafts. The church acreage sits on 22.989 acres of which the makeup is 1.453 acres is for the building, 5.481 acres is for the parking. There is approximately 16 acres for greenspace to try to maintain the aesthetics of the area and for future parking. We have stated numerous times that we have no problems in limiting that future development to just that of parking. The majority of that acreage is not buildable because it sits on the ridge. It's not a safe area to build a building. We have a total of 536 parking spaces.

The time of services on Sundays from 8 to 2:30 p.m., Wednesday from 6 p.m. to 9:30, Sunday attendance adult estimates is 1200 to 1800. The fulltime employees estimated between 15 and 20. The part time employees are estimated between 10 and 15. Road access is through Brush Road and Euclid Avenue via Magnolia.

The housing subdivision specifies that we will come back through your subdivision process. Prior to the subdivisional process, I would like to report that we have presented and we have given to the Planning and Zoning a complete site survey of this land which includes geotechnical surveys, surveys Environmental Phase I, wetland delineations and wetland reports. We have also submitted a preliminary sewer and road access plan, a utility plan as well as getting information to the safety services within the City. We have also submitted conceptual sketches of the housing elevations for this project. What looks and types of housing that can go within this land and structure. One of the challenges we've had is the adjustments to your changing minimum requirements, but we're prepared to meet that challenge through your zoning process that comes through with the subdivision plan.

What we do after the zoning process is we go into the Step 2 subdivision plan which we will then layout the lot numbers, housing elevations and sizes based on comments from these meetings, comments from Council, comments from the Planning Department. Road plans will be finalized, sidewalks, street lights and landscape plans will be finalized. Setback and buffers will be finalized. Environmental plans and approvals, and I'm pleased to report the EPA for the State of Ohio has approved the wetland mitigation plan that we talked about at the last meeting. That is now approved and subject to as per the document from Chagrin Valley, your engineer, to your final approval might have to make some adjustments based on the final zoning and subdivision approval process. And we will also identify housing price points. But those in the public, this is not to say that this information has not been presented. It's been presented to the City. There is a process, a legislative process here that says we work with the Zoning and Planning. And one of the things I want to be on the record on here is that when we come forward with this plan on the tapes of this process, we were denied three times. We finally got the information that they requested and we received an approval for the housing piece of 5-0 from the Planning and Zoning for the City of Euclid. And on the church facility received 4 out of 5 votes approving. And this is after we received a denial. So I believe we have answered all the questions.

Again, I apologize for not discussing this in the press, but the press is not the proper form for this. It is through the legislative process of these legislative people. I will say on the record that there is not subsidized housing in this plan. The land overlay, we have gone on record of saying that we're not looking for a tax

abatement in this project to make it work. The roads, the infrastructure and the improvements are being paid through the private side. The development plans that's been brought forth before the City before for light industrial or whatever and roads, sewers, infrastructures and tax abatements being paid for by the City. That is not the case with our proposal.

In regards to the comments in regards to the church owning the properties. This is free simple deed ownership. Church will not own any housing in the subdivision and is available for the general public to purchase. So with that I would like to defer to the next comments from Cliff West to bring the overview that was requested of us at the last meeting followed by him will be Bob Hill followed by him will be Brian Nichols and then Rev. Maiden and then Sheldon Berns.

Mr. Cliff West – 12221 Clifton Blvd., Lakewood. I'm just going to address rather briefly some statistics that were gathered by Realty One Corporation from the Normlance group, which collects data of this type, and the issue is regarding average price of homes in the Euclid market in the year 2002, 2003 numbers are not yet available. So the numbers I am quoting are from 2002.

First of all, the average sale price of a home during that year in Euclid, and this is only single-family homes does not include condos or clusters or apartments or any kind of housing just single-family homes, was \$96,499. Some other information that goes with that is that the average time on the market from the point at which someone puts their house on the market 'til it's actually sold in the average range was 76 days. That's a pretty good turn ratio in that industry. But I'd also like to comment that the higher end housing of between 259,000; \$258,000 – \$359,000, the high end housing, and this is typical by the way of the entire 7 county area in the highest price brackets, the average time on the market was 572 days.

Mr. Robert Hill – I'm a City Planning and City Planning Consultant. I've been asked to address the land use and zoning issues of the program that you are considering this evening. By the way, Mr. Berns, we will have a hand-out? All right. I have journalized what I'm going to be talking about tonight. You all have a copy of that. I'm not going to spend a lot of time on it. I want to hit the highlights of what I would consider the most pertinent issue as far as my involvement this evening.

I'm sure that you are all aware that the Euclid Master Plan, actually it was the Update that was adopted in March, 1996 and then a subsequent Southeast Euclid One Community Development Plan that was prepared in June, 1998, addressed the issue of higher valued housing within the City as a critical issue. Mr. West has indicated what the average sale price in 2003 is for the City of Euclid as far as the median value of owner occupied units in 2000, that was \$90,000.

That was an issue that certainly was pointed out in the Master Plan. It was addressed in the City's adopted Master Plan. The policy that evolved and let me just read it, its just a paragraph. Encouraged development of the Brush Road for residential single family uses. Then it went on to say, or recommend, or propose, that there would be a joint city-private operation, if you will, to accomplish this. There's no question that the site was analyzed by the City. It has been journalized in terms of recommendation and that recommendation is single family use.

I would point out as Mr. Taylor has indicated, the City will not be the prime developer of this site. The Providence Baptist Church will.

In terms of the appropriateness of the current zoning. I would like to take a moment to do that. As of January 2004, the City had an inventory of 11,500,000 square feet of industrial property. That property is located in the Euclid Industrial Corridor, which you're all very familiar with. It represents the positioning of industrial land in an ideal arrangement that is obviously between the freeway and Euclid Ave. I would also point out that of that 11,500,000 square feet of industrial space, currently 1,500,000 square feet is vacant. That's 13% of your entire inventory. This is something that is not unique to Euclid. The City of Mentor is facing a 12% vacancy rate. Solon, 14%. Strongsville, 9%. Twinsburg 9%. These are tough economic times.

In the mid-1990's the city departed from its historic zoning pattern of industry and rezoned approximately 75 acres, which I refer to as the Brush Road site and it was rezoned in the U7 category, Light Industrial Park. Since that rezoning, there has been one industrial facility constructed in the area. That's BIC Manufacturing.

The problem that I see with the current U7 zoning, its totally isolated from your Euclid corridor industrial base. It is a relatively small area, 75 acres. It doesn't present an opportunity for the development of a significant industrial park, or an office park. Compounding that problem, is the fact that that property interfaces with residential use to the east, and to the south. Also, as far as the Euclid Avenue frontage, that is a combination of multi-family and residential usage.

So, given that, the location disadvantage, the interface with residential and the fact the City is facing a 13% industrial vacancy and the lack of development on this property, clearly indicates to me and it did to your planners in 1996, that the U7 is not the most appropriate zoning for the Brush Road property.

Now, in terms of meeting one of the goals of the 1996 Master Plan, the Providence program is to construct 110 higher value or high value residential structures on the property, which will make a significant impact upon meeting that particular policy and goal of the Master Plan.

The fact that a worship center is part of it, it would seem to me only strengthens the overall program. I heard earlier this evening questions and concerns regarding the financial benefit of the Providence program

versus the way it is zoned at the current time. The benefit today is minimal. Quite frankly, given the competition that Euclid is faced with, with cities like Mentor, Twinsburg, Solon, Strongsville, it is extremely doubtful in my mind that that site will ever successfully develop as a light industrial property.

Those are very valid concerns of the people that are talking to you about tax revenue. I think it's extremely hard if not impossible to put a value on the moral and spiritual opportunities that are tied to the residential neighborhood in this property and also the greater Euclid community. That's all I have to say at this point. I'd be more than happy to answer any questions that you have tonight or in the future. Thank you very much.

Councilman Langman – I just want clarification, who does Mr. Hill work for in doing this analysis?

Mr. Hill – I was retained by Mr. Sheldon Berns. Obviously I'm working for the Providence Baptist Church.

Councilman Langman – Okay, thank you.

Mr. Brian Nichols – With Snavely Development Company. Appreciate being here tonight. Bear with me, I'm a much better builder than I am a public speaker so I'll do my best. Snavely Development appreciates the opportunity to be involved with Mr. Taylor and participate in the development of this Magnolia Road site. We think this project presents a great opportunity to add a quality community to compliment the existing housing stock here in Euclid.

Generally, our view of the site, we see a blending of housing types that would create a nice, new, vibrant neighborhood in Euclid. We'd offer several housing types and designs to the community. There'd be traditional two-story single family homes that would appeal to that first time buyer and also the move-up buyer as well. We heard from a couple of those tonight. We'd have also designs that would feature, first floor master area, master suite so to speak. Ranch designs that would appeal to that empty nester, who may still be working and living, working everyday. Also the retired individuals who would like to stay in Euclid but want to get into new construction and a lower maintenance type of lifestyle. I've actually had some phone calls from those people.

The homes we would offer would have a variety of elevations. Different types of materials on the exteriors. Use of siding, brick and stone, different types of windows, entry ways, eaves, porches, that type of thing to give some real personality to the homes, but stay in keeping with kind of the traditional type of home that's in Euclid. We think this community would really, when you pull in, it'll have nice entry features, and really feel like home. We're excited about that aspect of it.

To address some concerns earlier, we would intend to have landscaping included with each home, as well as a homeowner's association that would be set up to maintain the yards, the greenspaces, the common areas, as well as enforce the deed restrictions and the regulations of the association. This is something that we have a lot of experience with. A properly set up homeowner's association can be very effective in maintaining the community. Of course, these are owner occupied homes as well. In that scenario, there's generally very little problem with a strong homeowner's association that would maintain the neighborhood at a very high level.

In a nutshell, we think that the proposal, it's an interesting mix of housing. It is certainly a beautiful site. We think the variety of housing, if we would appeal to residents, kind of across the board as far as different walks of life, different income levels, to get that real community feel going. We feel it's a real unique opportunity in Euclid for the homeowners, the residents in Euclid now, and also again to add a real superior development to the existing housing stock.

Just a couple of comments about residential housing and the impact that it can have in a community. Obviously you guys work hard every day to accommodate growth and population growth in your city. Part of that is to ensure that the housing demand of the residents is met. In doing that, an offering of different types of housing, single family, condominium, cluster, different levels of income is all important. Residential growth in an area is really fluid. In other words, if there's an opportunity in Euclid, the residents in Euclid take advantage of it and also people from outside of Euclid take advantage of it. If that opportunity doesn't occur in Euclid and outside of Euclid, then there maybe residents from Euclid that will take advantage of it in another city as well as the residents of that city.

It is important that that opportunity happens in Euclid. You'll attract first-time buyers. You'll keep your move up buyers and you'll also keep your retired people who are looking for that type of housing that's not single family, that is lower maintenance, and we have a lot of product that would appeal to them.

The overall economic impact of housing is also important. There's really three phases to it. The first phase is the construction activity. Really the first two phases involve that. You've got your construction activity, it's the direct impact from the actual building activity in the city. You've got jobs created. You have transportation in and out of the city. You've got purchasing going on. You have the construction workers, all that activity, spending money in the city. Along with that, the local workers and the store proprietors, they're going to earn additional income from that activity. They live in town. They're going to take that income and spend it in town. Again so that dollar gets multiplied. It isn't just a one time thing. It's a multiplying effect. It is hard to measure but it's pretty huge.

The third phase is when the person moves in. Obviously they're going to move in, they're going to spend taxes. A good percent of their income is going to be spent on local commodities and services. Any government-type owned enterprises, trash pick-up, that type of thing, comes as well. Again, that money is multiplied once again. If the City takes tax money in, it pays city employees, they live in town, they take that money and they spend it in town. That multiplying affect is huge.

The National Association of Home Builders recently did a study on that. I'll just throw some numbers out so you can get a feel for the impact of 100 single family homes in the city. The sum of Phase One and Phase Two, which is basically the construction activity itself, and these are one-time impacts. Local income is over \$11 million. Local business owners income is over \$2 million. Local wages and salaries is over \$9 million. Government revenue is \$1.3 million. Local jobs supported is 250. Then if you look at the ongoing annual impact, once those houses are all occupied of the people living here. Local income again is \$2,780,000. Local business owners income is a half a million. Local wages and salaries \$2,270,000. Local taxes, my math equals the guy's earlier, it's about a half a million dollars. Local jobs supported and this is real important is 65.

So, the impact of that 100 plus homes in Euclid is very significant, not only during construction but on the ongoing basis. Thank you.

Councilman Delaney – Mr. Nichols, did you bring any of the housing types, you said you were going to build with materials, brick, wood siding, did you bring any pictures?

Mr. Nichols – We did submit some schematics earlier. I did bring some with me.

Councilman Delaney – Do you have lay-outs, elevations?

Mr. Nichols – They're schematic designs. We haven't got into the product development specific for this site simply because we're just not at that stage yet.

Councilman Delaney – This is the Council Meeting to vote for the zoning.

Mr. Nichols – I understand.

Councilman Delaney – At this point I would have a better than schematic.

Mr. Nichols – I have some pictures.

Councilman Delaney – If the Sgt.-at-Arms could copy them for all of Council.

Councilman Gruber – Mr. Chairman, I address this to Mr. Hayes. The Architectural Review Board would have to approve all this? We're not voting tonight on these particular housing, that has to go through our process of Architectural Review and so forth?

Commissioner Hayes – Councilman Gruber, Architectural Review, as well as several other bodies in this city would have to review this before it went farther.

Mr. Nichols – Those renderings will give you a flavor of what we have in mind. Some of those comply with the 2,000 sq. ft., some don't. It still gives you an idea of what we're talking about.

Councilman Gruber – Mr. Nichols, I would like to thank you for coming tonight and you do exist. That's a good thing. There was some question on if you existed or not. Have you ever done a project in Euclid before?

Mr. Nichols – Not that I'm aware of.

Councilman Gruber – Most other suburbs you have. I know you've done some work in Mentor, Concord?

Mr. Nichols – Most certainly. Most every town on the east side of Cleveland, and maybe on the west and south as well.

Councilman Gruber – What attracted you to this project?

Mr. Nichols – We think it's a good opportunity. There is not in Euclid proper a lot of opportunity for home buyers to buy new construction of this type. We think there's a good possibility there is some kind of demand for this type of housing. That's always a good thing as the builder.

Councilman Gruber – Thank you, Mr. Nichols.

Councilwoman Mancuso – I have questions from several residents who are asking if you are a union shop, as far as the builder?

Mr. Nichols – Residentially, typically, we are not a union shop. General contracting does get involved with that, however.

Councilwoman Mancuso – What does that mean to us? What would that mean to us as far as this project is concerned?

Mr. Nichols – I don't know. We have worked with union shop residentially. That is not typically what we do. But we have done that.

Councilwoman Mancuso – You would be amenable to that here in Euclid? To work with the union shop?

Mr. Nichols – That is something we could take a look at and consider, sure.

Councilman Langman – Mr. Nichols, you mentioned the mixture of housing. Do you have any idea of what numbers would be for example, the first-time buyer home versus the senior homes?

Mr. Nichols – I don't have the specific numbers. Again we have to get into that a little bit more in the subdivision approval process. What we would like to see would be obviously some of each. More on the empty-nester side, but a healthy segment of single family.

Councilman Langman – Empty nester, you mean seniors probably?

Mr. Nichols – No, not necessarily. An empty-nester in my view is someone who the kids are gone, they may still both be working, there maybe only one working, they maybe retired, but they don't have kids at home. They're looking for a lower maintenance type of lifestyle. Empty-nester is not senior, no sir.

Councilman Langman – Will these homes be built primarily with basements or on slabs?

Mr. Nichols – There would be both.

Councilwoman Holzheimer Gail – While we're still on housing, I don't know if perhaps Mr. Nichols or Mr. West might answer this. We've talked about market rate housing and we've talked about step-up housing. I would like each of them to define what they mean by that in new construction terms. Our average home price in 2002 was as we've heard, \$96,499. Those are homes that were typically built many years ago. I'd like to know in new construction dollars, the difference between a market rate home and a step up home.

Mr. Nichols – In my view, market rate is a home that is built and sold basically what the market will pay for that square footage and that amenity level. A step-up home really is the same thing, it's a little bit bigger home, and you're aimed at that second time buyer as opposed to another demographic. But its still a market rate home.

Mr. Taylor – If I may, as developer of this project and doing projects similar to this that actually takes property and price-points that are in stable community. As you've heard from some of the people who brought information for you, the average price-point was \$99,000 to \$100,000. There's going to be several challenges with bringing what you call step-up housing to the market place. One is going to be to convince the financial institutions that we have appraised evaluations to support that housing. The price points that we have identified for this project is starting at \$180,000 going up to an average of \$250,000 for the two different types of housing. That in itself will support itself within its own basis because we've gotten enough critical mass. We've done a project like that in Columbus where we actually started with the upper-end housing and had great difficulty pulling the appraisers. But when we started with the step-up housing as the genesis for the project, as well as a blend of the other housing, we saw price and price-points work. I would say from the market, step-up standpoint, or market valuation, I believe both answers are correct. One, we've got to make sure we can get the appraised values that's going to support it. The borrowing and the buying power. If anyone builds a home in this community and they don't feel they can get the appraised value, everything we're doing is for not. We've got to make sure the price-point helps.

Councilwoman Holzheimer Gail- Mr. Apanasewicz, I'm sorry to put you on the spot, but over the last several years we've had many new homes built, in-fill homes. In your guess, what would be the average price-point of the new homes being built?

Commissioner Apanasewicz – I think we did this earlier in the year or late last year. We determined the average price of a new home was \$170,000 of the new homes that had been built in Euclid recently.

Councilwoman Holzheimer Gail – Those are primarily the in-fill single, that doesn't include Bennington Hamlet, or does it?

Commissioner Apanasewicz – Bennington Hamlet probably runs between \$120,000 for one of the single units. I think that was the average of the housing built within the city, it may have even been based upon the tax abatement, I think that's what the issue was, what the value we were getting out of the homes that we were tax abating. I think we did determine that it was \$170,000. That would be since 1999.

Councilwoman Holzheimer Gail – That's what I thought it was in that range. Thanks.

Councilman Langman – Mr. Taylor, I think at our last meeting you mentioned senior housing, some housing that would have deed restrictions on it and so forth. Mr. Nichols mentioned empty-nester housing. Is that one of the same, or are those two different types of housing within the proposed development?

Mr. Taylor – Two different types of housing. You have and I think the question came up at the last meeting, the one gentleman who came up said his children are gone, he's not a senior, would he move into the senior community. That's an empty nester. We are also looking at senior citizens housing, seniors over the age of 62 and greater. It is a blend of both. That's why we said when we talked deed restrictions, some of those units would be for those 55 years and up. So we are very specific.

Councilman Langman – Do you have an idea of what the square footage would be for those two types of housing in the proposed development?

Mr. Taylor – We don't have the square footage today because if you remember prior to us coming through for our zoning approval, you had just passed legislation moving the requirement to 2,000 sq. ft. That just occurred within the last 30-60 days. As Mr. Nichols has said, we have designed several different types of housing, layouts based on previous meetings. Now based upon those requirements, we've got to go back and look and see what we had designed for that. But again, that just one component of our overall plan of housing, is the senior housing component. I believe the senior housing component, as I stated before, we started at a much higher percentage, working with your staff, working with your different departments. We've cut that requirement down to about 35-37% of the total site, so it's not a lot of units.

President Sustarsic – May I interject for one second. That's about all we have one second. If we could take a much needed 5 minute break then we can come back and return to continue the conversation. Thank you.

Councilman Langman – First time homebuyers, can you give their definitions again about what they perceive that market is?

Mr. Nichols – First time homebuyer? That could be anything from a younger couple who is recently married and now looking for the first home. It could be an older person or couple who has been renting and is ready for a single family home. Again, that first-time homebuyer can encompass a lot of different people. Primarily it's a younger buyer.

Councilman Langman – Thank you both.

Councilwoman Hufnagle – I have a question for Mr. Nichols. I received an e-mail dated January 14<sup>th</sup> from a resident who was questioning the quality of work that you do. My question to you would be, do you offer some sort of guaranty to the homes you built?

Mr. Nichols – Certainly. We're a member of the Cleveland Homebuilders Association. There is one year warranty that we subscribe to through the Homebuilders Association. The Ohio Revised Code has its own statutes that obviously we subscribe to.

Councilwoman Hufnagle – Thank you.

Councilman Gruber – I have a question for Mr. West. If you'd be kind to answer it?

Mr. West, how long have you been involved in the sale of this property? The Hillandale property?

Mr. West – Through this client or in general?

Councilman Gruber – In general.

Mr. West – My firm has been involved, I'll go back further than I personally was involved in it a couple of years. My firm goes back, which is Ostendorff, Morris, Colliers International, at least 30 years, as far as the records that I can perceive. At least 30 years.

Councilman Gruber – This property has been on the market for 30 years. I'm sure you've had some offers in that time. What was the biggest draw back to developing the property you think?

Mr. West – A couple of you have heard already, maybe one or two maybe you haven't. The earlier ones about being settled in a traditional residential areas is one of the negatives for a developer. What we typically do is work with developers of all kinds including industrial developers. They're usually looking for a site that's at least 200 acres. Another disadvantage of this site is that it is too small, 75. It seems like a lot of acreage but when you're doing an industrial development. By the time you put your infrastructure in and do all the other kinds of things that you need to do, most developers feel that a 200 acre up to 500 and more is a better site size-wise.

Councilman Gruber – So the property for the record has been for sale for roughly 30 years. It maybe for sale for another 30 years if someone doesn't act on it from your experience.

Mr. West – That I don't know. It's the future. It has been for sale for 30 years.

Councilman Gruber – Thank you.

President Sustarsic – Any other questions or comments from Council? If none, I think we can go out to the public and they can express their. Oh, Reverend, I'm sorry.

Rev. Maiden – Thank you Mr. President, Mayor and his staff and Council and all Safety leaders and to the great citizens of Euclid. I come as a senior pastor of Providence Baptist Church. I really can't speak to much on the building side, the financial side or why other companies did not purchase this land. But, from a pastor, from a spiritual side, we believe God held it at bay for us as a church. But as a Pastor, my staff and I prayerfully assembled a strong team of qualified and competent, men and women of integrity to help look at this project and to see if this vision can become a reality. I want to thank Paul Taylor and his staff and others who have come on board to work with us. He gave us counsel to move ahead in our initial times in meeting with the city officials, it was favorable and it seemed like we were having a good working relationship. We tried to ask for all the questions that came our way. We were very transparent, very open and honest in our dialogue and I want to commend them for that.

We bought this land, not because of what is was already zoned for, but we bought it to show the City of Euclid good faith that we were serious in coming here and becoming good neighbors to make an impact in the City, not to take away, but to give, to be a partner. Not to build walls, but to build bridges. That's why we come to let Euclid know that we are good people. We are people of God and we're serious in coming. It was not just rhetoric. I'm quite sure you heard a lot of people come and did a lot of talking, but there was no commitment. We are a people of commitment and action. We've invested much in time and prayer and time and money and finances. Putting together one of the greatest teams I know that can be able to make sure this project be all that you want it to be. We want you to be overwhelmed and not underwhelmed. I know there's a lot of apprehensions and you don't know what the future is going to hold and none of us know what the future is going to hold for any of the projects that come into Euclid. But I want to again, thank all of you for listening to us. I'm hoping that the Council, be prayerfully, and instead of voting our project and we're looking forward to working with each and every council member in this great City of Euclid in the future when we do come. Thank you.

Mr. Sheldon Berns – I'm Sheldon Berns. I'm a lawyer and my office is at 3733 Park East Drive in Beachwood, Ohio. I've spent the last 40 years involved primarily in land use zoning pretty much in all of northeastern Ohio. I'm here primarily to discuss with you the law with regard to this request for rezoning. A couple of other things that I just want to touch on first. One, the suggestion has been made by one of the members of the audience that once this property is rezoned, the church can do anything it wants with this property. Obviously that's not true. You have very stringent subdivision and building codes and what have you which must be adhered to. We must come back, not only to the Planning Commission but to this body in order to subdivide and develop this property because your laws require us to do so.

Second. It is sometimes helpful to know who the people are who have addressed you and who's involved in this project. You know a great deal about the Church and American Home Builders, and some suggestion that they don't have a portfolio. They do. I doubt that anybody whose ever come before this city has had a more intense investigation as to who they are than these people.

But insofar as the people who you just heard from, Robert Hill who is a modest individual happens to share by birthday month and my age, he's been doing this for 40 years. He is one of the most respected city

planners, certainly the one with the greatest amount of experience in northeastern Ohio. He presently serves as the consulting city planner for the cities of Strongsville, Middleburg Heights, Independence, Berea and Lyndhurst. He has acted in that capacity for perhaps a dozen other municipalities both in Cuyahoga County and other counties in this area.

Insofar as Snavely Development Company, I've had the pleasure of representing those people from time to time, when they've needed representation. They don't generally. They get along well in municipalities. I've represented over a period of about 20 years. The best testament to Snavely Development is, if you want to know how good they are, you go talk to the Mayor of every city in which they've built a project. They are a developer that has impeccable reputation wherever they have done any kind of a development project, residential project. Ask anyone if you haven't already done so. Ask anybody, any place that they've built something. They do what they say they're going to do and there is never any question about it.

Let's just, if I may, just address the law. By the way, I do this not as some people have suggested that there is some threat in this. There isn't any. I do it for your benefit, but perhaps equally, perhaps more for people in the audience, your constituents because they have to understand as you do what your duties are. Because *Ambler vs. the City of Euclid* who started this whole zoning process in 1926 does not, as has been suggested, give cities *carte blanche* as to what they can do. It doesn't do that. What it does say is that cities can enact and enforce zoning laws so long as those laws substantially advance the public health, safety, morals and general welfare of the community. If they don't, those laws are not valid.

For instance, if you pass the zoning law that required the use of a single family home next to a gas station. We'll somebody would say that's crazy, that's irrational. Nobody would want to live there and the Constitution would not permit that. Similarly, if there is, property owners are people too. Sometimes they have to wave flags and say they have rights too. Developers do too. Insofar as their rights, they have a right to a reasonable use of their property. If a City were to zone a piece of property so that it doesn't have any use today, in the foreseeable future, there isn't any reason to believe that it can be used for the purpose for which its zoned, that zoning ordinance may not be enforceable. There's something wrong with it. Because it cannot advance the public health, safety, morals and welfare to zone a piece of property or enforce zoning just a piece of property for a use for which nobody wants to put it. And nobody wants to put it today, there's little opportunity to do so tomorrow.

That's what you've heard. The people who owned this property before the church, owned this property for 30 years, something like that. Metro, they were associated with Association Estates, who makes money using property, developing it. They were unable to develop it or sell it in all that period of time. If it had a use for industrial use, by-golly, that would have been done. Now, northeastern Ohio and I just said this to a Court last week, I probably shouldn't have done that, but I told them their decisions had an effect on the economic well-being of northeastern Ohio. Northeastern Ohio is in an economic crisis. The Plain Dealer and other newspapers have made it very clear that what has been is not what is going to be. Industrial uses in northeastern Ohio have waned. We're going to find other ways to generate jobs in this county. But industrial uses are in terrible shape. And it is not just Euclid. Euclid is, got its share of problems. But Mentor, all of western Lake County, you've got a million and a half empty, vacant industrial sites. They've got something like 2.5 million.

The point is that nobody develops industrial property when you've got vacant industrial property that nobody will occupy. When you have that situation, what does happen is that the price for rentals, the price for sales, goes down, because there's no demand. That's what you have hear and that's why there is no present demand or any likelihood of any demand for industrial space. That's what your ordinances require of this property. There's a small part of it that is zoned for retail. The same is true there. This is not a retail space. Nobody has even suggested that that's an appropriate use of the property. Once again, not only Euclid, but other communities have problems with retail space. You've got retail space that's vacant, no reason to think about that now.

One of the other uses, you make this property our office buildings. There are, where my office is, I could look out the window and look at land that will handle 2 million square feet of offices in the cities of Beachwood, Warrensville Heights and Orange Village. That was supposed to be built out in 20 years. With few exceptions, its still vacant because we've outgrown our need for office buildings and that's right on a freeway. Another use which this land could be put to but it doesn't have any use for it.

So to go back to what I said before, the notion that if somebody is quote "stuck" with a piece of land, they buy it and they don't have any use for it, they're stuck with it, they can't ever use it except for what it is zoned for, no, that's not what the law either requires or permits. Requires and permits that that person have a reasonable use of their property. Fortunately, your Master Plan suggests the use to which the Church wants to put most of the land. Single-family residential use.

What does the law say about churches, that's another thing. There's been a reoccurring theme here. Churches don't pay taxes. We can't afford not to have land that's going to produce taxes. That of course ignores the fact that you have all of this acreage, 50-60 acres of land that really has not produced anything by way of taxes. Its raw land, nobody's using it now, its producing little by way of taxes and nobody's collected anything in 30 years. But, churches in Ohio have a favored status under the Constitution of this State. The fact is that unlike almost anything else, another other place of assembly you want to have in Euclid, if I want

to build a church, I have to come to this Council and then to rezone a piece of property. Because the only place you can build a church is in a zone that is zoned for church use. You don't have any empty land zoned for church use, they all have churches on them. So, if I want to build a church, I've got to come and rezone the land.

How does a member of the city council make decision as to whether or not a piece of land that's zoned for something else ought to be zoned for a church? The question is the same one that I mentioned before. What is the relationship between that use, a church use, and the public health, safety and morals and welfare? Because if there is none, then you can say no, we don't want churches because they don't advance the public health, safety, morals, or general welfare. On the other hand, if churches do, then you've got to ask yourself a question, how can I refuse to permit the church to be there.

I read this to the Planning Commission and I want to, maybe you've seen that tape, but I certainly don't want to bore you. But, I think it's worth reading. This is a case from 1953 that originates in the City of Beachwood, Ohio. State Ex Rel Anshe Ched Congregation against Bruggemeier who is the Mayor of the City of Beachwood. In that particular instance, the church, it was a temple, they wanted to build a temple in the City of Beachwood and the City of Beachwood didn't want a temple. At least they didn't want that temple in that city, that was then a village. All the reasons that you've heard from people here tonight, were the reasons that they asked in court, every one of them. The court, this is the 8<sup>th</sup> District Court of Appeals in Cuyahoga County, our Court of Appeals. They said this fifty years ago. Some concern is also presented with regard to the financial burden which will fall upon the Village because of the building and operation of Relators Temple. Relators were the plaintiffs in this action, that's what they called them, particularly in the safety department. Such financial burden being increased by the fact that the property involved will be removed from the tax duplicate. It has long been the public policy of the State of Ohio that property entirely devoted to religious, charitable or educational purposes shall be exempt from the ordinary burdens of taxation. This rule of law, which is universally recognized, is a public recognition of the importance of these voluntary organizations to the well being of our community life. No municipal corporation can justly refuse to permit a permit to build a church only because the property will no longer be subject to taxation. It is also said in a resolution that the Temple of the Relator will not serve the public welfare. How is it possible to hold that a religious institution which has for over 100 years been one of the outstanding centers of religious education in Greater Cleveland devoting its services, not only to the devotional and religious needs of its members, but in a broad sense contributing to the welfare of all people of the community through its interdenominational activities. Does not serve the public welfare is hard to understand. Every religious institution contributes to the common good or general welfare of the whole community even though it be attended by a particular group, or as the dominational in character. A democratic society where every man unselfishly devotes some part of his energy in the interest of good government cannot succeed without the moral and spiritual influence of the church. The place of the church is to be found in that part of the community where the people live. It is to be associated with a home. Its influences are concerned with family life. It is an institution for which we look for leadership and furtherance of the brotherhood of man. In molding the moral progress of our children and sustaining and giving strength to purity of our family life. To hold that a church is detrimental to the welfare of the people is in direct contradiction of historical truths and evidences. A failure to recognize basic fundamentals of a democratic society.

That case pretty much answers that question. The rezoning of a piece of land, particularly a church of this nature, no one on this council for one moment claim that it will not advance the public welfare of the City of Euclid and its residents. So, I guess I ask you to do the same thing as one of the other people in the audience. I've sat in your seat. I did that for 7 years. The only thing I can ask you is to do the right thing. That is to enact both the zoning for the housing and also for the church. Thank you. If you have any questions, I'll certainly be pleased to answer them.

President Sustarsic – Any questions from Council?

Councilman Langman – Law Director Frey, would you comment on what Mr. Berns presented?

Law Director Frey – In the memorandum that I sent to Council, I detailed those factors that you can use in your consideration tonight to determine whether or not to approve the zoning change. Counsel is obviously quite experienced, Mr. Berns is quite experienced in this area of law. That recitation of zoning law was done without charge to the city, which is good news. I don't disagree with any of the things he said. Other than as I pointed out to you in the memorandum, it is the burden of the developer to show that their request for the rezoning meets the requirements for a use, particular use and so forth as I detailed in the memorandum. So, I don't dispute his recitation of the law. His standing in that area, I think you have the guidance before you to make the decision tonight.

Councilman Langman – Could you speculate as to if other religious entities were to show interest in property, it sounds like we don't have much recourse because of the general health and welfare clause that Mr. Berns dictated. Is that how you interpret it?

Law Director Frey – I think that you still have the right to look at placement of a church or religious property or school property or hospital property. It might be a very different question, Councilman, if that request was made to rezone a piece that was surrounded by industrial factories. Whether that would be an appropriate placement. I don't think that question is beyond the scope of council. Certainly the overriding issue, apart from the reasonableness of the request for the rezoning, the overriding issue, is if the proposed zoning use, or proposed use of the property would contribute to the general welfare or morals of the community. He's recited the case to you from the 8<sup>th</sup> District. Its holding is pretty clear that church or religious property use advances the well-being, the general welfare of the community. So, to try to restrict a rezoning request, there's got to be a very apparent reason for that. Again, the example I give you is, if the placement of it was inappropriate. Not necessarily the use.

Councilman Langman – Is it your opinion that economic factors are outweighed by the fact that it is a religious institution, the morality of it, etc.?

Law Director Frey – I think economic factors are one of the things that you can consider in making a zoning change, or acting on a request for a zoning change. Economic impact is certainly part of that.

Councilman Langman – But is that weighed equally to .....

Law Director Frey – I can't, Ms. Vento, if you have some?

Asst. Law Director Vento – I would like to add to Mr. Frey's comments. You can consider the economic impact, however, if I understand the holding in that case that Mr. Berns was referring to is that the fact that the property tax exempt cannot be your only reason for denying it. Now, if there was some other impact that the church was going to have that you're concerned about, such as the placement next to an industrial area, then you would have better grounds for denying the rezoning.

Councilman Langman – Thank you.

Councilman Daly – I had a question for either Mr. Taylor or Pastor Maiden. Is this your first choice of sites? Or, have you looked at other sites in Euclid and approached the city on them?

Mr. Taylor – Yes and I think that Cliff West, if he's still here, can speak upon it. We had looked at several sites. As a matter of fact, we had several options. One we had looked at the vacant apartment buildings at that time there was talk about razing those. To actually locate the church, but at the time the City stated that there was a developer who already purchased that land and was redeveloping it. We then looked at Euclid Mall prior to that. But again it was not a favorable site location based on the plan. Then I believe it was Century Corners that we actually put an offer in. Cliff was the real estate broker for our end. He was actually working your previous economic development.

Mr. West – My exact practice in this business is land. I can tell you in Cuyahoga County in particular there's an extreme shortage of land as you're indicating by some of your concerns tonight. So we've been looking for quite awhile for land that has the size and the scope to match their needs. Its been suggested and we've even considered the possibilities of taking some other land even in Euclid or another area that was formerly industrial land that seems to be not functioning that way. But the issue there with that is two-fold, number one to take land and bring it to the point where its no longer contaminated would have tripled or possibly even quadrupled our cost. It typically costs about \$100,000 to clean up a seriously contaminated piece of land, if you could ever clean it up. That's still, we're not sure that's the case. To put a church with many children, and other folks as well, but I guess particularly the children, in this still undecided potential danger of that, was another reason why even in Euclid, even though you probably have some other land in Euclid that may be there, although we're not aware of it, its probably contaminated land because of your industrial history. That land is a pretty unacceptable option for us.

President Sustarsic – If there is no one else on Council with any comments, move to the public and get their comments. Again if you can come to the, my left your right, side of the podium, give your name and address. You can address any of the individuals that gave the presentation. Thank you.

Mr. Ray Novince – 217 Wells Court. I would like to make a couple of comments with respect to the Hillendale project. I guess first of all I heard Mr. Berns. I would agree with most of the things that he said with respect to the legal position. The only thing I wouldn't agree with is when he kind of got out of his field and he basically commented with respect to the uses of the property. I did call Spencer Pesak, with Duke Realty here in town, which is one of the major investors. My background is a real estate attorney and also an investor primarily in REITs, and I'd ask Spencer with respect to what area is the strongest in town with respect to development. Spencer indicated that it was industrial. It was the one thing that was holding up. They were

obviously worried about their office portfolio and obviously residential has not been strong. There's been a lot of obviously vacancy in that as people have tried to move into step-up housing and other housing. Spencer however did say, not Spencer, Sheldon did say, that the key from the city standpoint is that, and these are his words, is there a reasonable belief that this property can be used for the purposes that it was zoned. The key with respect to that is, is that and when I first got involved in this and people told me about it, I thought that this had to be industrial because of the fact that the city had made a massive investment with respect to a piece that was in front of this project. Five million dollars. We zoned it light industrial. I obviously thought that the companion piece in back should also be light industrial. Because obviously if you're going to market a piece, you want a bigger development. Mr. Hill has indicated that he doesn't feel that it is really feasible even at that size to market this particular piece as light industrial and that it could take a long time. Obviously it has, but I feel that if the city decides that this piece should be light industrial, that its entirely reasonable to take that position given the investment that the city made in an adjacent piece.

I have however talked to various people and given the fact that I live in Wells Court, which was a site that the city originally was involved in, and subsidized to some extent, I'm in favor of step-up housing for the City of Euclid. In connection with the development like the church is proposing, I'd like to see people that are presently in the city being able to, if they go into this type of project and look for a piece of property that they can move into and stay in the City of Euclid. I think there's a need for that. My only objection to this particular piece, and I now actually think that this piece probably should be rezoned residential. I honestly think the city made a mistake with respect buying the piece that was down in front. It was a massive mistake. But this piece probably should be residential. I however still think that this piece should be turned down tonight because of the fact that the city has antiquated building codes, and zoning ordinances. In Well Court for example, I'll give you an example quickly. Is the fact that when I built my house, I wanted to put a larger sewer in the garage. Unfortunately the city specifies in its code that the sewer can't be any bigger than this. It doesn't make a lot of sense, but that's what the code says. If we now go ahead and pass this proposal now, I think it should come back. But I think it should come back as a PUD or something like that. Where there's a specific site plan. I heard words today like overview and conceptual.

I was involved in a project in Akron that totaled 285 acres. We came in with a PUD development. The owner was strictly limited in return for a zoning change as to what he could do. There were only so many units. If the City approves this in its present state, unfortunately what is going to happen and could happen as Hugh Daly indicated to me is that we have to take these people at their word. My position is that we can't afford to take these people at their word. We need to lock up a project that's going to be beneficial for the city and for the school system and make sure its not a drain. We need to have something concrete, come in here that has roads approved, has roads dedicate, that it commits a site plan. Its been done in other cities. It should be done in Euclid and then this project should go forward. Thank you.

Ms. Francine James – 24801 Lake Shore. I'm a past member of Euclid Kiwanis, I participated in the making of the video on domestic violence for the City of Euclid Mayor's Advisory Counsel under our previous Mayor.

I would like to say that I am a resident of Euclid and a member of Providence Baptist Church. I was baptized into the membership of Providence in 1964. I actively participate in the Women's Ministry of Providence, in which I serve as the Executive Assistant. Currently I must drive to Cleveland to attend services and take part in the church's varied activities. My faith is very important to me. I am extremely excited about the opportunity to worship in my own neighborhood.

Not only is it more convenient, but I am pleased to be closer to the many social and outreach programs that my church provides. The community of Providence Baptist Church sees a mission beyond itself and looks for opportunities to provide social services and benefits for the entire city. Many of the church's social programs will become available as a community resource. Such as: day care programs and activities for our seniors. Older members of the community will benefit considerably from the added programs and activities. A 1993 report by the independent sector shows that 92% of local religious congregations around the country were found to offer at least one social service. It is also found that just the congregations participating in the sample found that they spent over \$5 billion on human services and community development efforts. The social services that Providence Baptist Church provides will greatly enhance the local community and provide thousands of dollars of additional resources to the City of Euclid.

The church's plans include a housing development that is open to the church members, as well as the general population. The housing this project brings to the area is affordable and all residents are welcome to benefit from the activities and various community programs inherent in a large church, such as Providence. Faith-based organizations benefit from being neighborly because they know the people in the community that they serve. They hire staff from the local population and those participating in the churches programs are not only just members, but they are considered neighbors. Many of my fellow members at Providence do now reside in the City of Euclid. A lot of them that do not reside here, work in the City of Euclid. They equally are thrilled at the prospect of having a community based church. A neighborhood church allows our families to be more involved at daily church's activities. It allows us to give back to our local community and provides a spiritual base in which to raise our children. I look forward to you to make the right decision tonight and vote for this proposal. Thank you.

Mr. Art Zola – 621 Willow Dr. I just have a few comments on some of the figures I've heard bantered around here. When I first heard of the Providence church contemplating moving out here, the size of the church was to be for 3,000 members. I thought that was preposterous. Now I see its dwindled down to 2,000. At the time I read the 2,000, I didn't know how many people were actually members of the Providence church, until I see something in the paper this week that they have 1400 members. I'm familiar enough with churches to know that if you get 2/3 of the people that are a member of the church on Sunday, you're doing pretty good. So, if the Providence church is going to build a church that houses normally 1,000 people. Why are they building a church that is going to cost them thousands of dollars for 2,000 people? Why don't they cut down to 1500 or something, be reasonable.

I also read that some of these homes are going to be reserved for senior citizens. Recently you may have seen in the papers that the life span of an individual is 80 years for women and 75 for men. But, the black people are at least 3-4 years younger than that when they pass away. Those are statistics that I read about and I assume they are correct.

If a person from Providence church buys a home when he's 65 years old, the life span is going to be maybe 8-10 years. What's going to happen to that mortgage? What's going to happen to that home? These are my things that I've been thinking about. I don't know if anybody can answer but I think its food for thought. Thank you.

Mr. You're hitting the senior end of the choir now with Art and me. Art is a personal friend of mine so his thoughts should be given a lot of weight. My notes are somewhat in disarray, however, I would like to call your attention to the church building. Isn't that beautiful? How could anybody vote against anything related to that church? Wherever, if it was next to my place, next to his place. Its beautiful.

President Sustarsic – Sir, if you could please give your name and address.

Mr. Buerkel – I'm sorry, my name is Jack Buerkel and I live at 25801 Lake Shore Blvd. Been a resident of Euclid for 25 years and then 25 years past. My wife and I are graduates of Euclid Shore.

We're talking about the mechanics, the church and housing and how it is going to be built and the square footage. I think the question should be, but why the church first bought this property when the zoning was still of an industrial nature. I don't know who gave them assurance that this would be changed, or how they came about that. I think that should be one of the items.

The other item that should stand for a little bit of questioning, they are talking about the first housing construction that is going to range from \$180,000-\$250,000. Those are good figures. Now, Mr. Taylor, I would like to ask you, what sort of an income would support \$180,000 church, I mean house, home?

Mr. Taylor – Typically an income stream of about \$1,400-\$1,500 a month is your debt service. You would probably be looking at a \$30,000-\$35,000 a year income stream.

Mr. Buerkel – A \$30,000-\$35,000 income stream would buy a \$180,000 home?

Mr. Taylor – That's correct.

Mr. Buerkel – You're talking figures and I have never, I'm totally unfamiliar with. Mr. Berns in talking about the industrial space, 13% vacancy. That would lead to the fact that it would make your property more desirable on the industrial area. Do you mind if I read these yellow lines that I had on your biography underlined? If I read them? I'm asking you. You published. I'm drawing attention to them.

President Sustarsic – Sir, excuse me. We're particularly concerned, we're not getting into personalities tonight. As was reiterated before, I'll touch back on it. What we're concerned with is the zoning of the two parcels in question. We're not interested in personalities involved. Or we're just primarily concerned with the zoning. If you have any questions, particularly towards that, which you have, in the housing, those are fine.

Mr. Buerkel – You don't want to hear anything about the nature of the people that are part of this, asking for it? Or what their goals are on it.

President Sustarsic – As was stated early on, this is a zoning issue that was passed by Planning & Zoning and now it is in front of this Council to determine whether that can be zoned accordingly. I'm not going to make it as an FM announcer tonight. So anyway, I would appreciate it if you could not go after personalities. We're going after the issues.

Mr. Buerkel – I'm not going after personalities. I'm giving you the background that he, himself, has presented. Why shouldn't the public know?

President Sustarsic – Because once again we're talking about the issue of the zoning at hand.

Mr. Buerkel – The person that's proposing it is certainly relevant. Let me read these three sentences and I'd be happy to sit down. Three sentences. This is the biography of Paul R. Taylor and I'm not reading this with anything of malice behind me, Mr. Taylor. But I think for the general public, my friends in Euclid understand that you're a major part of this. It is in the first paragraph. His resources and construction development to serve the needs of the underserved and economically disadvantaged communities across the country. The second sentence is, through single-family housing development that provides the opportunity for single mothers and credit-impaired families to rent or own quality housing in stable communities. You should think about that. That's in this. The last one. Enabling banks to provide mortgage financing for the credit impaired, or for families who do not have the needed down-payment or who do not fit traditional qualification ratio guidelines.

When I've asked Mr. Taylor about what happens when they don't sell those homes, I said what do you do about price? His answer three times is that we adjust it to the market rate. In other words, here's a housing development you're talking about with pie in the sky prices. And we're still talking if it doesn't sell, market rate. Thank you.

Mr. Craig Vincent – 1660 Hillandale. The now famous Hillandale. I had three perspectives that I just want to address real briefly that I looked at this project. The first one is as a person who owns property on Hillandale and resides there and uses the playground and so forth. My preference, personally, is to have housing in that area. I'm not representing all the rest of the people in my neighborhood, but I would like to see personally, housing. It would be better for my home and I would love to see that surrounding the park and so forth. That's a personal preference there. I guess my urgency here would be just that you consider as you consider industrial use or homeowner use that you remember that there are 65 of us who own homes already in that area.

The second perspective is just past history that I've had with Providence Baptist Church and Pastor Maiden, and I'm not going to go into a lot of details. But I find them to be people that I've had great experience with and they would not surround themselves with anybody but people who would be doing right. So if you're concerned about them saying things that are deceptive or saying things that aren't true to mislead you, I would highly doubt that.

The third perspective and quite honestly I had to look at this in a third way because I have to consider all of Euclid, not just my own concerns. So, to try to learn more about how the whole city looked at this project, I went to the meeting that was at the Library, that was organized by some people that were opposed to the project and listened to all of the reasons that were given why we should be opposed to this project. Then I came to the long meeting on the twelfth and went to a follow up meeting and heard the response that Mr. Taylor and others gave to all of those. Almost to a tee, each of those were answered I think very satisfactory. I want you to when you think about that consider what were the things that people were concerned about, why they were against this and then match those to the responses that you heard. Unless I'm not being impartial or if I'm not hearing right, I heard a lot of those issues answered.

Ms. Lisa Kinkoff – 925 E. 248. I just have a few comments. The issue of how the Hillandale property should be developed has antagonized the city of Euclid, the citizens of Euclid rather at least those in the opposition, to the point that they're thirst and they're hunger regarding a resolution to this matter has become an overwhelming quest for justice.

Justice in the sense that the Hillandale property not be developed as currently described. Proponents regarding the Hillandale property proclaim that this is a large opportunity for this City of Euclid. Despite that the facts at best clearly indicate that the current proposal is nothing more than a small possibility. I am uncomfortable with the current proposal for two reasons. The first being that the church's proposal is long on speculation and secondly, short on particulars. Tonight, make no mistake about it, all the cards pertaining the creditability and accountability are on the table. The eyes of the citizens of Euclid are upon you tonight. Let your vote here be one of calculated caution backed up by unwavering valid definition. An affirmative vote here tonight will only serve to make polarization the hero of the night. Why? Because some voting members here tonight refuse to entertain the notion of consensus. Also, some of the voting members here tonight refuse to respect that they owe the citizens of Euclid a meeting of the minds regarding their assumed positions. So tonight, when you cast your vote, I ask that you remember that you took an oath to protect the well-being of the citizens of Euclid. Thank you.

Ms. Jessica Wrenn – 925 E. 248 St. I'm going to structure my comments on the assumption that Providence Church does prevail in their attempt to develop the Hillandale property per their proposed plan. I'm not going to talk in terms of black and white, racial this or racial that, because that is nothing more than a cheap excuse for one side or another to get their way.

I do want to talk about the color green. Green as in the color of money. I would expect the administration and/or any member of Council who votes in the affirmative, that being allowing Providence

Church to develop the Hillandale property accordingly to follow up with a detailed game plan, as to where the additional money is going to come from.

What I mean by additional money is the Hillandale property developed per two opposing scenarios. The first scenario, revenue generating development per the 1996 Master Plan versus Providence church's current plan. What we have here is a considerable net loss to the this municipality and the school system per the second scenario.

The above is a no-brainer. Just do the math. Once again, where will the city get the money to quote, unquote, subsidize Providence church? Because when it is all said and done, this is what this amount to. You can dress a scam in scarlet, but its still a scam. A scam being played out on the citizens of this municipality by its own elected officials. Once again, I don't mean to be redundant but do the math. Thank you.

Mr. Mike DiDomenico – 24770 Farringdon Ave. I've learned some things tonight listening to this presentation. I learned that we're still using this 8 year old Master Plan. Eight years old. In my personal opinion, it should be thrown away, but that's what they want to bring up.

Eight year old Master Plan said what we've heard of, step-up housing. The plan I heard tonight calls for first-time homebuyers, we have that in Euclid. Ranch housing, we have that in Euclid. Housing geared toward retired people that want to do less maintenance. We have that in Euclid. Houses on slabs, we have that in Euclid.

So, the proposal as I've heard tonight, doesn't fall into the 8 year old Master Plan, its building what we already have in Euclid. I heard market rate housing being told. Then the gentleman said the average sale in Euclid is \$96,500. In my opinion, market rate is \$96,500. The \$180,000 term was an if we can get it term. That's what I heard tonight. If we can't do it, we're going to do market rate. Market rate is \$96,500.

President Sustarsic – Excuse me, Mr. DiDomenico. You spoke to the Hillandale issue before in the Committee of the Whole.

Mr. DiDomenico – Yes, sir.

President Sustarsic – If you recall, I did mention the fact that it was pretty much you could speak to it at the Committee of the Whole as opposed to when the issue came up. So what I was wondering is if you could curtail your comments relative to it, because ....

Mr. DiDomenico – That's what I am because these things that I learned tonight, sir, that were presented tonight. Were about first time homebuyers and ranch housing.

President Sustarsic – Mr. DiDomenico, you can proceed, you can continue at the end of the meeting, in the Committee of the Whole portion, if you will.

Mr. DiDomenico – Well, basically this is what we already have in Euclid. If you want it, okay.

President Sustarsic – If you want to speak, come up to the podium.

Mr. Goode – Loan officer from Shore Bank. I guess there's been some concern as to whether or not Shore Bank has provided a formal commitment to this project. Let me state that we have received a preliminary package from the Church which we have considered on a preliminary basis. We have submitted a proposal indicating our interest to give serious consideration to the project. After everything has been submitted and provided and reviewed, if it meets our criteria, we will certainly provide the financing for the Church. Thank you.

Councilwoman Hufnagle – May I ask him a question, please?

President Sustarsic – Yes.

Councilwoman Hufnagle – Sir, just a general question. Somebody that seeks a mortgage on an \$180,000 home, would their income level be considered low-income?

Mr. Goode – I'm going to be careful in my thoughts because of the fact that Shore Bank does not provide consumer mortgages. Therefore, me providing comments as to a person's qualification would be out of bounds for me since that's not something that we do. We're strictly a commercial lender.

Councilwoman Hufnagle – I understand, thank you.

Mr. Dale Vernon – 1497 E. 196 St. I have one question. If this property is rezoned in favor of the church, can a church legally ask for a change to 150 to 180 units from the proposed 110 units?

Commissioner Hayes – Basically that request would depend on the size of the lots that were proposed. I couldn't sit here right now and say yes that would be allowed or no it would not.

Mr. Vernon – But it would be a change from 110 units to anywhere from 150 to 180 units, or somewhere thereabout. Certainly the property lines aren't going to be the same.

Commissioner Hayes – The property boundaries as they are proposed right now, allow for 110 units. In order for them to go to 150 or 180 based on the idea or concept that is here right now would require variances in order to do it.

Mr. Vernon – They could come back to Council and ask for those changes?

Commissioner Hayes – Yes, they could make the request.

Mr. Vernon – Thank you.

Pastor Thomas Owens – 24951 North Lakeland Blvd. I'm in support of this project, but I just want to raise two things that have been asked. Number one it was asked about the American Church Builders, someone had said that they build metal buildings, I guess you build all kinds of buildings. But I do know for a fact they've built two of our largest buildings for our denomination. One, Prince Abide of Church of God in Hamilton, Ohio which has a congregation of about 4,000. The building is not a metal building. It's a great building. As a matter of fact they just sold that building and moved to another larger building because they are growing so much.

Also another personal friend of mine is building a church in Delta, Georgia and they're doing that project also. A couple of weeks ago I went down and looked at some of the things they were doing in their housing and I looked at some of those things. It looks like they're doing a fabulous job. I don't know if we'll go with them or go with another company because we're looking at building also.

One of the problems that I see and one of the things I addressed to someone the other day and I know there's a great debate on people's opinions and why, why not, what for. One of the problems is when the church begins to build in any community, we have to buy property. When we buy property, we have to go head-to-head with everybody of why we want rezoning. Everybody wants us but nobody wants us. Everybody wants you there but nobody wants you there. Then all of a sudden you have drawn lines.

I've heard all kinds of things. I heard threats to the city council, to the Mayor, to everybody else about why you were elected. You know, make comments about this and about that. In reality when all is said and done it is weighing the balance. You have to make the decision of what is best. The voters put you in a position to make right decisions. Sometimes you make the tough decision. Sometimes it's the tough decision that has to be made. But the tough decision when churches go into a neighborhood, it is very difficult.

Some of you remember when we got our rezoning. It was not an easy process. We talked about that. It was very difficult. We submitted our financial statements. We submitted letters from our Bishop. All those things, in reality, according to law, we didn't have to do. We didn't have to submit all those things. They asked us to do things outside the scope of the law. But we did them anyway because we want to be able to understand that we're here for whatever reasons, to administer to the lost, hurting and broken people. It's true the people will not like it, like or not like us. But the problem is that we have to make room for churches. We have to make room for people to grow. We have to make room for everybody. Sometimes its painful. Sometimes it takes property. Some people say this property needs to be done for that, then why didn't you pay the \$2.5-\$3 million for it. If that's what you want, why didn't you pay for the property? It's a question to me.

There's been a lot of questions about the builder. Personally, whenever I hire a builder, you know how I depend upon? I depend upon John Hayes and I depend upon Bob Apanasewicz to tell me whether we can or cannot do a project. That's what you hired them to do. If they're not going their job, why don't you find somebody who can? But, they are doing their job. I've sit down with them many times and they've told me many times what I can and cannot do. They're doing their job.

My point is that I think a lot of questions have been answered. That it's very difficult to find a ground to stand on. And I think you need to need to pass this measure. I think it's a good program and I think you have to wait on those that are in office, who do their job. Let them do their job. Let them tell them whether they can build this kind of building in a neighborhood, whether it meets the criteria that is done by our laws and by the laws of the City. Let them do their job. That's only I'm asking for and I know it's very heated. I know people disagree. I know that people have opinions and that's great. That's what I love about this country. That we can stand up and give our opinion and we can passionately tell how we feel. That's what's so wonderful about being American. My father fought in the war, my grandfather. I have a great heritage in this country and I love America. But what it all comes down to, we have to treat everyone equally. We have to make a place for everybody. I encourage you, if you would, vote for this. It's good for our City.

Mr. John Wojtila – 27924 Gilchrist Dr. I have a quick question for Commissioner Hayes. I know we have two items of business, Item 2 and Item 3. Item 2 is for parcel A and 3 is for parcel B. What's the size of parcel A and the size of parcel B?

Commissioner Hayes – Parcel A is the church portion of the property, which is approximately 23 acres, a little over. Parcel B is the residential or the proposed residential part of the project and that's approximately 46 acres.

Mr. Wojtila – Thank you.

Ms. Ruby Douglas – 654 Voelker. It's way past my bedtime, but I was, would be amiss if I didn't come up here and speak on behalf of the church. I've been in Euclid since 1976, with Reliance Electric for 21 years until they move out. I see Rockwell still has a street named after them but they're not paying any tax to the City of Euclid, I don't think, any more.

Anyway, I was moved to tears one day when a young person came up to me and told me that he had a friend that had done something real dramatic to herself. And he asked me to pray with him for her. And I took him, give him a hug and I prayed with him. And he was so sad when he approached me but when he left, there was some joy in his step.

The kids of Euclid need people that they see going to church and not just going to church, but living a godly life that they can approach. Our country is in a sad state with all that is going on. And we need people of moral fortitude in our communities that our youngsters can go to when they're afraid to approach their own parents. I ask you to think about the church. I don't think it's going to be anything but good. Thank you.

President Sustarsic – Mr. Cooke, might I remind you that you spoke to the issue.

Mr. Cooke – Yes, I just have a quick question. I recognize that. I just have a quick question from a technical standpoint, if that's okay. I can probably ask the question in less than 2 minutes. Okay? Just real quick.

President Sustarsic – Okay.

Mr. Cooke – This is an exterior curtain wall system, correct? I believe, you said at that Saturday meeting exterior insulation a finish system brick veneer? Okay, one of my concerns and I'm not going to make a judgment call whether this church should be here or shouldn't be here. I have a serious concern regarding the exterior finish system being used on any building whether it's residential or commercial. Industry wide, nation wide there have been failure rates to the extent that insurance companies are not even insuring applicators any more. That's happening on a regular basis here in northern Ohio and I just received confirmation of that again in an industry magazine today. And that's, that's the reason I bring it up. That is one of the concerns that I do have. If this is going to be built, I want it to be built of quality construction so it will last for a lot of years and not have a high failure rate. Thank you.

Mr. Dave Griesmer – 314 E. 216. I can, can maybe somebody in the Building Department or the Zoning, can you give me an example of something that in Euclid is 23 acres? Just so the residents could have an example. Like Sims Park or I don't know. I'm just asking. Can anybody? Euclid Mall? I don't know.

Councilwoman Hufnagle – Mr. Chairman, point of order, I believe this gentleman also spoke before the meeting. Now did we set down a regulation or not?

Mr. Griesmer – Excuse me, I spoke about the schools.

President Sustarsic – He, Mrs. Hufnagle, if I may, he did but that was on the, I believe, it was on the Issue 24 for the schools.

Mr. Griesmer – Thank you.

Councilwoman Hufnagle – Thank you.

Mr. Griesmer – Can I continue? Is an example or I'll just continue? Maybe you'll think of one while I continue. Thank you. Just a point, industrial property, we hear all these experts speaking today but the Super K on Babbitt Road, apparently, it's changed from retail to light industrial, warehouse. So there is a market there and we're hearing from our Development Director that Century Corners is near sold out. We've heard of many companies saying they're going to leave Euclid because they can't find other property to build on. I'm not saying that this property should be industrial, but I'm saying there may be a market there. And I think we should look at that. And I talked to Hugh Daly early on and he said he'd like to see that continued on as industrial development. Maybe he's changed his mind now, but that's fine.

I just think the church combined with the homes isn't a good proposal for the City of Euclid. And now if I could ask again if there's an example of the 23 acres?

Commissioner Apanasewicz – You mentioned the K Mart site on St. Clair and Babbitt. That's 22 acres.

Mr. Griesmer – Okay.

Commissioner Apanasewicz – Sims Park is 33 acres.

Mr. Griesmer – Okay, the K Mart's a good example so the people know what 23 acres actually look like. Would you think that amount of parking at K Mart is the same amount of parking that they're asking for for the church or would that be a reduced amount?

Commissioner Apanasewicz – It's hard to say.

Mr. Griesmer – Is retail less than church use?

Commissioner Apanasewicz – I believe that the church use probably would, the parking at churches would probably be less. I think Mr. Hayes might be able to comment that a lot better. In fact we have an amendment to our parking ordinance tonight concerning that issue. But I believe it's probably less strict for church rather than retail.

Mr. Griesmer – Okay. And another example, these gentlemen here, these experts, they mentioned all the available industrial property here in Euclid. But some of that industrial property could be PMX and your old Fisher Body, some of the stuff that people aren't going to want to move into because there's brownfield issues. I think if you give them new property that they can build a new building on, they may be interested. Thank you.

Ms. Pearletha Taylor – 1495 E. 193<sup>rd</sup> St.

President Sustarsic – Yes and may also remind you...

Ms. Taylor – I know. I'm not going to speak about the church. I'm talking about the schools. My issue is about the schools that they're being, they already overcrowded. And also I want to ask you a question. My question to you, you give the citizen 5 minutes and you tell us we can only talk and speak once about certain, a certain project. But you give the church and the builders so much time. They have no time limit. We was here once before for 5 hours. We still got no question really answered. What is it? Why are the contractor and the church is given more time than the citizens?

President Sustarsic – Because according to parliamentary procedure, the rules were suspended by this Council so that they give, can give, could give a full and complete presentation for everyone.

Ms. Taylor – Okay, but they still keep saying the same thing over. And I notice that you are not stopping them from presenting the same question, the answers. And I also have another question for you. If it's possible, may I ask how many people from Provident Church tonight actually live in Euclid? Is that possible that I can ask how many people here from Provident Church?

President Sustarsic – I think that question should be directed to the Rev. Maiden, who is the pastor of the church.

Ms. Taylor – Okay.

Rev. Maiden – Well, I told the membership is 1400. We have about 30% of our membership live in Euclid. Some of them already left, some still here.

Ms. Taylor – Well, may I ask the Reverend another question? Why did you pick this site or the site that you have so many empty buildings and property in the land where your church is already located?

Rev. Maiden – There's some property over there?

Ms. Taylor – Yes, a lot of vacant homes, a lot of vacant...

Rev. Maiden – Somebody should have told me.

Ms. Taylor – Oh, we have pictures.

Rev. Maiden – Let me say this. The reason why we chose this particular site because where we are presently located we're keeping the same site, by the way. But we're landlocked and there is no available more land in Cleveland or that area where our church is located on 128<sup>th</sup> and Kinsman not this size of lot. You will not find this anywhere in the City of Cleveland. And so and really why we chose this lot, we believe God led us here.

Ms. Taylor – Okay, but that's your belief. But how do we know that it's really God? How do we know it's God? You know, everybody say it God. But the question is that's your belief and that is not the people of Euclid belief that it was, that you were led to this land. Thank you.

Mr. Scott R. Gould– 125 E. 192 St. I originally had not decided to speak tonight; but when I heard the, the legal brief that the attorney gave for the contractors, I decided to speak. Give you a little brief overview about my background. I grew up in Euclid. I've lived here my whole life. I went to Euclid High School. Fortunately enough, I was able to go on to college and went to Law School down in Miami, Florida and then I also got my Master's in Business Administration after I went to Law School.

Now I see this plan in front of me. I see a lot of question marks in terms of both financially and legal issues. Law Director Frey?

Director Frey – Yes, sir.

Mr. Gould - Can I ask you a question?

Director Frey – Go ahead.

Mr. Gould – Originally, what's, they're quote, unquote holding is Village of Euclid vs. Ambler Realty was basically he's saying to the Council that you have, that Council would have to pass this because it says, you know, for the general health, safety and welfare and morals of the community. Now would that be impinging against their reasonable use of their property if they were to say, you know, build it for what it was originally proposed for, light industrial?

Director Frey – As I indicated to Council in the memorandum I sent them, the burden is on the developer requesting the change in zoning to show that this use is one that is reasonable. But there are other, there are other factors that Council can use and consider in determining whether this is the appropriate change for this particular parcel. And I detailed those and they generally developed to what's good for the general welfare, morals, economic good of the City. Certainly, adjoining property owner's use and the impact on the adjoining property owners is a factor that can be considered. There are many factors that the courts look at in determining whether a zoning request is reasonable or more appropriately whether a community's denial of a change of zoning is other than arbitrary and capricious.

Mr. Gould – Okay. Now let's say if I was looking to buy another home in Euclid and I was, you know, it's a residential house, you know. There's the sheep lady out in Willoughby just passed away. She has all kinds of sheep and I want to live north of the Boulevard. Would it be possible for me to get a zoning change so I can zone it like maybe farm use? 'cause according to the attorney for the contractor, you know, the general health, safety and welfare and morals of the community would be, actually, enhanced by me having a sheep farm there. I can have all the kids from the neighborhood come over and they can pet the sheeps and everyone would be happy as all can be.

My point is this. This isn't a good plan for this piece of property. This is the last piece of property in the whole entire City that has yet to be developed and this is the best plan they're bringing to the table. They don't have blueprints. It's all basic speculation on their part. There's nothing concrete. There's no blueprints. It's basically a dream. That's all it is. If I want to build a house somewhere, I'm not just going to come in front of a City Council and say I want to build a house. I'm going to say this is what's exactly going to look like. Now they're talking about economic development. How it's going to raise economic development in the City. How's that going to happen when there's nothing in that area where anyone can go to? They can sure as hell to Willowick or Wickliffe. They can go to Allegro Pub. They can go to Denny's right there on Euclid Avenue in Wickliffe. There's no restaurants in that area. Yet, this is the best thing for the City. That this is the best thing that the City can do with this property. I don't think that it's a good, a good point at this time to, you know, pass it 'cause there's not enough information on this. And the City Council is at a crossroads at this point in time, what they're going to do with the very last piece of property in the City and how they're going to develop it. And what I hear from the church group, here, is that all they're bringing to the table we want to build a church and that's about it. Thank you.

Mr. Joe Udovic – 21371 Naumann. I need Mr. Nagy to assist me, please, for a minute. Thank you. Can you please give this to Council President and these to City Council? Here, I'll do this one. Thank you.

Tonight I will address issue , Ordinance (572-03), during the 2003 election season I, too, was on a campaign trail seeking a City Council position. I have listened to the citizens of this community. I know, comprehend the issues that face Euclid. Recently, I, too, did a cluster sample polling of the citizens. This is a member of the population are chosen at random for a particular part of the population and they were polled in clusters. One basic question was asked. Are you in favor of Providence Baptist Church? I broke this down by wards. In Ward 4 around Waynoka, I started Waynoka and worked my way around. I went in Indian Hills. I have 4 yes, 13 no's, 8 neutrals. Around 202 and general Ward 1 area, 3 people said yes; 17 no's, 5 neutral votes. Next I went into Ward 2 around E. 257 Street and worked around Ward 2, 3 yes votes, 13 no votes, 9 neutral. Since both Mr. Sustarsic and Mrs. Hufnagle live in Ward 3, I divided Ward 3 into 2 little subgroups. The Willow Drive group I have 5 yes's, 13 no votes. Around the Birch, oh and about 8 neutrals. Around the Birch Drive group I have 5 yes's, 10 no's, 10 neutrals. This is 125 residents that never came to a Council meeting and expressed their opinions. They were either telephoned or I knocked on their door or I met them someplace in public like a library or grocery store.

While City Council members were going to Columbus, I truggled down to Kinsman Avenue. The pictures here are what is now going on in Kinsman. I took pictures of this neighborhood. I was informed, let me see, hold on a minute here. Basically as photographic evidence illustrates, many unoccupied and devoid commercial and residential parcels of land do exist in the 130<sup>th</sup> and 126<sup>th</sup> section of Kinsman plus many vacant lots. I was twice on Kinsman, not just once. Christmas Eve around noontime, the day after the meeting that we had here for 5 hours at around 1 p.m. I telephoned a Mr. Zach Reed and we spoke for a period of time. He tried to encourage Providence Baptist Church to purchase the whole block of Kinsman and Union without success. Citizens of the residential area were not interested in selling and he would not approve or support use of eminent domain. Mr. Reed never discussed or brought up the idea to purchase commercial land on Kinsman only. I was further asked to contact the Cleveland Economic Development office as well as the Cleveland Community Development office. I contacted an Alethea Ray of the Cleveland Community Development office. She claims she had no conversations with this particular church. The church has not contacted Cleveland about acquiring any commercial vacant land or forsaken buildings or property in this neighborhood. She believe that Cleveland would approve any sound and reasonable plans and ideas for redevelopment and reinvestment in the Kinsman block. She would love to see this neighborhood show signs of expansion. Three times I've tried to contact the Economic Developers of Cleveland. So far yet I'm still waiting for a phone call for them to call me back. Also Ms. Ray recommended that this man's input a Juan Steven Sims might give me some further insight. He might have some information on hand on how his office can give assistance to the church's plans to reinvest in the Kinsman Avenue. Neither Mr. Reed nor Ms. Ray ever told me that this church was land locked. That's very curious. Now I'm hearing land lock issues since Saturday.

Basically, like I said, I've got 35 seconds. I'm going to make closer real quickly. To maintain peace in this neighborhood I can't fight against housing because that's what our Master Plan calls for; but can we encourage a church to please beautify, reinvest money in their neighborhood. We want to invest money in our neighborhood. I think they can do lot of good things in their neighborhoods. I would like to have my pictures back please. Thank you very much. That was a lot of work I put into this little project.

Mr. Jack Hagenbaugh – 20200 Hillcrest Dr. I agree that this being one of the last pieces of real estate in the City should be dealt with carefully. I am generally in support of passing the rezoning in support of this project. I think it's clear that the current zoning is not appropriate in that it hasn't been used for that purpose in 30 years. The property's been vacant for 30 years.

One thing I find interesting this evening is there's comparisons being made between the church project that's on the table and potential projects or uses for light industrial and residential. These potential things have not materialized in 30 years. This piece of land didn't fall out of the sky just now and we're trying to figure out what to do with it. It hasn't been used for 30 years. If there is a legitimate comparison here between the church project and another project, I'd like to hear it. But in the absence of that I think we have to weigh the merits of the church project against the potential for this property doing what it's done for the last 30 years and that is nothing.

I think that the Council needs to be comfortable in going forward here, though, with the, insuring that they're comfortable with the checks and balances down the road. Meaning the subdivision project, the architecture review, the building codes make sure we get out of this project what we expect and what we would like. I mean, if there are questions to be answered here regarding the homes, the sizes, the lots, the whole thing, we need to be comfortable that we will be able to stop the project at those points and get what we want out of this. What is best for the church and best for the City. Thank you very much.

Ms. Regina Hauck – 116 E. 197 St. I had no attention of coming here this evening and speaking on this topic. As far as I'm concerned, there's way too many questions not answered. And I had sent an e-mail to Mr. Frey, who graciously answered. My preference would be for Council to put this back into committee. He explained to me that it really is not an option. So I would think that the only logical thing to do is to vote no on this and then when there are more answers, the church can bring it back to the table and it can be voted on again.

The thing that got me out of the house tonight, though, was hearing the comments about this land's been here for 30 years and no one's done anything with it. And Mr. Berns comments about rezoning and that you have to prove that there is a better plan for this land. Well, I'd like everyone in this room and everyone watching this telecast to meet Mr. Bill Cervenik. And let's go back a few months to the campaign trail. How many people remember this?

President Sustarsic – Excuse ma'am.

Ms. Hauck – I have a plan...

President Sustarsic – I said we're just talking about the issue...

Ms. Hauck - ... this is about...

President Sustarsic – We're just talking about a zoning issue...

Ms. Hauck – This is...

President Sustarsic - We're not casting any aspirations towards any individuals.

Ms. Hauck – This is about the issue. Mr. Cervenik has a plan, a 3-year 5-point plan to bring jobs, good paying jobs to Euclid. How many times did we hear this? The 9 of you sitting here voting tonight probably heard it 4 times a week for 2 months. He was going to bring light industrial jobs to the City. That is a plan. That is a plan that will stand up against any type of zoning lawsuits that may come up. This is a plan. If this doesn't stand up, if the Mayor would not testify to it in court, that means he lied to the residents of the City. I don't believe he did. I'm sure the 9 of you don't believe he did. So I think you need to vote no and let the church come back. Remember, he's going to bring good, high paying jobs to the City of Euclid. You've heard that many times. Let's make it a reality. Let's prove, let's let Mr. Cervenik prove that he can do that. Let's not take this land away from him. It's already zoned for light industrial. Let's let him do what he promised he was going to do.

Mayor Cervenik – If you would allow me the courtesy. Yes, I said that throughout the campaign. Yes, I'm going to say it this evening in the State of the City Address. And if you would have continued, when I talked about bringing good paying jobs into Euclid, I never did mention Hillandale would be one of the properties I wanted to bring new jobs into. I mentioned the Euclid Square Mall. I mentioned the PMX building. I mentioned Century Corners and I mentioned Super K among others. Never during that campaign did I feel the Hillandale property was appropriate for light industrial.

As to the 5-point, 3-point plan, no, I've got a 3-year plan that we're going to be formulating once we have this budget under control. But you need to get your first year under control or the other 2 years don't matter. The other 5, it's not a 5-year plan. It's a 5-point plan, okay? And that has nothing to do with the finances. That was talking about economic development, good strong schools, strong safety forces, rebuilding our neighborhoods. We will do that with, in spite of some of you that are here tonight.

A lot of the grief that you people are giving to this group has nothing to do with their project at all. And she summed it up pretty good right there. To the Mihalich's, the McGinn's, the Griesmer's, to the Daugherty's, the Herak's, the DiDomenico's, the Cooke's, the Tilk's, the Wrenn's, the Palisin's, the Vernon's and others. The election is over, okay? It's over. And the people of this City put me in charge in spite of you.

President Sustarsic – Okay, Mr. Mayor, point of order, please.

Mayor Cervenik – Thank you and I will be the first to say I'm out of order and I apologize. But I wanted to make it clear that politics has a lot to do with this here this evening. And I apologize, your honor, for being out of order.

Ms. Jai Walton – 27591 A Mills Ave. I have labored over what I was going to say. In my computer system there are several beginnings of what I was going to say and actually none of them can hold weight here. I thought maybe I would address you, the people of the City, and to say that some of us are ashamed of us, then I thought well, I'll address the Administration. But I think what I'm going to do is address you, my legislative body, my representatives.

Now you have heard the facts. You have heard information. You've had the opportunity to gather the information. You've had the opportunity to digest the information. We are asking you to make a decision based on fact, truth, justice. You have been put into this position to represent the City of Euclid, the people of Euclid, all of the people in this City not 600, not 1 token spokesperson, but all of us. I don't have very much else to say to you. I don't know much else to say to you. I don't know what else it is that you want. I can say

do not allow a small group of people to intimidate you. Do not allow your neighbors that may live on your streets intimidate you. No one wants intimidation. We simply want truth and justice based on information and fact. If you do this, then you will see that this is a viable project.

I trust as I talked to Mr. Hayes Saturday that you will make sure that the parameters that are set in this City will protect me and will protect you. And that this group will do as they say. Give us a high quality product that we can be proud of on the uptown side of Euclid and that with the hopes of the future of this City it will spur growth and development. And people will no longer be afraid to say well, I can't come over there. And that we will no longer here words of those people, haven't we got enough of those people and that you will not use or allow some people in this City to use race, racism as a clouded fact. Oh, we have danced over that word many times through this course. But it is a race issue. Make no mistake about it. It is a race issue. The issue is the human race. And that means you represent all of the human race in the City of Euclid. Give this project the opportunity to move this City where it needs to go. Forward, progressively, honestly, truthfully in justice and equality. That is what I ask. Please pass the rezoning of this property and give us the opportunity as a whole to grow. Thank you.

(unidentified male) – Jerry, I had about 4-1/2 minutes before. Could I ask a follow-up question of about 30 seconds?

Councilman Gruber – No, once you leave you're done.

President Sustarsic – I think we've pretty much answered all questions. I appreciate it. What I'd like to do now is, if we can, yes?

Mrs. Daugherty – I just spoke on the schools earlier and I do want to make a comment. Council President Sustarsic, I did e-mail you a letter. I'm going to quote from an e-mail that I sent you that and just for the record I want to state basically, my questions were basically Mr. Taylor has stated some inconsistencies regarding initially Shore Bank's commitment for financing this project. And initially it wasn't clear whether Snavely was definitely on board. I think that was a concern of the citizens. He has been vague as to what we are going to build there. I think that the citizens have the right to know what kind of development we're going to get and why wouldn't a developer want to give you as much information as they can so this does go much more smoothly? I don't understand that. And I think the citizens here don't either.

The sites that Mr. Taylor quotes as examples of his work either don't have a church or a senior development built there yet as in Columbus as I went there or have churches that are built that are certainly questionable as to their construction qualities. Also the citizens have been very vocal regarding their concerns regarding rezoning this property mainly because there are a lot of questions that are not being answered.

The above reasons alone raises enough doubts as to the viability of this project. These facts should put enough doubts in the minds of the Councilpersons elected to vote no on the rezoning of this property at this time. That doesn't mean that in the future that that would happen. But why not give the community time to get these questions answered so that you have a unanimous consensus that this is the right thing to do.

I have to say that I wrote this and this is exactly what I said to you Councilman Sustarsic and I'm going to say this to the Mayor and everyone else. I hope that you believe that I am writing this because I am truly a concerned citizen regarding the future of the City. And I am not trying to be critical of any Council member. I am not doing this for political reasons. I can stand up on my own and say what my viewpoint is and it has nothing to do with who I may have wanted to be elected or not. And once these people are elected doesn't mean I'm speaking politically for anybody else. I am speaking for myself. And I want that to be very clear.

I've been a citizen in Euclid for over 15 years and I do have work experience in banking and real estate. And that's what I have done for a long time. My husband does have a construction company here. We do know a little bit about banking, real estate and construction. And for that reason we have an opinion that we would like Council people to consider. And it has nothing to do with politics and I'm very offended that that would even come out, especially from the Mayor. We just want, we just want Euclid to move in a positive direction. We want the tax base of Euclid to be increased and ensure it's economic development. We want plans that people feel comfortable with. We want plan unit developments that people can look at and say we know what you guys are going to be doing here. We know the quality construction that you guys are doing and we feel comfortable with this. And I don't see where any Council member should not expect anything less than that to make a decision on this. Thank you.

Mr. Berns – President of Council, if I'm out of order, then I'm sure you will tell me so. There has been a question raised now twice about a plan unit development and I fear that people in the audience and, I don't know about the members of Council, because you don't have such a device in your Zoning Code. But it deserves some explanation.

A plan unit development is an ordinance or a particular kind of zoning ordinance that permits developers to deviate from the fixed rules of the Zoning Code because, for instance, they want to preserve greenspace. They want smaller lots with a lot of common area greenspace. That kind of thing and the reason that you, when you have a plan unit development, somebody comes to you with a plan or may come to you with a plan

is because that's what those ordinances generally require. Sometimes they require specific drawings of sites and sometimes they require simply a category of what's going to go there with limits of how many homes and how many kinds of business entities and so forth. You do not have a plan unit development ordinance. If you did, it might be something we would available ourselves of. We are required to meet your fixed, the fixed requirements of your Zoning Code. If we want to do something else, we have to come back and ask you, perhaps plead with you. But as of the moment we have to obey your ordinances and that's what you have them for because they set standards. We need to meet those standards unless you tell us to do something else. We will be back with those plans because, once again, and I don't know that residents understand what the process is. You've got a Zoning Code that provides for subdivision approval and you can't get subdivision approval until you have zoning. Your Planning Commission can't grant subdivision approval of something, which is not zoned. So we're prepared to follow your ordinances and you've got for your protection all of the requirements. We may not love them all, but you've got all of your requirements of your Zoning Code and your Building Code. If there's something that we can mutually agree that might better that process, we'll be back. But until we get to that point you don't have to worry about our doing something that is different from what you allow 'cause we are bound to follow your Code. Thank you very much.

President Sustarsic – All right, seeing that there are no other comments from the public we'll turn it back over to the Council. And whatever comments, whatever closing comments you might have and then we'll proceed.

Councilman Sustarsic – I can take those comments Mr. Berns had a lot earlier this evening about the Ohio rules. I've been going doing research on this project for quite a while now it seems. I, myself, personally support and agree with this church project. I do realize I did take an oath to the people.

I did my homework. United States Congress in 2000 passed a Religious Land Use and Institutionalized Persons Act in 2000. The Act protects the exercise of religion where State and Local governments seek to pose or implement zoning or landmark law in a manner that imposes a substantial burden on religious exercise. The Act provides protection for one of our country's greatest liberties, the exercise of religion. When Bill Clinton signed this into law in September 22<sup>nd</sup> of 2000, he said that religious liberty is a Constitutional value of the highest order and the framers of the Constitution included the protection for the free exercise of religion in the very First Amendment. This bill was co-sponsored by Senator Orin Hatch in Utah and Senator Edward Kennedy of Massachusetts. Orin Hatch went on to say that the right to assemble for worship is at the very core of the free exercise of religion. Senator Kennedy went on to say churches and synagogues cannot function without a physical space adequate to theological requirements. The right to build, buy or rent such a space is an indispensable adjunct to the core First Amendment right to assemble for religious purposes.

The Religious Land Use law has the effect of making zoning rules less potent which can be a good thing. The principle, which should be applied in all cases where private property, such as, the only owned by the church, is being regulated and devalued. When I took the oath of office, I swore to protect and defend the Constitution of the United States. It's clear to me that not voting for zoning change is a violation of the First and Fourteenth Amendment. Thank you.

Councilman Gruber – Contrary to popular belief, Councilman Daly and Ms. Hufnagle and Commissioner Hayes went to Columbus. We saw more than an empty field. Saw several dozen homes, various stage of construction. Some of them done. Three different developments. There was some churches on the corner. I don't think you built the church, but you were interested in doing that. We were given the full tour. I know that they were very kind to us and we went to Smoot headquarters. We went to your headquarters. And we spent the whole day down there. And they were nice projects of varying styles and sizes that we would all be proud of.

This evening we're considering their request to rezone the Hillandale property from U-7 (light industrial) to U-1 (single-family residential). I would like everyone to consider a few facts, not rumors, innuendoes, political agendas, but just cold hard facts. This is a zoning issue only. It is not a building code issue. Any concerns over the quality of buildings or whether a metal building will be erected will be addressed by Architectural Review Board and enforced by our Building Codes. I would not permit a metal building not that property.

Quality, respected, long-standing developers and banks, such as Snavely and Shore Bank are committed to this project. The homes to be built will exceed the size and value of 95% of the existing homes in the City of Euclid. There will be no tax abatement unlike most homes built in the City even by local construction companies.

The new property taxes of \$384,000 roughly per year will be generated by this project with approximately 230,000 of that going to the schools. The City, approximately 30,000 per year in income taxes will be generated from the church alone. The City will see an immediate boost in income taxes from the construction workers' salaries. Our master plan, professional community planners have recommended that this property be rezoned to single-family residence. The continuous property at Hillandale to the east and south is residential.

As of today, Euclid currently has over 1,826,140 sq. ft. of vacant industrial buildings along with over 1,900 zoned industrial acres vacant. The land in question has been marketed for more than 30 years by

Colliers International and others and has sat vacant, undeveloped that whole time. This project presents everything a city could ask for in development--new tax revenues with no tax abatement or infrastructure improvements paid for by the city, quality developers with unmatched experience. While I respect everyone's opinion, I do not believe there are compelling, legitimate reasons to reject this request for rezoning. We should approve this rezoning and move on to attracting businesses to our almost 2 million sq. ft. of vacant industrial properties.

I'd like to also address a comment made that the church knew what the property was zoned when they bought it. I believe Mr. Price knew that 242 was zoned single-family when he bought that property, too. That zoning has been changed so this is consistent with that. Thank you.

Mr. Delaney – Point of clarification, I'm a little confused. In the beginning when we went to #2 that has now become #3 about the rezoning for the church, you said we'll discuss that. I'm under the assumption now that we're going to put both of them together seeing we've had the presentation. We've had many residents speak their minds. So if we're still at the point of order and if the Law Department agrees we can enter closing comments on both items of the rezoning. Thank you very much.

Well, we've heard from quite a bit people came. And I believe that 600 people on a petition isn't just a small group. I think that there are more that represent them. We've heard a lot of eloquent speaking from various prestigious professionals, but we have a certain history in this town. We've heard about plans. We've heard about moving the City forward and knowing the recent history of the City, we can look back in retrospect and see where there's flawed plans lay.

The hope is that we could bring resolve to this. We still have a very seriously divided community over the issue. I agree that, with Mr. Taylor on one point, this process has been a much of a roller coaster ride. But on one hand I've heard you're abiding all of our process, but then we hear the opposite that our process might be wrong.

The plan was turned down three times in Planning and Zoning and then the American Church Builders circumvented our Charter and recorded a lot split. Having done that, Planning and Zoning...

Asst. Director Vento de Crespo – No one circumvented our Charter. The lot split was done pursuant to Ohio law. It was entirely legal.

Councilman Delaney – Well, Ms. Vento, not to get into a legal argument with you here in my closing remarks, but I think the fact could have been argued. That's my opinion and that's some of the opinion that I've gotten from other legal professionals. But thank you for that insight. I don't mean to criticize you in my remarks, but certainly I believe that that could have been argued.

The, the statistics that we hear, the numbers we hear, statistics can be skewed to any argument for and against. The fact that the average home price in Euclid. We know our challenges. What industrial land is vacant. We know our challenges. Throughout time the economy changes. What our problem is here is that we haven't been patient enough with our zoning to actually give things a chance. There was criticism over the land sitting for 30 years, but it was locked in by development. The leadoff story on the news today as I drove home was how manufacturing is the leader in the economy right now. It's keeping everything going. So as it changes on the dime, we have to keep that into consideration.

We've heard the impact. Well, the impact on the project would come in three years and who knows what that opportunity would have been lost because we weren't patient enough with this zoning. I wouldn't vote against a church in a million years. I wouldn't vote against any group that was trying to move into my town. I'm very flattered by that. But as I weigh this in its basic request is to where to put the church and what this property is? This property is a huge tract of land and I don't think it only impacts Euclid. I think there's a huge, huge impact on Cuyahoga County.

I'm not comfortable with the process. I'm not comfortable what I've been copied and what I've gone through. It seems that the plan has deviated from the very first time it was brought forward and it constantly has been adjusted. This almost resembled very much a whole committee meeting. You could have had a whole committee meeting just what was presented here tonight. The fact that the residents continue to raise excellent questions. We have a very local majority here and that has not made me comfortable. I understand the timing. I understand the legalities, but I also see there might be little room for any kind of deviation to what we have here tonight as far as the zoning change as far as this particular piece of property.

I think that all the comments were made as far as our industrial base what is available. All of it is an opportunity, those opportunities when they are continually taken away and off the table no longer exists that narrows the field.

President Sustarsic – If you can wrap it up real quick.

Councilman Delaney – I'd be happy to do that, Council President. As I've stated here and as I've heard from the majority, I'm not comfortable with this project and I can't vote for it.

Councilwoman Hufnagle – In researching this zoning request, I asked Commissioner Hayes for some background information. It appears as though some of the residents have some questions this evening as to whether or not a \$180,000 house will sell given the fact that that is above the price of our average home sold in Euclid.

Mr. Hayes gave me information on the last year on new construction, houses built all over the City. He lists 11 houses sold. Only 1 of those houses sold under \$200,000 that was over 2,000 sq. ft. One house over 2,000 sq. ft. sold under \$2,000, \$200,000. The rest of them went over 200,000 that were over 2,000 sq. ft. As an added note, 9 of those houses were abated that means for 7 years we don't see tax money.

Couple months ago I read an article in the Plain Dealer about the Costco and Mayfield Heights. It referenced Euclid vs. Ambler, which we've heard here tonight. So I went to get the opinion of an attorney not in our Law Department. And I was told the Supreme Court determined that the local government did have the power to decide what uses were allowed in certain areas as a way to protect the health, safety and welfare of residents. And I believe that's consistent with what we've heard here this evening. It's based on that statement that I would disagree with that property being zoned light industrial. We haven't even talked about the fact that that property is directly next to a playground. I've also had references to the fact that the Council voted down the rezoning for the concrete recycling plant. Although I believe these are two different issues, I will say that the residents clearly proved the health, safety and welfare of the residents in that instance.

I received only one phone call today out of all that I received that were against this project. I did receive a phone call from a woman, who after I got done speaking with here, she said to me thank you for talking with me. Me and my friends had decided that we would call our Council reps and let them know how we feel about this project. My friend called her Council rep and she was treated rudely. And she did not appreciate the way that this person spoke to her. And she, this person then was, therefore, afraid to call me.

I have an e-mail from a Hillandale resident. He writes I went to a meeting for concerned citizens at the library and listened to Councilmen. And I'll save the Councilmen not reading their names. And other residents give a long list of why we should respond, why we should oppose to it. Things like the developers and builders being inexperienced, major engineering mistakes, Council being intimidated by lawsuits, low-income housing, the whole thing being tax exempt. There was going to be a charter school. Our City services could not support it. They shouldn't have brought, bought that land not zoned for what they wanted. Too many seniors would drain our services without giving us income and too many children would attend our school. Even that Pastor Maiden accused us all of being racists and bigots.

January 12<sup>th</sup> I heard each of these issues answered satisfactorily over and over again and done very professionally, patiently, graciously despite having to jump through hoops that no one else had to do or will probably be expected to do in the future. End of my comments. Thank you.

President Sustarsic – And if I may interrupt at this time, we'll take 30 seconds so that they can change the second tape.

Councilman Daly – Mr. Griesmer earlier mentioned that shortly after the election we talked and he brought this project up. And I did mention that, you know, from what I heard I was against the project. But I also had mentioned that they were the owners of the property and that we would need a legal basis to reject this project. Some of the items that led me to not want to do this project or not approve this project were then they were going to do reverse mortgages financed by the church. And then when these people passed away the church would then become owners of the house, which I found out not to be true. That they were going to be starting a charter school. Found out that wasn't true. That these were going to be tax abated houses. That's not true. That we were going to be, you know, how could we afford this infrastructure. The church is paying for all infrastructure. Heard that Smoot Corporation only built parking lots. Visited Columbus, found out that Smoot Corporation is a very prominent national builder. Snavelly's not involved in the project. Shore Bank is not involved in the project. Well, we just met their representatives here tonight. So, you know, I have changed on this.

Ray Novince did mention, you know, that I had said well, I have to just take them at their word and that's not true. I said I think I can take Pastor Maiden at his word. Because he's going to have to live here and he has come here and said this is what we plan on doing. If he deviates from that, then he will be someone that will be responsible. I also said that this is a prototype project that's my understanding. This is Cleveland, Columbus and Atlanta. If they come here and present a project and then build something completely different, then their projects are ended. They can't go into another community. My understanding was that they want to take this process national. These are going to be the three, you know, prototypes so their process, their chances of continuing would be over. Same with Snavelly, if, Snavelly's reputation is on the line. If he comes in and builds something completely different than what he has told us he's going to build, then his reputation, I'm sure he wants to continue on beyond this project. So you know, I have investigated this project since I've been elected. Both of these items have been reviewed by Planning & Zoning and have been approved. And I have read the law and we have to remember there's two different standards. Public property we can look at what is the best use. If we own public property like at 205 or at Wells Court, we can look at the project and say this is what's best for us or we can do what the majority of our citizens want. In regards to private property, we have to follow the law and I'm satisfied that going through this that I, after reviewing all the

facts, I plan on concurring with Planning and Zoning and approving this request to change zoning for both Parcels A and B. Thank you.

Councilwoman Holzheimer Gail – This issue, as I'm sure everyone will attest, has been very difficult and it's been on my mind almost constantly since we started discussing it. As elected officials and City administrators, we all ask for public opinion, community input, community involvement. I've been working on Council for 6 years and prior to that with Euclid Community Concerns and we all talk about it. We're getting it now. The public, since is the most I've heard on an issue in my experience. Tonight I heard some different voices and I heard some different viewpoints and I'm happy to hear those. I'm very concerned that the public opinion that I've heard is not, has not had the information they need to support this project. I'm also in my community work have been a big proponent of planning as most of you will know. I was involved with the 1996 Master Plan Update. I've been involved with several other planning efforts since then. Most recently, including the Vision 2020 group, starting that.

People are not, were talking about the Master Plan Update and there were several key issues that were addressed there that need to attract and retain step-up housing, families that are here that are leaving, and then did identify the Brush Road site as one potential site. The other major piece of the Master Plan was to attract business and redevelopment into Euclid. After that we did the southeast Euclid one plan, which looked at not only upscale housing in the Brush Road site but it offered two plans, office park or step-up housing. So it wasn't just step-up housing.

After that which no one has mentioned tonight was in 2000 the Euclid Avenue Urban Renewal plan that interestingly enough was done by the same consultant that did the previous two in the proposed zoning for the Brush Road site as light industrial.

And I'll just review because I looked at it for my own interest today. What does U-7 mean? What does light industrial mean? I think probably a lot of people hear industrial and they're thinking of PMX or the, you know, factories in this. Light industrial is office. It could be a medical office. It could be any type of office. It could be a research and development institute. It could be wholesale offices and showrooms and certain manufacturing. All of non-nuisance type and developed in a park-like setting. So I don't think we're looking at building factories next to residential.

I've also spent the last several days lucky enough to hear several very interesting speakers. One of them was Tom Bier at the Northern Ohio City Council Association and he talked about Cuyahoga County being potentially fully developed in the next 10 or 15 years. What does that mean? There's no way for the tax base to increase unless we find new opportunities through real estate development. Now that could be housing, sure it could. We need to be attracting people to our community building the tax base. But what that means is that each remaining parcel needs to be looked at with critical attention to it and looking at it for the long-term viability. We don't have the chance to redevelop 68 acres. Euclid saw this and we've been an example to other communities. We've redeveloped, updated, blighted and obsolete buildings at Parklawn for Century Corners, the Manor Apartment for 205 and Edgecliff, 242 and the lake, which interestingly enough the City has not really been involved with, financially at least.

We need to do more of this, but how? With thoughtful planning, without thoughtful planning we won't be successful. I've learned a lot tonight, and I appreciate your consultants that are here. The consultants that we hired, our Master Plan Update, was done, the third one, it was done in 2000 still looks at light industrial. We bought Century Corners, invested an awful lot of money with the plan to have that moved back into the, open up the property behind. I'm not ready to give up on that plan. I appreciate everything that you do and this, you know, this is what's been so difficult for me because I have worked to help bring about inclusive in this community. And if this passes, I'll be happy to work with you and make it work. And I think there's a consensus to be reached and I've talked with many people about that. They wouldn't be surprised to hear that. Twenty-three acres of church, I don't know that's what we're looking at the financial long-term interest of our community is the right thing to do.

And another one of the speakers I heard was Mark Rosentraub and we talked about some of the different, we talked about City finances. And I provided everyone with a chart of our budget and you'll see 61% comes income tax. Income tax comes jobs. Our property tax is 8% of our budget. Anyone who has watched the budget over the last 4 years, 5 years knows our revenue has not met our expenses. We've been overspending and we're running out of that money. We need to do something. We're in a critical place with our budget.

There's a compromise to be made here and I'm happy to work for that. The proposal in front of me tonight calls for 45 acres of residential and 23 acres of church. That's not the best proposal and I can't support it. There is a proposal that I will support and I'll work with you on that. But from, you know, people say we're holding you to a different standard. That's absolutely not true; 205 we worked for a year and a half if not longer. We had Coral Company come in and we grilled them. We asked them every possible question we could. I'm not asking anything more from you than them and I'm happy to be a part of that. But unfortunately at this point, I just can't support it with given those facts. Thanks, Mr. Chairman.

Councilwoman Mancuso – As my senior colleague over here has probably stole all my thunder so this is going to be really short. First of all, I would like to say I think the majority of the Council members did try to find all the information they possibly could in a very short period of time, at least from my perspective. And I did

make the effort to take time away and it's probably more for our residents than anybody else to take time off of a business commitment to see the development and to meet with Paul Taylor and his associates in Columbus. And I do appreciate them taking time out of their evening and I think it was William who missed his son's Tae Kwon Do class so I do apologize, but it was well worth the trip.

At that time we actually did go through and I saw two of the components of the three planned stages of development. I did not see the senior housing at that time and this was supposed to be a development similar to what we had here to be proposed in Euclid. I was shown houses that ranged anywhere from 1875 sq. ft. to 2200 sq. ft. on smaller lots than we have suggested here of smaller frontages. The houses were very nice. They were done by a builder named Joshua not Snavelly Builders. I was informed, however, that Snavelly builds the same type of houses.

I was given the opportunity to have a conference call, which meant that we were also tying up Brian Nickels at that hour of the night from Snavelly's and he did tell me that he had quote great interest in the project. I was also afforded a memo from January 22<sup>nd</sup>, 2003 from Mr. Nickels to Mr. Taylor, which was not in our big book describing how the Snavelly team was quote looking forward to working with ASB, ACB as the project moves forward. He also wrote that he hoped he could meet in the near future discuss in more detail some of the deal points related to the economics of the project. I was also privileged to see the letter application from Shore Bank that showed approximately, I believe, 8 or 9 points that still needed to be filled. As they stated tonight, that is not yet complete the process is still ongoing for the commitment for the funding for Shore Bank.

I was given a marketing plan and budget for Euclid that came from the date 11-18-02, which was prepared by Snavelly Development, which also defined the market for us here in Euclid. And that was, even though it's from 2002, that was not in my book. I don't know if it was in others, but that was not in mine, which defined the market and gave the median household incomes and then recommended the maximum house price be \$200,000. And I know we've talked around that figure.

We also talked about the Cleveland, Columbus and Atlanta initiative where a component of it would be used for first mortgages to support buyers over the age of 62. And this was discussed along with the envisioned deed restrictions that would accompany this type venture. If senior citizens, in my mind, made up over half of the housing, we also have to consider the Homestead Exemption as a component in that in decreasing the amount of tax we would get from those homes. I know we've bantered around half, 30% where we need to take that into consideration.

The houses will certainly be phased in and after the first phase the developers will make a market point for future sales. If half of the homes are not sold to seniors but to families with children, which would be approximately 55 homes, we then have to consider what the City is really going to gain. Once we have to look at what it will cost us in educating our children in our system today. We're looking at a current projection and we've all seen the numbers of approximately \$9,000 per student. This comes from the property tax and also the income tax. And if we have any more than 39, 40 children, we're now in the red again in a school system that is now asking us to take care of the children we already have.

Again, the City has not demonstrated to us the necessary strategic, economic planning that we need to determine if such an endeavor is profitable or even realistic to our community. We also, while I was in Columbus, discussed the use of corrugated products. I was very honest and said we have these questions. I'm asking you the questions the residents are, excuse me, asking me. And Mr. Taylor was quite clear in when he said the idea behind the corrugated facades we see in the construction here in Ohio had to do with Phase II projects that would later be resurfaced. Not the infrastructure person, I left it at that.

We also discussed the wetlands and the Ohio EPA application. I was given the January 13<sup>th</sup>, 2004 memo which spoke to the need of the American Church Builders to continue this application process and cautioned them they needed all necessary approvals pursuant to Section 404401 of the Clean Water Act for the isolated wetland permit program. So they are going through that process.

Mr. Taylor and his associates are hired to complete a market-driven project that will assist the church in building its structure and paying its debt.

President Sustarsic – Mrs. Mancuso, will you wrap it up?

Councilwoman Mancuso – I will, thank you.

President Sustarsic – Thank you.

Councilwoman Mancuso – The group is here to meet the obligation for its client and make a living in doing so. They will build what they can. Sell what they can and the community will live with what is built. I am more concerned that we do not have a vision for an economic plan. We are using our light industrial as it was meant to be. The fact that it sat for 30 years, I think, is more a burden on us as individuals and in this City to challenge to move forward with a vision to get people in here who will assist us as the American Church Builders have gotten experts to assist them. We cannot and our Directors cannot be all things to all people. We need that professional insight. And I also agree we need to give our light industrial an opportunity. Thank you.

Councilman Langman – As we consider this process, it's very important to remember that Euclid does not exist in a vacuum. We are competing against all the other municipalities in northeast Ohio. So how do we stack up?

On the manufacturing side, I don't think anybody would argue with the fact that manufacturing in northeast Ohio has been in a general decline for approximately 30 years. That means that it's hit Euclid very hard. So how do we address that particular issue of this general decline? Well, you have to work harder to attract the industries for the 21<sup>st</sup> century.

Now back in 2002 we were discussing bringing on a professional realtor to market Century Corners and other properties, I came across an article that mentioned a study by Dr. Paul Gotlee from Case Weatherhead School of Management. They identified some key areas where high technology, the technologies of the future would make sense to develop. One of those areas they mentioned was the Euclid Airport corridor, meaning Euclid Avenue approximately where Century Corners is in that area and the area by Cuyahoga County Airport. So I'm not particularly ready to simply give up on that vision because as Councilwoman Holzheimer Gail says jobs brings revenue. Some other facts as we consider this. Euclid's median family income is approximately \$35,000. Just our neighboring communities, Richmond Heights, they're at 43.6; South Euclid, 48,000; Willowick 44; Willoughby 47; Cleveland Heights 46; Lakewood 40; Mentor is at 57,000 for median family income. That tells me that we are not being competitive. We are losing wealth and jobs, retail jobs. Our wealthier residents, they're leaving the City.

So #1, I'm not convinced that the current zoning for that property should be changed because of our budget problems. Now areas like Beachwood and Independence where you have major office development in those corridors, they don't have nearly the budget problems that we're facing today because that's a high concentration of jobs.

Let's assume for a moment that housing is the best use of that land. Once again, how do we stack up competitively with our municipal neighbors? Well, you're talking price points of 180,000. I did some research on some of the projects that are going on in Cleveland Heights and in the City itself and these are primarily attached projects. If you're going to do housing up there, attached is a better way to go because you preserve more of the greenspace. But there's a project on the near east side, Kings Terrace, starting prices \$224,000. This is on the lower end. Rysar Properties they're doing Waters Edge on the Boulevard. They're starting price for 1400 sq. ft. is \$142,000. Montana Townhomes, they're proposed for upper Prospect. They're floor plans will range from 1,200 sq. ft. to 1800 sq. ft. They're starting at \$159,000. Courtyards at Severance by Coral, they're prices for approximately 1500 sq. ft. to 2300 sq. ft. range from \$244,000 to 314,000. The Lakepoint Townhomes, they are priced at \$279,000 to start with. And yes, some of these projects are abated. Abatement isn't necessarily a bad thing if you get higher quality. The point is that if we're not going to compete at that level and draw that type of housing then we are not going to be competitive with every community around us. And we will continue to lose wealth that means anybody of any race. So the ideas that we are losing wealth and we must do things to reverse that. So if we're going to do housing what has been proposed a mixture of starter homes or senior homes, I'm not particularly comfortable with. But I am certainly not ready to abandon embracing the technologies of the future and the industries of the future. Because that's going to be the lifeblood of this economy whether we like it or not. The days of the manufacturing facilities will continue to eclipse.

So I think that given all the plans that have been presented there is no compelling reason to change the current zoning. Thank you.

President Sustarsic – Thank you. I'm serving in my 18<sup>th</sup> year in municipal government and I have to agree with a lot people here this evening. I've never seen this much debate this much concern this much input with a particular topic than the particular issue.

I believe what we're looking at is ultimately we're looking at the future of the City of Euclid it's been said by everyone here. We're looking for development. We're looking for the best to represent approximately 54, 55,000 people in this town who could all not join us here this evening; but at the same time we're looking out for the best interests of everybody in this particular town.

The way I looked at this particular property when it first came out was the fact that it was merely a vote to either affirm or deny a decision made by the Planning and Zoning Commission. So they're the experts. We have individuals that work within the government when we entrust with these decisions. They're professionals. They have the background. They have the experience. It's a matter of working with them, trusting their expertise, their education and their background. Because and I'm sure the majority of this Council doesn't necessarily have the expertise in a lot of different fields that the City participates in. But as I was looking at the thing and you get e-mails. I get various pieces of correspondence. You get telephone calls and it was very, very disheartening to me of some of the quality of phone calls that I did receive. It seemed to me that there was clearly another issue besides the zoning.

I think the bottom line for all of this is just because, well, we should treat everybody the same. everybody equally in the City. It's one of the principles of our nation that we were built upon. Again, referring the fact that this is clearly a planning and zoning issue. This would just be the first initial step. This would give these individuals the opportunity to develop this property. They would have to go through several steps as was

mentioned before our Planning and Zoning again, Architecture Review Board, utility companies, EPA, Army Corps of Engineers, everything. And there could be a point in time where, in fact, they would not necessarily meet up with the standards of that particular agency. But that's a risk they're taking and that's, we should give them, I feel strongly, the opportunity to at least participate in this property to the development of this property. I read something that said individual liberty is central to democracy. So is the broad notion of equality such as that concept of one person, one vote. Sometimes these values conflict as when individuals or majority of the people want to act in a discriminatory manner. How can we have democracy if some citizens do not enjoy basic rights to political participation? I say it's wrong to unfairly scrutinize anyone any more than you have with any other project in the City. I can't understand the problem with the pricing of the houses that everyone is so excited about because all of a sudden we don't have businesses to attract and we don't restaurants. We don't have the retail. But yet, it was okay when I served on this Council a year ago with several of my colleagues that are sitting here now, it was okay to propose \$350,000, \$400,000 condominiums north of Lake Shore Boulevard. I don't understand why the same questions were not brought up then as they were now.

So I guess what I'm trying to say is that we have to remember based upon the, the origin of our country, the concepts of our country, we started off the meeting today with an invocation. The Pledge of Allegiance says one nation under God indivisible with liberty and justice for all. We took an oath to preserve and defend the Constitution of the United States on a bible, by the way, and so in that regard I feel that I am strongly in support of this.

On that note...

Councilwoman Holzheimer Gail - Mr. Chairman, one comment?

President Sustarsic – Yes?

Councilwoman Holzheimer Gail – I just I feel like we're, several comments have been made and I don't, I have more faith I think in some of the residents. I've heard a lot of comments, too. I certainly will not say that they're all racially motivated or all politically motivated. I've talked in depth with many people and I know for a fact that's not the case. So I have, I want those people who have called me and they weren't up here at the podium tonight to know that, you know, I don't want to represent all the residents in Euclid as having misplaced motives in this.

President Sustarsic – Thank you and I didn't mean to indicate that that was, and I just don't understand the difference being, I think, it was a year and a half or so ago there was housing proposed up there and that was fine. The only difference was a church was not included. The only difference was the City would have had to come up with deposits and I think we've all gotten an e-mail the City would have had to come up with the cost of all of the improvements. Needless to say I think we can, we can have a motion to move to close debate.

Councilman Daly moved to close debate; seconded by Councilman Gruber.

Councilman Langman – I did want to say something and then we can go ahead and vote, if you will permit me because it has been a rather rancorous debate. I think it's time we begin healing right now. Now first, Rev. Maiden, I don't support the project as it's currently constructed. But it has nothing to do that you're a Reverend. I don't care if you're a Rabbi, Iman or whatever. It's simply in my estimation or from what I heard from folks, it doesn't make a lot of economic sense today. Okay? But that has nothing, it's no reflection upon you or the congregates of the church. Okay? That's in my judgment.

We do have some significant issues in this City that have to be dealt with and I think I mentioned median family income we are one of the highest communities as far as poverty goes. We have one of the lowest levels of college graduates in the City etc. So that's, that deals with competitiveness. So this is strictly on an economic argument that I speak. And I'm sure everyone on Council feels the same way.

Mayor, you know you made some statements and you directed at citizens of this City. Now you're the Mayor of all the residents of this City. So I think before we go forward it's time that we resolve that issue. I think you owe some of the citizens of this City a direct apology.

Mayor Cervenik – I'm not exactly sure what you're healing is here. Mr. Chairman, am I out of order if I can finish my comments? Because I was not allowed to finish because I was out of order and we're still in that part of the meeting, but if you allow me to finish my comments about the political motivation, I would like to do that without being called out of order?

President Sustarsic – Well, actually, Mr. Mayor, with all due respect, you do have a State of the City...

Mayor Cervenik – It's a very short one so if you can give me one minute. What I wanted to finish, Mr. Langman, there are political motivations behind some of the things that are done there. I respect that and I can live with that. What some of it has gotten to the point where we are chasing away a very good project and that's what bothers me. I don't owe anyone an apology, Mr. Langman. Okay? I work very hard at this job.

The people in this City have put me in this office. I have extended a hand to work in cooperation rather than having people come to these meetings and, I mean, you're not looking at what's going on. I've got people passing notes and, you know, it's like, it's not the political process. Work positive with us. You know, meetings at the library and coming up I have a builder, a local builder coming up weeks ago saying these guys can't build on anything but parking lots. We don't even know who these guys are. That's not the positive, political climate that I'm trying to build in this City, Mr. Langman. I'm trying to get people to work together. We've had over 10 hours of meetings just in the last couple of weeks on this. We have given every piece of information that can be given. I just get concerned when people's political problems with me help contribute to the cause here. Okay?

Now if they could all prove to me that it has nothing to do with politics, that's fine; but we know better...

Councilman Langman – I don't believe they do...

Mayor Cervenik – And secondly...

Councilman Langman – They don't need to prove anything. You work for them.

Mayor Cervenik – I work for 52,000 people in this City.

President Sustarsic – Point of order, Mr. Mayor, Mr. Langman, you can take it outside in the parking lot. We have business to discuss here. Motion was made to close debate.

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

President Sustarsic – And keep in mind, a vote of yes approves the action of Planning and Zoning, which will consequently change the zoning. A vote of no will remain a vote knock that out of the box, just keep it light industrial.

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

Passed.

**Ord. 13-2004 (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 by Planning & Zoning Commission)

Councilman Daly moved for passage; seconded by Councilwoman Hufnagle.

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

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

Passed.

**Ord. (038a-04) Increase Minimum Number of Parking Spaces**

An ordinance amending Section 1389.03(b)(3) of the Planning & Zoning Code of the Codified ordinances of the City of Euclid, increasing the minimum required parking spaces for church use to 1 space per each 6 seats in an auditorium and assembly room. (Sponsored by Planning & Zoning Commission)

Councilman Delaney moved for passage; seconded by Councilwoman Mancuso.

Commissioner Hayes – In December the Planning & Zoning Commission had a matter before them, which included in part parking requirements for churches. And they noted in that meeting that the requirement that we had on the books was written in 1959. They asked me at that point in time to look at the possibility of updating that particular code or ordinance. We did, I did look into that. I gave those facts and findings to the Planning & Zoning Commission, who in turn recommended that we change our ordinance. I would like to suggest or recommend at this time that we put this particular ordinance or proposed ordinance into committee so that we can review some of the findings and facts that Planning & Zoning were informed of.

President Sustarsic – Okay. Was there any, we can, if Council would, if we can put it in maybe Building Standards?

Councilwoman Mancuso – Can I ask a question?

President Sustarsic – Yes.

Councilwoman Mancuso – Why do you want to put it into committee?

Commissioner Hayes – We didn't start off, I just think it would be much better for Council to be able to talk about and be informed of the facts that Planning & Zoning were informed of before they make a decision on passage.

Councilwoman Mancuso – I really like the fact that it's just not 10 to 1 any more.

Commissioner Hayes – I'm sorry.

Councilwoman Mancuso – I love the fact that it's not 10 to 1 any more it's now 1 to 6 which is much more realistic. I would go along with the vote of this board, but I'm going to vote on it today.

President Sustarsic – Whatever the pleasure of the Council?

Councilman Gruber – I have a question if we were going to go ahead with it. I'd like to know there's several churches in Shore. Now, is it actually the church building or is it where church services are located? Because on a Sunday there's 7 or 8 different churches meeting in there.

Commissioner Hayes – This ordinance would be for church use so and it would be for any one coming up. Anything that was already there and already zoned appropriately would be grandfathered into the existing ordinance, yeah.

Councilman Daly – I do think we should move this into a committee meeting so that parties that may oppose this change and hear their side of the story. I think we need to build documentation on why we are choosing to change, if we do change, zoning ordinances. I think back to the 2,000 sq. ft. change that there's not much documentation or committee meeting revolving around that decision. And I think in going forward, we are looking at a change that we take the time to hear both sides of the story. I, too, think this is a good change; but I think we need to build the documented case on why this is a good change. So I do think we should move into an appropriate committee.

Councilwoman Mancuso – Then so moved.

Councilwoman Mancuso moved to place the legislation in the Building Standards & Housing Codes Enforcement Committee; seconded by Councilman Daly.

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

Placed in the Building Standards & Housing Codes Enforcement Committee.

**Ord. 14-2004 (039-04) C.R.I.S. Renewal for 2004**

An ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid to renew an agreement by and between the Cuyahoga Board of County Commissioners and to the City of Euclid for participation in the Cuyahoga Regional Information System (hereafter known as "CRIS") for the year 2004 for use in the Police Department, Prosecutor's Office, and Euclid Municipal Court. (Sponsored by Councilman Gruber by request of the Chief of Police)

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

President Sustarsic – Chief, could you address this please.

Chief Maine – Glad to, Mr. Chairman, thank you, members of Council. The City of Euclid has been a member of CRIS since inception in 1980, I believe. Pretty good, Mrs. Mancuso? It's a very important organization, that provides the regional information network that allows the Police Department and courts and probation departments to coordinate the information and pulls the criminal justice system together.

The, every year we pass an ordinance that allows us to make the expenditures for us to remain a member. All I can tell you it's been proved invaluable to the Police Department. And I believe that the, well, I know that the rate on, the rates were not increased from last year. CRIS has done a pretty good job of managing its money and was able to go, forego any rate increases for this year. So I would strongly urge its passage and hope that you concur this evening. Be glad to answer any questions.

Councilwoman Mancuso – What is our annual rate?

Chief Maine – This includes the Police Department, the Euclid Municipal Court and the Prosecutor's Office and it's based on the size of the community, how long you've been in the organization, the number of mobile data terminals you have...

Councilwoman Mancuso – Do you know what the rate is? Do you know what we're paying annually?

Chief Maine – Well, for the whole City it's 42,000.

Councilwoman Mancuso – Thank you.

President Sustarsic – Any other questions? Any other comments?

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

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

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

**Ord. 15-2004 (040-04) Amend Neighborhood Assoc. Grant**

An ordinance amending Ord. 206-2003, which authorized the Mayor of the City of Euclid to renew the Neighborhood/Tenant/Condominium Association Grant for the year 2004. (Sponsored by all Council)

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

Councilwoman Holzheimer Gail – This ordinance is, was approved by the previous Council and all the money was allocated \$10,000 from the Clay Matthews TIF account. But what we had asked at that time was that we would work on the allocation and some of the procedures so that we could make it both more so that there was more accountability attached with it. That's not to say we don't trust the neighborhood associations, but just wanted to use that as an opportunity to strengthen the program.

You'll notice that one of the changes, and it's unfortunate, is that we are, we have brought the grant allocation to \$200 rather than 250. The reason for that is because we only allocated \$10,000 and we thought it would be more beneficial to help 50 organizations rather than 40, unless Council sees fit to allocate more money to that fund.

There are between 70 and 80 active neighborhood groups. We have, also, added a requirement to have at least 3 activities now that could include a block party and meetings. And we would like to have a financial statement that does not have to be a formal audit or anything. We're not trying to make additional difficult requirements just wanted to be more accountable for the funding. As most will agree I'm sure, it's a very important program. The neighborhood associations play a strong role in improving our neighborhoods around the City so I would ask Council to join me in supporting this ordinance and if that is the case, the neighborhood associations should be receiving a letter and application process in the next several weeks. And I'd like to thank Lisa Mayernik, the Mayor's Assistant, and Kristal Skovira from the Community Policing Department for helping to work through the grant process.

President Sustarsic – Very good, any other comments on that?

Councilman Gruber – I, too, would like to support this and I'd like to have my name added to this there's probably several other Council members may wish to do so. We see the benefits of this program throughout the City and we encourage participation from all residents and look forward to everybody filling the paperwork properly so they can get their money.

President Sustarsic – Okay, thank you. I think if the Law Department could make that addition. I think I don't know that there's everybody in opposition to it. The neighborhoods are strong and they're the ones that make up the City. They're the fiber of the City.

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

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

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

CEREMONIAL RESOLUTION

**Res. 10-2004 (037-04) Benjamin & Sarah Wilson**

A resolution of appreciation for Benjamin and Sarah Wilson for their kindness to animals and their generosity to the Euclid Animal Shelter. (Sponsored by Mayor Cervenik and the entire Council)

Councilman Delaney moved for passage; seconded by Councilwoman Hufnagle.

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

COMMITTEE OF THE WHOLE

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

President Sustarsic – This is the public portion where you can address any interests that concern the City. And again, we have regard, keep regard for individuals on Council, the Administration, the Mayor, everyone in the audience and with that state your name and address, come up to the podium and proceed.

Mr. Tod Guntner – 390 E. 257. First of all, I'd like to thank Benjamin and Sarah Wilson again for their support of the Euclid Animal Shelter. Number two, I would like to thank all of Council for their support of the neighborhood association grants. Number three and probably most important, a little bit of stress reduction for you.

I would like to invite you all to take a tour of the Animal Shelter. I cannot think of anything better to relieve stress than to come and see the kittens, the dogs, and the puppies that we have there. So if you'd like to take a tour, you can contact me. I'll give you my number, my e-mail after the meeting and love to see you all there at one point and there's people on Council and Administration that can attest to the goodness of this project. Thank you.

Mr. Mike DiDomenico – 24770 Farringdon Ave. Quite interesting that we talk about we have to respect everybody. That's always a good term, good to throw out there. When the Mayor blew up earlier, insulted me and many other members of the public, the gavel didn't come down until a long time. And there was no reprimand that he was out of line like you would reprimand or throw out a member of the audience if they came up there and said the same thing.

I heard all this stuff about I extended the hand, want people to work together. You don't have to agree with me. You don't have to like me, doesn't matter. But you know what? I'm allowed to come up here. I'm a citizen of this community. And when I come up here, I carry absolutely no political baggage whatsoever. Obviously, that little smirk on your face indicates that you don't believe me, Mr. Mayor, and you don't have to. I'm looking passed you, sir, I'm looking at the Mayor. You don't have to believe me. That's the truth. It's obvious to me, though, sir, that you do carry political baggage. You won; you're the Mayor so be it. But how dare you, accuse me of coming up here with some alter something. When I come up here, I speak for the good, what I consider the good of the City. I'm entitled to my opinion and you can try and cut off my five minutes with some ordinance. But maybe you can say oh, I want to listen to the people, but obviously it's not true. As long as you agree, it's okay. But heaven forbid you disagree with somebody, then you're on the bad list. So what is my picture going to be out in the hallway now and the disagrees with the mayor list? You're talking to talk about respect, it should apply to everybody.

Mr. Tom Cooke – 23100 Chardon Rd. I, too, will try to be as calm as I can, Mr. Mayor. You accuse me of partisan politics. Nothing could be further from the truth. You know what? I didn't vote for you. I didn't vote for Mr. Sustarsic. I did vote for Mr. Gruber. I voted for those people, who I felt were going to be in the best interest of this City. Some of them won some of them did not. You are in office. Mr. Sustarsic is in office. I resolved myself to the fact that I will work with you. I've always done that from day one. I even called you on the phone, if you remember, several weeks ago and offered my time to do whatever I can to help you bring business into this community. For free I offered that. I don't play games. My life is too damn valuable. I have an investment in this community that is larger than any single investment you have ever seen from a single resident. Ask Mr., ask Jack if I play these kind of games. Ask Mr. Gruber, he knows me. I don't play these games.

Everyone is not out to get you. Some people are. Are you going to waste your time chasing those people who are out to get you or are you going to work with those of us who want to make this City go forward? I'm a diehard Republican, okay? I'm far to the right, NRA-card carrying member, life member, okay? I vote for Democrats, too, okay? I vote for those people who are in the best interest of this City. Don't ever accuse me of partisan politics again. I don't play these juvenile games. They're left for the high school kids and the grade schoolers. Either you want to work with me or you don't.

I offer my time not only to you but to every member of this Council, every member of this Administration whatever I can. Again, I am here for the long haul. I dropped the anchor and it's big. It's not going anywhere. I'm holding out the olive branch. Do you want me to work with you? I am willing to work with you. I will set aside all differences we may have. I will work with you. I will work with every member of this Council. Right now, excuse me Mr. Daly, can you move back? I like to look at the people I'm talking to.

Right now, I did have and do have some reservations regarding this project. Some of the questions were answered. Some of them were not. Many of them were not. I voiced my opinion. That's where I'm at. In a lot of ways that project is very good and could work out very well. In a lot of ways there may be other better projects. But again, what is the likelihood? What is the percentage of certain projects going ahead? But the long and short of it is I'm not here to fight you. I'm not here to work against you. I am here to work with you. Ask anybody. Thank you.

Mr. John Conway – 291 E. 276<sup>th</sup>. I feel a dangerous precedence has been established here tonight. You have now exposed the City to any future developer to come into Euclid, purchase a property that is not zoned for their needs and then come into these chambers and expect to be able to have City Council approve their request for rezoning.

Over the last several months all of you received an overwhelming amount of e-mails, phone calls, letters asking you not to approve the rezoning request for American Church Builders and Providence Baptist Church. For whatever reason, the majority of you have decided to discount the voices of the residents who elected you to represent them. I'm not naïve. I understand that there's also people and that you've also received correspondence from people who are in favor of this project. But was it a clear majority?

As a result of this and to preserve what we feel are the rights of the City Charter, a group of concerned Euclid residents formed a committee. We have named our committee Euclid Awareness. Our goal and our purpose is simple. To ensure public awareness in all issues that impact the safety, health and economic well-being of the community and to bring balance to the actions of the legislative process in the event of the voices of the voting public are ignored.

To the Administration and Council, I'm sure that you're aware that our City Charter has very clear and specific guidelines as to how, as how the citizens of Euclid can ensure that their voices are heard. It is also very clear that we are now on the clock and we have just 30 short days from tonight to collect the necessary the signatures to preserve our rights to vote on this issue. Though our clock is ticking, you directly control our ability to start the process.

Mayor Cervenik, when will you be approving the two ordinances passed here tonight so that we, the citizens of Euclid, may obtain a verified copy of the ordinance?

Mayor Cervenik – I'll probably do it before the end of the week.

Mr. Conway – Before the end of the week?

Mayor Cervenik – Yes.

Mr. Conway – Okay. Finance Director Johnson, I'm also sure that you're aware what a critical role you play in this process. In case you're not, the City Charter states that before we, the residents of Euclid, can circulate any petition, we cannot do so until after a verified copy of the proposed ordinance is filed with you the City Finance Director. Again, I remind you. We are on the clock and we would hope that you'll be available for us when it comes times to present you with the verified ordinance.

Not everybody will agree with the course of action that we're taking here tonight. People ask why are we doing this? And I would say to them the following this is not personal. It is not about religion. It is not about race. It is not about a church. What it is about is what is the best use of that land and what has the best chance to improve Euclid's economic landscape. There have been very many valid questions that have been asked regarding the viability of this project. So far we received a lot of responses, but I don't feel we received a lot of answers. No offense to Snavely, I just wish they were developing all 68 acres for upscale housing.

It is clear to me tonight that the rezoning has truly divided this City and the only way to ensure that a fair resolution is reached and truly the City can heal is if the citizens of Euclid have the opportunity to vote on the rezoning ordinances. I would like to let everybody know that they can see me to find out more about information as how they can preserve their right to vote on this issue. You can also see Mike Mihalich, Sue McGinn, Jessica Wrenn, Alice Yatsko or Perletha Taylor. We will have the information as to how you can continue to be involved. You can also visit our website that's been setup euclidawareness.com and we've also set up a phone number for you to leave your name and number and we'll return your message within 24 hours. That number is 216-481-3262. And again, that information will be available for you this evening.

I just want to leave you with one final thought. It is easy to dodge our responsibilities, but we cannot dodge the consequences of dodging our responsibilities. Thank you.

Mr. John Herak – 78 E. 224<sup>th</sup> St. Mr. Mayor, please be assured my participation in these meetings has nothing to do with my personal opinion of you. Just because you disagree with comments made by the gallery out here doesn't mean we're still campaigning for Ed Gudenas.

Yes, I do think the election was a disaster; but it's over. I'm going to move on. I wish instead that people like yourself and Mr. Gruber would spend less time making little hit lists of people who speak up and disagree with your ideas and agendas and spend more time listening to what they're saying. Your outburst concerning our involvement was very unprofessional.

On the vote, well, it went pretty much the way as I figured it would 5 to 4. I knew exactly who was going to vote for what. I think they're minds were made up early on. This Council has done an excellent job ignoring the requests and wishes of your constituents.

Council President, when you ran for office, you claimed a desire to listen to voters' concerns more than your predecessor. What happened to that idea? We know the Mayor's in favor of this project. Now we all know who they're listening to. I believe your goal of conducting less contentious Council meetings is misguided. Lively political debate should not be confused with heckling. During the former Council's tenure, we had plenty of animated discussion. At least we knew that the Administration's agenda would not just be rubberstamped. It's called checks and balances. Something, I fear, that has disappeared with this new Council. If this Council had been aboard during Mayor Oyaski's final two years, we would have lost numbers of police and fire. We would have had to vote on a tax increase. Thankfully, those Council members questioned the Administration's proposals. You members that voted in favor of this zoning change have done an injustice to the City. You'll pay for it with your political careers. I am not threatening only predicting that we will not see you in these Chambers come November of 2005. Thank you.

Mr. Eric Heinemeyer – 21751 Priday. I have a couple of things I wanted to say. The first is I got to see the new web page for the City's ordinances and that is very good. The other thing that I want to talk about is the Golf Course, the changes at the Golf Course.

I know that you have a committee setup to look and review the plans that have been or the proposed plans for changes at the Golf Course. All I want is more information about it. You know, are citizens able to attend these meetings or is it closed to the public?

Mayor Cervenik – I think committee is, Mr. Chairman, if I may?

President Sustarsic – Yes.

Mayor Cervenik – I think committee is really the wrong word to use. It's really a staff meeting. It's, the members that I'm working with right now are virtually all members of my staff. We're formulating the ideas. One of the problems that we have, as we will hear during budget hearings, is we are in a financial state why I'm probably going to need to propose to this City Council is to borrow \$2 million to cover operations through 2004. That's not a real pleasant thing. That greatly affects our ability to borrow and the wisdom of doing any project at all. So we're evaluating all of that. As soon as that, that is much more important than the Golf Course building itself. So when we get to that point where the Administration says this is what we would like to pose to the alternative, we will provide it. There will be public discussion and this City Council will make a decision. Okay?

Mr. Heinemeyer – Okay. I, I just was, you know, just wanting to know, you know, a little bit more about, you know, how you were going to determine, you know, what was considered best for...

Mayor Cervenik – Members of my Administration are going to visit 5 golf courses. We are taking a lot of stock in the, in the knowledge and suggestions of Mr. Sloat, who's a golf pro, and Mr. Holmes, who's our grounds keeper. And on the financial end, we've got to make sure we're really able to do this.

Mr. Heinemeyer – Are the plans going to be like maybe possibly two phases like what we can now and something that we can do in the future?

Mayor Cervenik – That's always a possibility depending on what this Council intends to do with the final proposal.

Mr. Heinemeyer – Okay, thank you.

Mayor Cervenik – You're welcome.

Mr. Scott R. Gould – 125 E. 192 St. Wow, what a night, everyone had a really spirited debate about the issues, mainly the Hillandale project. It reminds me of the 2000 election. When that was taking place, I was living in Florida at the time and I had a roommate. He was Russian. He was an immigrant and he said God, this is such a great country because if this took place in Russia the tanks would be rolling through the streets.

And if everyone just thought about that for a minute, how we could all voice our opinions and have spirited debate like this, we really live in the best country in the whole entire world.

Now, back to Mayor Cervenik's comments before, like a couple people said before, I do find them unprofessional. And I don't think you should need to make a personal attack on people that voice their opinion. My family supported you in your election. Now, I do think you do owe them an apology. And I do think that is right. Now, you don't have to apologize to anyone. You're a man like I am, but the thing is I think you should respect everyone's opinion. I don't think, I, you know, it could be politically motivated why they have their stance on the Hillandale project or not.

Now back to, when I look at some of the people on Council, I was, you know, I watched the debates taking place and everything. And I remember when there was a rock crushing plant that was going to be placed at the, at the Waste Water Treatment Plant over there by the Wickliffe border. Mrs. Hufnagle was very adamant about that having everyone hear her, the people in her ward hear her opinion. And I look at Councilman Gruber, there's 600 people that live in his ward that are against the Hillandale project. Now how many...

Councilman Gruber – That's not true. There's not, those 600 people aren't all in my ward, sir.

Mr. Gould – Okay, well, there was a 600-people petition and I'm again making an assumption here, maybe they were in your ward maybe they're not. Let's say that they were in your ward, that's 600 votes that could go against you; but and so you essentially might not be listening to the people in your ward. I would just hope that this Council can all come together. And I'm here to help anyone in the City. I believe in the City. Like I said, I went to, after Euclid High School, I went down to college in Florida. I was 18. Went to law school after college and I got my MBA after that and I chose to make Euclid my home. I was living in Florida and I just said you know what? This isn't what, this isn't home for me. Euclid is home for me. So I'm saying I'm here now to help anyone in the City have their voices be heard or help any committees or anything like that. I think there should be an attitude of helpfulness like an olive branch of peace between all the different Councilmen and the Administration. And I do think that Mayor Cervenik should apologize for his comments before because that was kind of a personal attack and they might and the people that spoke before they were just speaking their mind. They were exercising their freedom of speech under the First Amendment of the United States of America. Thank you.

Mr. Joe Udovic – 21371 Naumann. Like I mentioned earlier in the meeting, I was looking to run for political office last year. I was not endorsed by Mr. Cervenik's group; I was not even endorsed by Taxpayers Alliance. I ran on my own. I was totally independent. There are three sides to the triangle. I represent the third side. I ran because I cared about my community. I thought Michael McTighe was a little bit weak and I could do a better job. If things would have worked better for me, I'd be sitting up on this dais. It didn't. I don't have no ax to grind. When I couldn't run, I made a choice, who to support. I threw my weight behind Taxpayer Alliance. I thought they were the best. That doesn't mean I don't support you. I was concerned what was good for the community homes or light industrial not a church.

That's why I walked the streets of Kinsman. That's why I took my time to drive all the way out there because I want to see what's going on over there. I want to see why, have they developed the neighborhood, what would their conditions over there. I took the time to call City of Cleveland, Ward 3. I called the Cleveland Community Development. I called, I tried to call three times the Economic Development of Cleveland.

During the concrete crushing plant, I took my time to talk to the Mayor of Wickliffe, the Service Director, Ward 1 of Wickliffe because I was concerned not only for what Euclid has but what Wickliffe, our neighbor, has. This issue with this church now and homes also affects our neighbors in Richmond Heights. We can't just look no more at what affects Euclid. We have Wickliffe, Willowick, Willoughby Hills, Richmond Heights, South Euclid. What we do affects other people around us. We can't be an island any more. We have to look at everybody equally.

Now this issue does not involve race like I said before at Saturday's meeting. I was a member of Euclid Community Concerns. I disagree. This has nothing to do with race. This is what is the best plan for the future of Euclid. Thank you.

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

#### COUNCILMEN'S COMMENTS

President Sustarsic – You have 5 minutes, I think, we start with Mrs. Hufnagle today.

Councilwoman Hufnagle – It is, Mr. Chairman.

Councilwoman Hufnagle – To the resident that brought up my fight against the rezoning of the concrete recycling plant, again, I will state that the residents of my association proved to the Council sitting at that time that they felt it was not in the best interest of their health, safety and welfare given the fact that there's a

known Cancer causing agent in the concrete. They could prove that whatever happens on that piece of property makes its way through the air to our property and numerous other issues that I don't need to, the noise, the noise pollution issue. We proved it all then and Council voted according to the way that the zoning was health, safety and welfare. And to the best of my knowledge, the Baptists don't cause Cancer and the only noise pollution we can probably expect from them is a little singing on Sunday morning.

There is a very vocal group of people in the City. We have to listen to what they have to say because it is their right. But we have to decide if their very vocal group of people represent the majority of citizens of this City. Just because you're the loudest doesn't always mean that you're the majority.

Now I have said before and I've said to the residents that have called me, to the residents that have e-mailed me, to the residents that I've spoken to you need to get the facts on this rezoning issue and you need to make up your own mind. You get the facts only by watching the proceedings that are taking place in this Chamber. It's unfortunate that that's the way they have to rely on getting the facts.

We no longer live in a society where what is printed in a newspaper is true. This very vocal group of citizens have done a very good job of misleading the citizens of the City. Misrepresenting the facts and giving out very bad information. Still on Friday, I had a little old lady call me and say why would this City let a church buy property and give it over to their low-income people? Clearly the facts do not state that. We have to weed through the garbage and listen to the citizens that are well informed. And the only way for a citizen to be well informed is to watch the proceedings here. The answers have all been given.

There is a publication that comes out in our City monthly. This publication is not held to the standard of reporting the truth. They're not required to and a case in point in this month they write that myself, Councilman Gruber and Councilman Daly traveled 120 miles to visit an empty lot. I was not interviewed for that. I don't even think I have to ask Councilman Delaney, excuse me, Daly and Gruber if they were interviewed. Because we did not travel 120 miles to view a vacant lot and anyone that asked me I would have told them what I saw as I did in an e-mail dated January 22<sup>nd</sup> to a resident who e-mailed me and said what did you see? And I explained in detail what I saw. So, again, I will state you need to watch the proceedings. You need to listen to the facts and any written material that we have is available through Council Office. Make your own decisions. You cannot rely on what your neighbor tells you. You cannot rely on what you read in the newspaper. Thank you.

Councilman Langman – Mayor, I'll tell you the same thing I told Mayor Oyaski I think early on in the last term. We're not going to agree on everything. That doesn't mean that we're going to disagree on everything either. It's a two-way street. Now, we may agree on what should happen on the lakefront and disagree on others. But from my standpoint, the election is over. And yes, you supported my opponent and I supported your opponent. So what? We have a job to do, okay? It doesn't mean we're going to see eye-to-eye so we have to move forward. Hank, thanks for taking care of that item on the Boulevard. I appreciate that.

So I'm beginning my second term here on City Council and, you know, you're going to catch slings and arrows from whatever side because we don't get all the votes. I was fortunate enough to win in my first Council race. I think I won with 55%, but that means 45% didn't agree with my positions. I think this past election I won with 60, that means 40% don't agree with my positions. But that doesn't mean that I'm no less their Councilperson. That's our responsibility as public servants. You can't just divvy it up between they supported up or they didn't support us. That's not what we're elected to do. So I think we all need to take a step back and figure out how we're going to move forward in a more harmonious way because that's what the City needs at this point. If we don't, we will continue to fall behind our neighboring competitors. And yes, I will say again, we are competition with every other municipality in northeast Ohio. I don't think we did the right thing tonight by changing the zoning, I really don't. But that doesn't mean now we can't go forward and work to make sure that the project meets the highest possible standards. That's what it's all about. That's what President Washington said I think in his first address to Congress. Now you may disagree, but ultimately it's the good of the City that's paramount. Thank you.

Councilwoman Mancuso – I think we've all said more than enough tonight. I hope future Council meetings are less filled with this type of passion and more addressing the issues. We are allowed to disagree. I frankly cherish that idea of the debate. And I do believe in the idea that we have different opinions. Based on our idea of what the truth and the facts are and based on the fact that we do represent residents who voted us into these positions. So I hope you don't have these types of outbursts again and keep debate in a collegial manner. That's why we're here. Thank you.

Councilman Sustarsic – In reviewing the facts, I mean, it's obvious that a lot of members on the Council would agree, disagree on this, but I did what I felt was best in my heart. That the information I received and looked over and research and everything like that I stand by my decision. You know, the one guy was over here saying our political careers depend on it. I got to do what's right in my heart. I can lose the election; I don't care. I feel like I made a good decision. So that's it. Thanks.

President Sustarsic – I think it's been stated by a few, a few of my colleagues prior to this that it is, it's time to move on. Being political, being opposed, being opposed on issues everything else like that it's over. It's time

to move on. Time to go on to the next step. Time to go into the next issue, probably the budget. But there'll be many times during this particular session of two years that we'll agree and we'll disagree. We have to agree to agree and disagree. I'll cut my comments short there because the Mayor's got a special message that he'd like to give us.

Councilman Daly – I would like to address that the popular decision at least around where I live would have been voting down the church project. But I gathered the facts and I looked at the law and I based my decision on that knowing that it was going to be unpopular. And Mr. Conway and his wife we've discussed things and I know he's a very sincere person. I know his family and, you know, he may collect enough signatures to put a measure on the ballot. But we could vote popular, we could have a popular vote of 10,000 to 1 and we aren't going to be able to take away someone's legal rights. So I did what I thought the law directed me to do.

One last thing is Council's representative on the Self-Insurance Board. I didn't want that report that we received on the Self-Insurance Fund to be looked at lightly because that fund has almost no money left in it. The last two years we haven't appropriated any money into that account and we need to take a serious look at it and take action swiftly because we have obligations from that account coming April 30<sup>th</sup> that we can't cover. Self-insurance, the way it works is you do not pay a premium each year to an insurance company, but you do need to put a similar but smaller amount into the fund to pay the claims. And we haven't put anything in that account for the last two years and we need to address that because it is, we'll be out of money before April 30<sup>th</sup> so with that no comments.

Councilman Delaney – Well, this is something that I would have never thought I'd see as much that was put into dignity and decorum. It didn't, it didn't seem to happen and it hasn't. And I think that all the members of Council and many of the Administration have to start to realize in order, that the only way to put the politics behind you is to respect every opinion that comes up there. And the fact that these people are active in our community and put the time and effort into this and bring all these things to the table. They spend time away from their families. They do their research. They organize. It is head and shoulders above what you would ask anyone else to do. I thank them. I thank them for their efforts whether they are for or against me. Without these active members of the community none of this happens. The City becomes a wasteland. So to the McGinn's, the Mihalich's, the Herak's, the Cooke's, the Wrenn's, the Taylor's, the Conway's, the Griesmer's, the Daugherty's, the Didomenico's, if I've left anybody out, thank you and I appreciate their presence and I appreciate their opinions and I'm glad they come.

Councilman Gruber – I'd just like to make note that I will be out of town the 21<sup>st</sup> to the 28<sup>th</sup>, but I will submit budget questions through another Council member. I'd also like to state that I don't feel the people of Ward 4 were represented properly tonight. I'd like to apologize for that. Several Council members that have never asked me a question about Hillandale that never asked me how the people felt in Hillandale. I have a pretty good pulse on the community. I've been through Hillandale. I spoke to several of the people more than, more than several. We had a large meeting at Bethlehem Lutheran Church. It was open to all the residents on Saturday and I'd like to thank the Council members Councilman Sustarsic, Councilwoman Gail, Councilwoman Hufnagle, Councilman Sustarsic on the end. I'd like to thank them all for attending. I never once received an e-mail from some of our At-Large Council people. I never got a question. There were meetings held at the library that the Ward 4 Councilman was never invited to, even as a spectator. There was, there was Council people from other wards showing developers up into last week the property up there. Trying to convince them that maybe there was a better idea. I would never do that to a fellow Council member and I think that the people in Ward 4 deserve better and I hope in the future that there's more open communications with the rest of the Council members and I hope the people of Ward 4 remember that. Thank you.

Councilwoman Holzheimer Gail – Ryan Cummings, thanks for being here. No one asked you a question and you sat through the whole meeting. He's our consultant for our engineering. Thank you.

I want to thank Bill Mabel and Jai Walton for hosting the meeting with Mr. Taylor and Providence on Saturday. I think that's more of what I was looking for. I was hoping that we could have reached more of a consensus at the meeting, but unfortunately it was just more question and answer. I wasn't at the whole meeting because I had previous engagement, but I think that was important effort that they took and I want to recognize them for that.

I'm sure many, we've been getting a lot of e-mails and I just want to, there's some virus going around too so I've been getting a lot bumped back. I think they're mostly ones that have been sent to me from people I don't know. But if there's anyone out there that I didn't respond to your e-mail, it may have gotten bumped back. I don't know if they get notification of that or not. But hopefully we'll get that fixed and, hopefully, I didn't miss anybody.

And I guess just the last point I want to make on the issue and as we move forward the importance of consensus building and we all sat here and everyone had to make their last comments. You know, I respect everyone's decision. I believe you made the decision that you felt was right. I hope you feel the same way about me. Don't classify people by how they vote as to you're with this group or that group. We're all

looking for the best interest of the City. We all have the long-term future and best interest at heart. We're all doing this because we believe in Euclid and want what's best.

I hope that there will be a project there we can all be proud of. I know the rest of Council will work with me and we'll make sure that happens. So with that I look forward to hearing the Mayor's thoughts on the next year ahead.

ADJOURNMENT

Councilwoman Holzheimer Gail moved to adjourn; seconded by Councilman Gruber. Yeas: Unanimous. Adjourned.

Attest:

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Clerk of Council

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President of Council