

**COUNCIL MINUTES**  
**APRIL 5, 2004**

A regular Council Meeting was held on Monday, April 5, 2004 at 7 PM in the Euclid City Hall Council Chamber. President Sustarsic presided.

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

Others Present:     Mayor Cervenik, Law Director Frey, Finance Director Johnson, Service Director Gulich, Acting Parks & Recreation Director Will, Acting CS&ED Director Gliha, Acting Fire Chief Cosgriff, Police Chief Maine, Commissioner Petkovic, Commissioner Tollerup, Mr. Cumming, Asst. Prosecutor Meister, Sgt.-at-Arms Nagy, Clerk of Council.

Invocation was give by Deacon Ken Golonka of St. Felicitas Church.

**COMMUNICATIONS**

Council has received the following communications:

Resolutions from the City of Berea and Highland Heights expressing opposition to House Bill 208 and the Retainage Reform Effort.

A letter from Senator Voinovich regarding research into the causes and treatment for breast cancer.

A letter from State Representative Jerse acknowledging receipt of our Res. 35-2004, opposing Substitute House Bill 208.

A memo from Asst. Parks & Recreation Director Will regarding the Briardale Greens Golf Course.

A memo from Councilman Daly regarding Briardale Statistics.

A summary of legislation on tonight's agenda from Law Director Frey.

**COUNCIL MINUTES**

Councilman Gruber moved to accept the Council Minutes of March 15, 2004. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Mayor Cervenik – Thank you very much. On a somber note, as you know we lost a former Euclid resident Mr. Jerry Zovko in Iraq on the 31<sup>st</sup> of March. We have here a Resolution of Condolence. I'd like to have everybody please stand as I read it and then join me in a moment of silent prayer.

Mayor Cervenik presented Ms. Vicki Warren of Euclid Community Concerns with Resolution 48-2004 congratulating them on their 25<sup>th</sup> Anniversary in the City of Euclid.

Mayor Cervenik presented Mrs. Walsh of Upstage Players with Resolution 47-2004 congratulating them on their 10<sup>th</sup> Anniversary in the City of Euclid.

Chief Maine – I wanted to remind the community that on April 8<sup>th</sup>, Thursday is the beginning of the concealed carry weapons law. There's a lot to the law. There's a lot of nuances. It is a law still a work in progress. I want to remind everybody that permit is not obtained through the Police Dept. but through the Sheriff's Office. To the best of my knowledge, our Sheriff has not yet completely defined what the application process is going to be. But when that is finally determined, I'm sure he'll be making it well-known and public.

I would recommend that anybody who wants, is considering applying for a permit, to contact the Sheriff's Office for any details. You are not required to get the permit within the County that you live. You can also get it in an adjoining county. I'm sure that's going to put some pressure on some of our adjoining counties.

If anybody wants further information, you can go to [www.ag.oh.us](http://www.ag.oh.us) and the most recent version and breakdown of the law will be on the Attorney General's website.

The only other thing that I would like to mention is that any public buildings, that includes, City Hall, Police Dept., any schools, library, it is not permissible to carry concealed weapon within those premises. If any private commercial establishment also puts up the appropriate signage, saying they do not allow it, it is not legal to carry them there either.

## Council Minutes

April 5, 2004

Page 2

There is a lot to this law. It is something that I'm sure will be looked at with close scrutiny in the months to come. The only thing I can advise you is if you decide to do it and get the permit and carry, that if you come in contact with law enforcement officer, do whatever he tells you to do. That's about all I can tell you right now.

Acting Director Will – I'd like to take this opportunity to personally thank the Euclid Jaycees for hosting the Annual Easter Egg Hunt this past Saturday at Sims Park. If it wasn't for this group, that wouldn't have been possible. My thanks to the Euclid Jaycees for hosting that for us.

I'd also like to remind the residents that we will be hosting our Youth Sports Registration on Tuesday and Thursday evening of this week, from 5-7 PM. You can register for all the programs, such as T-ball, softball, tennis, basketball and also purchase your ID cards. This week at City Hall from 5-7 PM.

I'd like to make an announcement that the Shore Cultural Centre Corporation will be having a Community Sale on Saturday, April 24<sup>th</sup> at Shore in the center gym and community room from 8-2. If you are interested in purchasing a table, please call Dolly at 261-0967. Thank you very much.

Mayor Cervenik – Just a few other brief remarks. As was stated at an earlier meeting, the City of Euclid has received the Business Friendly Community Designation from the Business Friendly Community Partnership. This is a partnership with the Greater Cleveland Growth Association and the Greater Akron Chamber of Commerce, to make sure that communities can compete throughout northeastern Ohio. The program recognizes local communities that employ economic development practices that are conducive to job creation and business retention. They see that we are doing that. It is also an on-going program that we have to continue to prove and perform those responsibilities and duties so that we can maintain our business friendly award status.

We've also received again the Tree City USA Award, which is awarded by the National Arbor Foundation in cooperation with the National Association of State Foresters. This is the 14<sup>th</sup> year our community has received that award. It is in no small part to the work done by the Recreation Dept.

The City of Euclid, here, we hosted a blood drive last week. The Euclid Hospital, along with other hospitals in the area need to collect 2600 pints of blood, in addition to what's normally collected. If they do that, they do get a rather large discount on their blood cost through the Red Cross. We have committed to three blood drives here at City Hall throughout the year to help out. We had 32 employees sign up. Much more than they expected. We intend to expand that in June with our second collection. Anyone who would like to join us, please call the office and we can help out. We always have a blood shortage, always seem to have a blood shortage in northeastern Ohio and this is a good way to stop it.

Euclid Beauty School on Shore Center Drive, the renovations are coming along just fine. It is going to transform that building into something very, very nice and I commend the Community Development Dept. for their work on that.

We're also working with the residents on Valley Pool. There is a Community Garden next to Valley Pool that needs a lot of work. We believe we've got a landscaper or two that are going to go up there at no charge and re-do the ground, rototill the ground, get it fertilized, mulched and ready to go, so that the community can have their gardens there in the summertime.

We are looking at Valley Pool. We would like to keep that pool opened. We do have some extensive work to be done on that pool. We had people out there today examining what its going to cost, so we haven't made a final decision on the pool yet. But we are moving ahead with the garden and some other things up in the neighborhood. I think there's three neighborhood associations that are getting very active in that area and that's what we like to see, people who are contributing to the community. So we're going to help them in every way possible. When we have those numbers on the pool, we'll determine our course of action with your input of course.

We also have renovations beginning at Hanklin's on Lake Shore Blvd. The plan there is to build a very nice restaurant and tavern, creating more of the atmosphere that's already been created by the Bistro and other restaurants on Lake Shore Blvd. Our hope is that soon that Lake Shore will become a destination and a place where people want to go and have many choices of various eating establishments.

Last but not least, in observance of Good Friday, City Hall will be closed on Friday. I wish all the people that celebrate Easter a very happy holiday Easter and to our Jewish constituents, I believe at sundown tonight is the beginning of Passover. I wish them Holy Holiday Season also. That concludes our reports.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive and approve the Fire Report of January, 2004; Police Report of January, 2004; Finance Committee Minutes of March 10, 2004; Recreation Committee Min. of March 22, 2004; Business & Commercial Development Committee Minutes of March 24, 2004; Board of Control Min. of 3/8/04 & 3/15/04. Councilwoman Mancuso seconded. Yeas: Unanimous.

#### ADDED TO AGENDA

Councilman Langman moved to waive the 24 hour notice and place on the Agenda Res. (096-04). Councilman Daly seconded. Yeas: Unanimous.

#### COMMITTEE OF THE WHOLE

President Sustarsic – This brings us to the Committee of the Whole for Legislative Matters Only. Two items on the agenda, #3 & #4, will be first readings. The Public Hearings will be held on May 17<sup>th</sup>. In that particular instance, I really don't see any need to discuss those particular issues this evening as they will be coming up for a public hearing in approximately a month.

I would just like to remind everyone, as the Mayor eluded to, with the Holiday Season coming, as Recreation mentioned, with Spring coming, it's the beginning of a new season, beginning of a new year, new life if you will. I would like to remind everybody that we do have certain rules relative to the Committee of the Whole. As per our Codified Ordinances as I related to back in the first meeting in December. That is Section 121.18 and it says that if there is any discussion and discussion is encouraged at Council Meetings relative to the issues. Bottom line they should be kept above board. Personalities should be left out. There should not be any demeaning or embarrassment of any individuals, either on this Council, on this Administration. We have to remember that we're strictly here to look at the issues, talk about the issues, this is a business meeting. We can't really condone, and according to law, which was written, we cannot condone anything less than what is written. To carry on as has been carried on in the past several months, I think it detracts greatly from the business end and from the goals this City has.

I'm not saying there is any problem disagreeing with the administration, policies, or disagreeing with other councilmen's stances, but at the same time, I think its completely out of line and irrelevant as per Robert's Rules of Order and again as per the Codified Ordinances of the City of Euclid, to take off after any individuals. It is not the most civil atmosphere that could be. With that and if the people would abide by that, follow the rules, there's nothing wrong with following the rules. If things get out of hand and things get out of order, then I'll follow the rules and act accordingly.

Keeping in mind with that, we will proceed with the Committee of the Whole for Legislative Matters Only. Step up to the microphone, my left, your right and announce your name and address for the public record and proceed with that.

Ms. Jean Reilly – 24024 Euclid Ave. I'm going to speak on the Henn Mansion lease. I'm the President of the Friends of the Henn Mansion. I would urge Council to pass this ordinance. The Friends began leasing the Mansion in July, 1997. During this time the Friends have invested over \$300,000 in renovation projects. Most recently a new boiler was installed. Wooden-shake shingles were replaced; exterior repainted and re-stained; upstairs landing floors have been refinished. Plans for this year include complete electric update, paving the way for air conditioning hopefully.

Rentals of the Mansion are extremely popular and make up a large part of our funding. It was over \$23,000 in 2003. As you know, special events are normally booked well in advance.

I met with Mayor Cervenik and Asst. Recreation Director Kathy Will to determine if the City wanted to extend our lease beyond the July 2005 expiration date. The Mayor suggested we draft a new lease and add an additional two years.

The Friends remain enthusiastic about the Mansion and the renovations. Most members feel that it is like their second home. We as a group would like to continue our work with the support of the City and I encourage you to pass this.

Upcoming events are our Annual Rummage Sale, which is April 24<sup>th</sup>, and we're having a new bird walk and breakfast at the Henn on May 2<sup>nd</sup> from 8-12. Thank you.

Mr. Tod Guntner – 390 E. 257. Guess what I'm going to talk about? Yes, #15 & 16. I urge passage. This puts Fay Miller and Dan Chan onto our Animal Shelter Commission. Just recently appointed by the Mayor and we need your confirmation. We need those yes votes so we can put these guys to work. Your support is greatly appreciated.

Ms. Jai Walton – 27591 A Mills Ave. I'm doing a commercial here. Good evening Council. I'm here to talk about dirt and soil and good things to eat. We are in the process of producing a community garden. Put a little green into your life for the 2004 Garden Season. It's the Euclid Community Garden. This Garden will allow you to do many things. Community Gardens provide an opportunity for you to beautify your neighborhood, get to know your neighbors, grow food to donate to a hunger center. Get daily exercise, save money on your food bill, even learn a new skill. The really nice thing about this is that we're also starting a 4-H kid garden center group.

President Sustarsic – Ms. Walton, I appreciate your enthusiasm, but at the same time, it doesn't really relate to anything on the Agenda.

Ms. Walton – Oh, I apologize.

President Sustarsic – I suggest if you could hold your comments until the later portion of the meeting.

Ms. Walton – Okay, I will do that. Thank you very much and I apologize.

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

#### LEGISLATION

##### **Res. 50-2004 (088-04) Henn Lease Extension**

A resolution authorizing the Mayor of the City of Euclid to extend the renewal period of its Lease Agreement with the Friends of the Henn Mansion, Inc., for the use of the Henn Mansion located at Sims Park at 23131 Lake Shore Boulevard in Euclid for a period of two (2) years. (Sponsored by Mayor Cervenik)

Councilman Daly moved for passage, Councilman Gruber seconded.

Mayor Cervenik – As Ms. Reilly said, we had a meeting and during that meeting it was discussed about the extension of their lease. It is such a popular place to rent that people will rent it out well more than a year in advance, for weddings and items like that. They wanted to be assured that they will still have the lease after the end of June, 2005. I assured them that the City had no intentions, nor the ability to run that building as they do, because they've done a fine job. It was suggested that we would extend the lease by two years. That would give them plenty of rental time and the security to go ahead with the improvements they're making. We've got some real nice improvements that are going to be going on there, with some underground wiring and eliminating some telephone poles and really upgrading the electrical system and grid in that building. I strongly urge the passage of this. They've done a fine job and continue to do so.

Councilman Langman – I would like to suggest that if my colleagues agree that the entire council also be added to this Resolution. It is certainly worthwhile. It demonstrates once again that the citizens of this city step up when they see the need. Thank you.

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

Passed.

##### **Res. 51-2004 (081-04) Parking Lot Panini's**

A resolution confirming and approving the Planning and Zoning Commission's approval of a parking lot permit for more than six cars, to Eric Anderson of Euclid Panini's Bar & Grille, for property located at 962/964 East 223<sup>rd</sup> Street (P.P. # 643-12-052), pursuant to Section 1389.07 of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid. (Sponsored by the Planning & Zoning Commission)

Councilwoman Hufnagle moved for passage, Councilman Delaney seconded.

Acting Director Gliha – Panini's Bar & Grille has become extremely popular restaurant here in the City of Euclid. The parking has become a great problem, not only for the restaurant but for the neighborhood. The lot that was for sale, or the lot that was opened, the restaurant approached

Council Minutes

April 5, 2004

Page 5

the owner and they were able to consummate a deal for the purchase of that lot. This will allow us to turn that lot into a parking lot for the restaurant, an overflow parking lot. I think it will benefit the neighborhood overall. Mr. Ron Petkovic, our Zoning Commissioner can answer any questions in relation to what questions or what was presented at the Planning & Zoning meeting.

Commissioner Petkovic – This Resolution that is before you tonight for your approval of a special parking lot permit. However this was an approval for one year. At that time, Planning & Zoning Commission can review this and go over it and extend it for another possibly two years. Mr. Eric Anderson is in the audience tonight if you have any questions.

Councilman Gruber – Commissioner, will there be approved safety for pedestrian crossing. Will there be any improvements made that you know of?

Commissioner Petkovic – That is going to be addressed at a further date from Mr. Eric Anderson. That was spoken of at the meeting. We were worried about people crossing Miller Ave. There's only one place to cross at that is at the crosswalk. He agreed to put up a sign there for pedestrians to make sure that place is the place they do the crossing.

President Sustarsic – Just out of curiosity, it's mentioned no more than six cars will be parked on that lot?

Commissioner Petkovic – No, for more than six cars.

President Sustarsic – Any plans on expanding the existing parking lot as it is?

Commissioner Petkovic – At this time, no, there are no plans to expand the existing lot. This is just for the lot across the street that's located on Miller Ave.

Councilman Langman – Law Director Frey, in your summary to the council, you mentioned that they will have to come back annually for this particular variance. I don't see that in the actual Resolution. Can you explain that for us?

Director Frey – There are two different things going on with this parcel. One is this special use permit for the parking. I believe the zoning code itself is what requires their return to Planning & Zoning. However, there is also, the next item on the agenda is the rezoning of the parcel from two family to commercial. At which point in time, if that takes place, that will aviate the need to come back.

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

**Ord. (082-04) Rezoning Panini Parking lot**

An ordinance rezoning P.P.# 643-12-052 located at 962-964 E. 223 St., from U-2 (two-family) use district to U-4 (Commercial) use district and further amending Ord. No. 2812.(Sponsor Planning & Zoning Commission)

First Reading. Public Hearing May 17, 2004

**Ord. (083-04) Rezoning East Shore Church**

An ordinance rezoning P.P. # 644-24-003 located at 23120 Lake Shore Blvd., from U-1 (Single Family) use district to UR-2 (Church) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

First Reading. Public Hearing May 17, 2004.

**Res. 52-2004 (085-04) Lincoln Road Improve.**

A resolution authorizing the Mayor of the City of Euclid, or his designee, to execute a grant agreement in the amount of \$235,000.00 with the Ohio Department of Development for public road improvements in conjunction with the Lincoln Electric Corporate Customer Service Center Project. (Sponsored by Mayor Cervenik)

Councilman T. Sustarsic moved for passage, Councilman Gruber seconded.

## Council Minutes

April 5, 2004

Page 6

Acting Director Gliha – This grant and this legislation is an off-spring of the Lincoln Electric Customer Service Center Project. As some of you may recall last year Lincoln Electric decided to consolidate their warehouse operations and their customer service operations here in Euclid.

That meant the relocation of 32 jobs from outside the city, with the hopeful creation of at least 20 more and the retention of 80 existing jobs that were moved from the mother-plant to the refurbished EP3, which is the plant on the southeast corner of St. Clair.

As part of this project, truck traffic and customer service traffic will increase making the ever busy intersection at E. 222 and St. Clair even more busy. In sitting down with Lincoln and reviewing what that might mean, we decided to contact the State of Ohio and apply for a roadway grant, which would enable us to redo the grade underneath the railroad bridge. I think everyone's aware that every once in awhile we have a truck that's stuck there. We can't, unfortunately tear the bridge down and move the bridge up, so we're going to try to go down with the grade of the road in order to gain the extra inches that we need.

In addition, the turn radius of all 4 intersections is very tough for a semi to make and therefore blocks traffic up for quite awhile. So, accepting this grant, we were able to start to plan and engineer that project, which I think will benefit not only Lincoln, but all the businesses along St. Clair, as well as the pedestrian traffic and regular traffic, who get stuck at that busy intersection.

The preliminary cost estimates for what we are looking at are in the \$470,000 range. The State only provides "x" amount of percentage and we were able to obtain at least a 50% match on this grant. We have also through the Mayor and through Director Gulich, initiated talks with the County Engineer. They feel that they may have funds that will help pay for a significant portion of the rest of the work. It also has been suggested to us that we look at Issue II funds. If we can combine the State grant, the County money and Issue II funds, we can even be a little bit more aggressive on tackling that traffic problem there.

This is an excellent opportunity for us to further help our businesses in that area as well as the normal traffic. Thank you.

President Sustarsic – Always good to see trucks moving clearly, not knocking out bridges because that impacts traffic and the structure of the bridge. This is excellent.

Acting Director Gliha – I know today's finances are tough, we have three years to implement the project. We can look at it and financially plan for it.

Councilman T. Sustarsic – The bridge that you're lowering the grade, is that similar to what they did at 200 Street and Lakeland?

Acting Director Gliha – I'm not exactly sure, Mr. Gulich, may be able to answer that. We do know that a couple of other cities throughout the State of Ohio have the same problem arose. In doing research with the aid of the State, they showed us where, that's how they achieved the extra 6 inches, 7 inches is all that is necessary to get those trucks through.

President Sustarsic – Correct me if I'm wrong, that had to do more or less with the structural integrity of 200<sup>th</sup> Street because you had the crumpling concrete and age and everything.

Director Gulich – The railroad took care of the overhead part, because that's their structure. The County/State of Ohio, going back to 2000 when they did the reconstruction under there, we did create a little bit more room. It is kind of a tricky affair. We have lots of existing utilities and infrastructure underground there. It is kind of difficult to get it all to move to exactly where you want it. We do have to work within certain parameters. Yes, we did similar improvements there, 4 years ago.

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

Passed.

### **Ord. (023a-03) Wireless Communication Tower**

An ordinance repealing Chapter 1399, Wireless Communication Antennas and Towers, of the Codified Ordinances of the City of Euclid to be replaced as follows: (Sponsored by Councilwoman Mancuso) (Not recommended for passage by the Planning & Zoning Commission)

Councilwoman Mancuso moved for passage, Councilman Delaney seconded.

Mr. Meister – I am also the legal representative on Planning & Zoning Commission. I have had the chance to look into this issue at length. What I discovered in my looking into it is that the proposed ordinance is a model ordinance that's being provided by a company called H.C. Nutting. This company is largely based in southern Ohio and northern Kentucky. What they're trying to do is get this model ordinance adopted around the State of Ohio.

The one city that I found in our proximity that has used this as a model for their own ordinance, is the City of Westlake. What was interesting is when I got into it and talked to the people and talked to the Law Director for the City of Westlake, he also showed me a piece of legislation that he had written for the City of Sandusky.

I put both of these pieces of legislation before Planning & Zoning, asked them what they thought, and what the discovery in all of this research was is that we have a good ordinance regulating wireless communication antennas and towers. It may need an amendment, and I have and in my haste I couldn't get this out to you, because I'm not done doing it yet, but I have written a proposed amendment which I think would serve your concerns that were raised at your meetings on this ordinance. Without having to rip our entire statute out and put something new in.

One of the things I kind of have problems with is that, I looked at H.C. Nutting when they put this forward. They took a comparison between our ordinance and the ordinance that they have brought forward to us. I find a lot of the information in here and I haven't been able and I don't know if Mr. Princic is here this evening, I don't believe he is. I believe that most of these are dealt with, or could be dealt with through an amendment through our existing legislation.

Right now we have a good plan, where it goes through, the application process goes through Planning & Zoning, before it gets to council. In addition, Architectural Review Board is involved as far as the aesthetics. They are good at what they do. I don't feel that taking Architectural Review Board out of the equation when deciding where to put this up and whatnot is a smart decision either.

That is why after all of our discussion at Planning & Zoning, Planning & Zoning ultimately decided to reject this proposal. I would ask Council to do the same.

Councilwoman Mancuso – The revisions to this ordinance are long overdue. The gentleman is correct, it was a well-written ordinance. However, wireless communications change almost as quickly as our pc software updates. A five year ordinance that is not revised to reflect 2004 standards, is one that will cost the city both the short-term and the long-term.

This ordinance with its revisions will better protect the city and also act as a revenue enhancement strategy. One that was already passed unanimously by P&Z in July. I'm afraid that at the P&Z meeting in March, there was some mis-information and mis-communication relayed which I would like to clarify tonight.

The only changes to the revision that was unanimously passed on July 15<sup>th</sup> by the P&Z is on page 8, section g, which asks for a geographic inspection for air medical egress. On page 17, Section 2, x, where we actually increase the application fees which were long overdue.

In reviewing the draft minutes that were provided to me to the 2004 P&Z, Mr. Meister stated the revised ordinance offers very little to the City of Euclid. I will re-state at least 12 significant points of clear benefit to the City that are specified in this revised ordinance.

Mr. Meister stated in his minutes that he did a thorough review, however I'm not sure what that entailed because in our phone conversation the day before the March 16<sup>th</sup> P&Z meeting, he was unaware of the following:

That there had been no major changes to the ordinance. Even when it came forward to us in January to review at committee level. Other than adding the fees and adding the air medical egress study.

Mr. Meister also challenged my statement that the ordinance had ever been at P&Z before and was unaware that any action had ever been taken. He did say that he did not have time at that time to contact many municipalities. Westlake is one. There are several others.

He also admit he had not read completely the two ordinances and at that time compared the differences.

He was also not aware that at our January 14<sup>th</sup> Utilities Committee Meeting, prior to the meeting, I had asked for some direction on how we might proceed because we were looking to learn about the ordinance but hadn't actually made any changes in the revision that was already accepted. He said we had two options. One because we had very little that was changing in the ordinance, that we could just ask to recommend it go to Council. Or, he said you can ask for it to

## Council Minutes

April 5, 2004

Page 8

go back to P&Z with a recommendation to pass and come forward to Council. I felt out of courtesy for our P&Z Commission, it should go back to them. That's what we decided that night after hearing the presentation.

One of the other things that was said in the minutes that if I was sitting on P&Z would have made me a little fearful was that less power is given to the Planning & Zoning Commission and more to HC Nutting, who would be the potential consultants. In fact on Page 4, Section 1399.06, the revised ordinance which has already been passed once clearly states, all applicants for special use permit for wireless telecommunication facilities or any modification of such facility, shall comply with the requirements set forth in this Section. The Planning & Zoning Commission is the officially designated agency or body of the community to whom applications for special use permit for wireless telecommunication facilities must be made and that is authorized for you to analyze, evaluate and make decision with respect to granting or not granting, recertifying or not recertifying or revoking special use permits for wireless telecommunication facilities. Council must then confirm approvals made by Planning & Zoning Commission. So it does not take any authority away from our P&Z Commission. That clearly needs to be clarified.

However, I do want to get back to the fact that HC Nutting when they made the presentation to the committee, is in the same classification as the Honeywell group that we're using to show us efficiencies in our building structures. Both companies deal strictly with municipalities so there is not the, what you would perceive the conflict of interest between a municipality and a vendor and working for both sides. That needs to be clear.

I think it's a win/win situation when we can have consultants, such as Honeywell and in this case HC Nutting, who is also kind of a niche consultant that only does wireless communication only for communities. They are not charging the city, just as Honeywell is not charging the city. They are actually charging the vendor those fees. Again, it's a win/win situation.

It was also stated at the P&Z meeting that the old ordinance was never challenged or that there are ways to find locations for towers as we have in the past. In an environment where we need to be pro-active and I pardon for my length, its like saying the traffic officer who has never been challenged with giving a ticket doesn't need to be awarded that bullet proof vest when he's on the job.

We heard the advantages and disadvantages at our January 14<sup>th</sup> meeting and I truly believe that P&Z should have been afforded that same opportunity to hear what was in this ordinance.

Our ordinance, and I'm only going to go through a few of these, and not all 12 of them. In the revised ordinance which is done, finished and has been unanimously passed once already, the vendor has to prove and actual need for the tower and a need for a specific height on the tower to propagation study. Our current ordinance does not have any way that needs to be proved. The revised ordinance stipulates a hierarchy of preferred sites in the community. This would restrict locations. This would assist the city and our residents so they don't have to fight each tower application in their neighborhoods on an individual basis.

The current ordinance only partially covers where co-location of facilities is needed. Revised ordinance has absolute definitions for determination and when the actual need for new towers would be produced.

Application fees are increased in the revised ordinance. This is a revenue enhancement strategy that is not on the burden of our residents. There are no revenue fees covered in our current ordinance. The revised ordinance allows for capture of significant dollars, by the city for lease of their property. There's also nothing in our current ordinance that has to do with utilities associated with the towers. In the revised ordinance, again which has already been past once, the vendor is obligated to use underground versus aerial utilities which enhances the aesthetics. The removal bond that is in our current ordinance is not enough to cover the cost of removing a tower today, should the lease end. The revised ordinance as it is already written actually puts a realistic amount aside should the tower management company dissolve and the city is left to remove this tower.

There is no indemnification covered in the current ordinance. The revised ordinance removes liability from the city and its officers when a tower is on its premises and there's no insurance provision in our current ordinance to protect the city from liability in the event of a law suit. Those are just a few of the items. This is one of several ordinances and can and will have an impact on the city both now and in the long run. It is a well thought out revision, well written the outdated ordinance. I hope we stay focused on its implications for the City both financially and legally. This should not be a political football, it is far to important. Thank you.

Council Minutes

April 5, 2004

Page 9

Mr. Meister – I'd just like you to know that, Ms. Mancuso, that my proposed revision of our current ordinance takes into account everything that you've just talked about, as far as what we need to change. Your still only point, is a small point of change. What this new ordinance does is this takes an entirely new language for the city's ordinance. In the model that we have, its not really that outdated. Looking at other cities, most cities will follow at least some general principle the model that we followed here. The only time that you see something is 17 pages long is what the proposal is is Westlake because they've decided to use it but I don't believe it is necessary. I believe that the same needs can be accomplished through an amendment rather than appeal.

Councilwoman Mancuso – It has already been written, its completed, sir.

Mr. Meister – I can confidently say before you today that the Planning & Zoning Commission is not the same Planning & Zoning Commission that passed this ordinance. Second of all, not one of them was comfortable with what was in front of them. Not one person on that board.

Councilwoman Mancuso – If I had heard these statements, I would not have either. What I'm saying to you is to clarify tonight that some of those were mis-statements and mis-communications and I'll leave it at that.

President Sustarsic – Just looking through this I know one of the problems we had was there was a lot of disenchanted people that lived in the Roosevelt School area because of the distance being shortened. They didn't like it. That has to definitely be addressed. I don't know if that can be changed piece-meal.

Councilman Gruber – Mr. Meister, has the distance from homes been reduced in the new ordinance?

Mr. Meister – Yes, in the proposed ordinance its been reduced from 1,000 ft. to 250 ft. Something that I couldn't understand at all.

Councilman Gruber – Thereby bringing the towers closer to individual homes?

Mr. Meister – Yes.

Councilman Gruber – The changes that you propose Mr. Meister, could you give us the flavor of those changes and how long it will take you to have those prepared for an amendment?

Mr. Meister – I could have those prepared within a week in the general flavor. I have more strongly and our statute does, the statute in its present form it does, its trying to encourage co-location. The revisions that I'm preparing it is going to be more encouraging. I've taken care of the issue of the removal bond, that's something that needs to be amended because it doesn't relate where it should be. A removal bond that's part of it. Landscaping plan which is something that came in the new, I saw a lot of stuff, I'm referring to that. Again that's something, its already defined where it has to go. We have people assigned to different tasks. I've addressed lighting, I've addressed maintenance, I've addressed signage permitted, access to the facility. I've addressed construction requirements. I've addressed locations in depth. I've also addressed, which is a concern, the permits.

I would strike a bit of caution here. Our fee structure as it was constructed that's in the ordinance right now, for a proposal of a new tower \$5,000 application fee for a new antenna \$2000, for co-location \$2,000. Those prices are all increasingly more than other communities. Basically the rates that we have in our statute as they were are more along the lines with the fees that are being charged for these in other communities, including Westlake.

My new proposal it addresses those concerns and brings our statute ahead. The more I'm looking around at these ordinances, what I'm finding out is that they seem to have some. More so than after my conversation with Mancuso, because she knew where to lead me here. But the more that I looked into them I find out that these things don't get amended every 5 minutes. They've been place for a period of time. Most of the ones that I've look at have been around in their communities since 1998 which would just be a year younger than our own.

Councilman Gruber – Would underground utilities be included in your ordinance?

Council Minutes

April 5, 2004

Page 10

Mr. Meister – Yes, that will be addressed as well.

Councilman Gruber – The difficulty I have with this is the encroachment on people's homes. The 250 ft. is a big thing. The only thing that you're eliminated is the consultant. With a strong ordinance we probably wouldn't really even need that.

Mr. Meister – What I have done and what I was going to propose in my, you can legislate these out of residential areas. My proposed ordinance proposes to do that. It goes a little bit above and beyond what you can to live with. But I believe it better serves the community.

Councilwoman Mancuso – There is no consultant in this. There was a consultant who assisted Mr. Hayes in developing this revision. There is nothing in here that says a consultant will do anything. The revision was built with Mr. Hayes and HC Nutting's input. But there is no obligation in this revision that again was already passed. I guess I'm wondering why you want to repeat the work. With the revision, I agree, I would like to see it setback a little farther from residential. But this work is done. Why are we reinventing the wheel?

Mr. Meister – That's what you've done. That's what I believe is unnecessary.

Mayor Cervenik – If I might recommend, Mr. Meister feels that in the next week or so he could have his amendments prepared, the amended ordinance prepared. Maybe it would be good for City Council to revisit along with members of Planning & Zoning and try to hash out the good and the bad in all of the two pieces of legislation. Take that approach. It sounds like Councilwoman Mancuso is pretty well versed in this area and also Mr. Meister and I think we did quite a bit of work when we formulated that legislation back in 1997. That's what I would recommend. One more meeting. When you have all of those amendments in front of you along with the new ordinance and then you can make a determination. That's what I would suggest.

Councilman Delaney – As what the Mayor had suggested is something that was going through my mind and I thought we should table this until the next Council Meeting.

Mayor Cervenik- If you want Planning & Zoning dialogue, I think it would be preferable to put it into a Committee so that you can have Planning & Zoning dialogue. It would be more conducive to conversation than have Planning & Zoning be here at the next Council meeting. That's what I would suggest. I'm sure that Planning & Zoning members would be glad to report to you and discuss this wholeheartedly.

Councilman Delaney – That would be just as well. I do remember it was a good presentation in January. Technology is moving very, very fast and these towers are going to evolve in time and I think our landscape will show them almost as common place as telephone poles. We do need help and expertise. This consultant, it's a fortunate situation where luck crosses with opportunity. We find someone who has invented a niche market where it won't cost us anything and chances are they will bring in more fees. I think the telecommunications companies do target municipalities and non-profit first. They can just as easily put these up on private property where we wouldn't have the opportunity for that revenue stream. Hopefully at the next committee meeting we can get a lot of this squared away and I'll also request the consultant to be brought back for that as well.

Councilman Delaney moved Ord. (023a-03) into the Public Service & Utilities Committee. Councilwoman Mancuso seconded.

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

Into Committee.

**Ord. 53-2004 (086-04)**

A resolution establishing and designating the boundaries of a "Community Reinvestment Area" (hereinafter referred to as "C.R.A. – F") pursuant to Sections 3735.65 through 3735.70 of the Ohio Revised Code, and amending Resolution No. 34-2001 passed March 5, 2001. (Sponsored by Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage, Councilman Delaney seconded.

## Council Minutes

April 5, 2004

Page 11

Director Gliha – What you have before you tonight is a request of legislation creating an additional Community Reinvestment Area. The alphabet for that area would be F. We have 5 existing areas currently that range from downtown Euclid to East 185 St. to the industrial belt and a few other commercial areas. Then we have one CRA-E which covers the remaining of the city, exclusive of the 4 CRA's that I mentioned before.

The request for this legislation came about because the Mayor was asked by the Coral Company if the City would look into establishing a new CRA which we covered their E. 205 project. And granting a 25% tax abatement under the State law for the new construction.

Tonight I will briefly run through what is required to establish the CRA. Ms. Alexis Booth from the Coral Company is here also and she will give us an update on the project as it stands now and the reasoning for the request for the tax abatement. I know I had spoke or had e-mail from several of you today and there were some very excellent questions which triggered some good thought and I think that when Alexis presents the update, she will also speak to a possible developer's agreement that will become part of the CRA but cannot be contained in the legislation because we are not allowed to be exclusive in the legislation.

To establish an area, we have to look at an area that has been asked to be established a CRA and we have to look at whether there is a possibility for new construction and whether new construction has taken place recently in that area. We also have to consider the nature and the condition of the existing housing stock and determine whether a tax break that would encourage rehabilitation, additions or other such improvements would benefit the area, uplift the area and in general and after the tax abatement is over, create additional tax revenue.

We did that. We established the area one, based on the 205 project and then looking at 205 and 206 carried down to Lake Shore Blvd. By the nature of the State law, the addition of those 2 streets to Lake Shore made sense in establishing this new area.

The next step is to bring legislation in front of this body. Once the legislation is passed, we must publish it in a local newspaper for two consecutive weeks. In this case it would be Sun Journal on two consecutive Thursdays. At that point in time we then have to petition the Director of Development of the State of Ohio, about a 4 page document that must be filled out. We must include the enabling legislation and documentation such as pictures and the general description of the area.

It will take the Department of Development usually 2-3, at the longest 4 weeks to review the petition. If they have any questions, get back to us. We answer the questions and then they will certify that the area does qualify or not certify that the area qualifies.

Once the area is certified by the State, individual homeowners in that area according to this legislation, new construction will be granted a 25% tax abatement on the added value for a period of 10 years. The existing housing stock, any additions, rehabilitation that would cause added tax value will be abated for 50% for 10 years. Those applicants will fill out a brief application with the Building Dept. We would certify that the improvement has been done. The cost of the improvement and then forward that application onto the Cuyahoga County Auditor for the tax relief to be granted. All applicants, do by State law, have up to 6 months after they have completed their project to apply to the Building Dept. for the tax relief.

I think at this point in time, if there aren't any direct questions of me or they can wait until after Alexis gives us an update, I would ask Ms. Booth to please set up to the microphone.

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

Ms. Alexis Booth – Director of Development for the Coral Company, 24400 Chagrin Blvd., Beachwood, OH 44122. First of all I would like to thank all of you for hearing our request this evening. It was a very good summation of what the process needs to be.

The main reason we're asking for this abatement has to do mostly with the price-point that we are at now with the homes that we are building. When we first started looking at this project and responded to the request for proposal from the city, coming up on 2 years now. We weren't sure what kind of homes we were going to building. In our response to the proposal request, we submitted, I think we were looking at \$250,000-\$350,000 was the range of homes of the prices of the homes we were thinking of building.

Since then, those of you who were involved you know we went through about 20 different site plans with lots of different types ranging from 18 attached homes down to 8 single family homes. Lots of different types all over the place and we wound up with the plan we have today, 11 units. They've gotten a lot bigger than when we first started looking at the project. They've also gotten more expensive. We're now looking at homes, the top price of the homes we're looking at selling will start at about \$580,000.

## Council Minutes

April 5, 2004

Page 12

When you're looking at a \$250,000-\$300,000 home, taxes are reasonable and doable, now we're up to about \$580,000 for a selling price and the taxes are starting to get up in the range where people are hesitant about doing that. We've had one person who was very interested in buying a home who walked away for that specific reason, because of the taxes, and we've had other comments and questions about it. People are concerned about the taxes.

We are asking for only a 25% abatement. We could have come in and asked for a 50% or 100%, as has been done in other areas of the city. But, honestly we didn't think that was something the City would want to give us and we want something that is going to work for the City and something that is going to work for us as well. A 25% abatement will give people more of an incentive to buy the homes. But still the City is going to be making thousands and thousands of dollars more than with the homes that we originally and certainly more than with the apartment building that was there previously.

I had e-mailed before to Kirsten and I don't know if she had an opportunity to pass out some charts. But I have some charts here that show before and after taxes. On the left side are the original projected sale prices. We have about \$250,000-\$300,000 is what we were looking at. If you look at the annual taxes, you end up with \$52,000 in annual taxes. To the right side are the sales prices that you are looking at now with the homes as they stand today. As you can see the last one, we're looking at upwards of \$580,000. Without the abatement the city would be getting \$87,000 in taxes. With the small 25% abatement, it would be getting \$65,000 in taxes, which is roughly \$13,000 more than it would have gotten from when we first started looking at this project.

The City is still going to be doing very well in terms of the tax revenue on this project. We're just asking for some help from the City to help us sell these homes.

Councilman Langman – Ms. Booth, your project at the Courtyards of Severance are you receiving abatement on that project?

Ms. Booth – Yes we are.

Councilman Langman – What is the percentage level?

Ms. Booth – The percentage of the abatement on that property, I believe is, I don't have that figure with me. I want to say its 50% for 10 years.

Councilwoman Holzheimer Gail – Thank you Mrs. Booth. I did e-mail Council earlier today so everyone may not have had a chance to receive that. I did share the information that Alexis had talked about. The numbers have changed several times. Their starting point was lower than my starting point.

But I think nobody when we started thought that we were going to be looking at a starting point of \$390,000 up to \$580,000. This is a difficult question when we're talking about budget deficits, but I think in today's economic times and competing with other cities its really a tool that we need to use. Ms. Booth did e-mail me. I had asked similar questions of other communities, what are they doing. They've done a lot of work in Cleveland Heights so she knew specifically Courtyards at Severance has 50% abatement for 10 years. Villa Carrabelli which is being built in Little Italy is 65% abatement for 7 years. Boulevard Town Homes which are on Lee Rd. is 50% for 10 years. Lee Rd. 80% for 11 years. Cleveland currently offers 100% abatement for 15 years. South Euclid and Mayfield Heights also either have specific zones set up and we didn't have the details on that.

Other communities are certainly using this as a tool. So what's going to attract someone to buy a \$400,000 house here in Euclid as opposed to another community? This small incentive maybe the difference. We need to do what we can do. We've worked on this project for a long, long time. It's a hard thing to say and we did say at the beginning that we weren't going to consider tax abatement, but to me there's new circumstances. To have houses that are going to be 4 times the value of what we had started out really is an amazing thing. To me this is a price that I'm willing to pay to make that happen.

There's been discussions that this will set a precedent. We have a precedent in Euclid. Single family homes in most of the rest of the city are getting 7 year 100% tax abatement. Any new project, we just recently made the Hillandale area a no tax abatement. If they want to build \$390,000-\$580,000 homes, I certainly would consider 25% abatement. That's something we can be fair in. We're looking at this project bringing in \$65,930 after the tax abatement. Granted that does not all come to the city. If you'll remember my chart from previous discussions, 8% of the budgeted revenues come from property tax. 61% come from income tax. It sort of goes without

## Council Minutes

April 5, 2004

Page 13

saying, but someone who can afford a house of this value is going to have a higher income, so we'll also be seeing some increase from the income tax.

To me the circumstances in this situation warrant it. I think we need to use every tool we can to make Euclid a desirable place to develop and do business. Unfortunately this is a tool that we need to use in this situation. I would ask Council to support in that. I thank the Mayor and Director Gliha for their support and hard work and certainly thank Alexis and Peter Rubin from the Coral Company. They've put in a tremendous amount of time and effort. They've been very good to work with. They've really extended themselves in many ways and I look forward to a very successful project there.

President Sustarsic – Have the schools been contacted relative to this?

Director Gliha – Part of the process is as we go forward with the advertising of the legislation to also notify the schools. Since this is residential development only under State law the schools are required to be notified before we submit any individual application to the County Auditor. But the State law only permits the School Board to comment on such application. We must take into consideration their comments when we submit that application to the County Auditor.

If this were a commercial or industrial CRA, under the post-1994 law, we would be entering into agreements similar to that which we do with the Enterprise Zones.

Councilman Langman – I think our Councilwoman Holzheimer Gail summed it up very well. I just wanted to add a couple of points. I talked to Mr. Rubin myself over a period of several months. I think the amount of the abatement is very reasonable. We have to remember that what we do at 205 does have a bearing on what we want to do in the 242 area. Other developers will be looking at what the Euclid market can actually generate. If we move forward with this and we build this value of home, we will have only positive impact as we move forward with the marina development. It is difficult to take money upfront with the abatement from the schools, but we are creating an asset that is going to last 70-90 years. They will get the full value after 10 years and we expect if things go well that these homes will appreciate in value because folks like to live by the water and we certainly hope that as we move forward that they choose Euclid in the future. Thank you.

Councilman Daly – To Law Director Frey, do we currently have a developer's agreement in place with Coral regarding this project?

Director Frey – To the best of my knowledge, we do not have a developer's agreement on this project. I'm aware of an e-mail from this afternoon discussing that that might be a suitable thing to do at this point.

Councilman Daly – I remember last fall, these numbers that you submitted and your document is dated in August 2003. These were the numbers that were being talked about, but it appears that we haven't actually set an agreement in place, locking these numbers in?

Director Frey – To the best of my knowledge that's correct, we do not have that agreement.

Councilman Daly – One thing that makes me feel better about this proposal is if these are the sales prices that were talked about last fall, but the amount of tax revenue that was talked about last fall is taking into account the 25% abatement. These prices without abatement would be in the \$80,000 range. With abatement \$60,000. I did find an old newspaper when Mr. Rubin was in town. That was the amount of taxes they were talking about this project generating is the \$60,000. It sounds like these numbers are what was talked about last fall, but apparently we never sat down and put pen to paper to lock this in. That makes me feel a lot better about this than I did this afternoon when I thought we were getting less of a deal. If we pass this abatement, if for some reason we are not successful executing a developer's agreement with Coral, can we then take the abatement zone back?

Director Frey – The Mayor has the right to hold that legislation for a period of time, I believe we can get a developer's agreement based on the e-mail I'm looking at together within that time that will allow the Mayor to either go forward and sign the legislation or report back to Council as to why he choose not to sign it if that were not the case, if we were not able to reach that kind of agreement.

Mayor Cervenik – To further that, I believe we will be able to reach an agreement with Coral, something to the effect that if the price-points do not reach 80-85% of what they projected here, that the abatement will be foregone for the project. I believe Coral is willing to enter into an agreement like that. We will have one drawn up and that should alleviate everyone's fears and in the meantime we'll be able to get this project rolling once and for all. It's been a long journey. I started at the beginning and came back here at the end and I'm glad to be here. I have met with Mr. Rubin early on when I became Mayor and he mentioned to me that he was going to need some tax abatement. But we didn't talk about it that day because he wanted to talk about other things they are interested in doing throughout the city. As our Ward One Council person said, they are a company that I think we want to work with in this community. I think they are going to put together a project that is better than we ever thought possible. I would strongly urge this be passed. We will not sign any legislation until we have a written, binding developer's agreement with this group that will be presented to you before hand for your approval.

Councilman Daly – In the ordinance, Section 3 part B. This impacts the other existing homeowners. Is this an actual decrease? What are the current homeowners in this area given as far as tax abatement for home improvements?

Director Gliha – In reviewing the existing CRA-E for rehabilitation, it indeed does cover 100% for 7 years. So if you do the calculations of 100% for 7 and 50% for 10, there's probably about a 10-15% deduction. I might suggest in all fairness to the existing residents that maybe the rehabilitation part be moved up to 75% abatement. I cannot make that motion, but I'm offering that to the floor.

Councilwoman Holzheimer Gail – I'll move to amend. Is there a reason that we cannot keep it at 100%?

Director Gliha – You can keep it at 100%, yes. We're extending 3 more years, so 75% with the extended 3 would probably equate to about 100% for 7. But you still can decide to grant a 100% for the 10 years for the single family rehab.

Councilwoman Hufnagle – Today when I got Councilwoman Holzheimer Gail's e-mail, I went back and reviewed some of the past legislation concerning this project. In June of 2003 at the Council Meeting when we had the rezoning of Edgely, the price-points that we were talking about were the homes starting at \$350,000. In July when we had the legislation again for rezoning the property, again in the minutes it states that the price is, President Gudenas asks, are they still in that \$350,000-\$500,000 range. Mr. Volpe answers yes.

Then in November 2003 when we had the legislation for the approval of the lot splits, the Minutes states that again President Gudenas comments, those homes will be \$360,000-\$560,000. I do have some concern that these are the price-points that seem to be have talked about in the legislation concerning this property.

I did find a recent article from December in the Plain Dealer where its specifically talking about Cleveland Heights. The title is Cleveland Heights Grows New Housing. A comment from that article says, other inner-ring suburbs would be wise to study the Cleveland Heights model to see if their achievement can be duplicated. To my knowledge Cleveland Heights stands out in terms of the sheer volume of housing projects they have in the works. It goes on to say, in a few cases the City has signed off on tax abatement to the people buying the new homes.

Comments that I've had from residents. In reviewing this project, I understand this is going to create a higher price-point in the housing market. I just have a difficult time right now when we just supported a school levy and all of Council unanimously supported that school levy. We're asking the little old lady down the street who lives on a fixed income to increase their taxes so that my child can go to school. Then we're taking what's supposed to be the prime piece of property in our city, piece of property that everybody wants and we're offering them any amount of tax abatement.

I have a fairly new development in my ward where the residents have approached me. They were not given the chance to have tax abatement. Not only that, they are paying for their infrastructure. Yes, they knew about that before hand but it is a considerable amount and they are paying for it for quite a few years and it has become a burden on that development.

I respectfully disagree with the administration at this time. I just question, asking for tax abatement of any amount once we've talked about the same price-points all along and the project is clearly already started. I would agree with the administration that this project is moving onto

## Council Minutes

April 5, 2004

Page 15

its third Council and we should have residents living on that property now. I would like to see it moved along. I would like to see people living there. But I just see it hard to justify to my constituents giving any amount of tax abatement. Thank you.

Councilman Delaney – The timing of this is a double-edged sword considering our budget we did borrow \$2 million for our ends to meet our means. That message along should raise buyer beware. I believe we're also looking at maybe a \$1 million loss on this property from its inception to its sale. It is a difficult thing in these tired economic times to try to market high-end housing. But, much different than Severance and Cleveland Heights, we are talking about our most marketable asset on the water, on the Lake. That alone should be able to force the signature of some potential buyers.

I remember very early on in 2002 when Mr. Paul Volpe was introducing the concept. There was a question by then Councilman Mike McTighe about some sort of mixture of attached and detached houses. At the time Mr. Volpe said that in order to get the desirable optimum unit that is more marketable today, that there might be some sort of other means to help sell these. It seems to be coming true today that the tax abatement is what is being asked for.

We did just pass a school levy narrowly. It was probably some of the most modest millage that I've seen since I've been old enough to vote. It took two tries. Now that we have those new schools, we're going to need probably an operating levy to fill it with teachers. We can't keep picking the pockets of the schools with tax abatement.

The hope is that this can be expedient. People can start to move in there. I'm against tax abatement and I'd like to remind you, Council President, that two years ago you sponsored legislation for the removal, retroactively, of these incentives. And it's a difficult thing, but as a City when we entered into this, it's not our job to market the property. We did as much as we could. We brought together the residents. We spent as much time as possible. Everything was hashed out in the public and now it's time for the developer to move and build these units. Thank you.

Councilman Gruber – Ms. Booth, what is the current percentage of units that have been sold?

Ms. Booth – We don't have any signed firm contracts yet.

Councilman Gruber – All right and you have a marketing plan in place?

Ms. Booth – Yes, we do.

Councilman Gruber – Is it better than this?

Ms. Booth – Yes, it is.

Councilman Gruber – Okay, good, 'cause this is what was on the Website so I was hoping it would be a little bit better than that. I know we just had a proposal with a book that was about that thick and they went through much more than this.

I'm concerned because I sat through all those meetings, too, and I believe the developer knew when he bought the property that there wasn't going to be tax abatement available. Shortly after he bought the property, he put a phone call into our former Economic Development Director that now works in another city and asked for ways around that. Could he get infrastructure help from the City? Could he get other type of incentives? And I think from the get-go that maybe that was the plan. I mean, I don't think that Coral has ever done anything without tax abatement, have they?

Ms. Booth – Yes, we have. We have a project, right now, in Cincinnati that does not have a tax abatement.

Councilman Gruber – Okay and I see they want to devalue the Shaker Square area, which would impact the T.I.F. area. You guys recently purchased that, is that correct?

Ms. Booth – We plan on purchasing it, yes.

Councilman Gruber – Okay. But we did sit here, the gentleman and all the parties involved did know at the time that that property was not having tax abatement. The City has invested a lot of money into that property. It is a very difficult thing. As Councilman Delaney said we have just,

## Council Minutes

April 5, 2004

Page 16

and Councilwoman Hufnagle, that we did just pass a school levy and most of the impact of this will come out of the schools. Like I said, we give 8-12% of the \$87,000 that isn't all directly to the City of Euclid so that's, it's kind of important to clarify that. I don't believe Bratenahl is giving any tax abatement on any of their properties on the lake, Haskell and the like.

This is an excellent project and I do support it. I, however, personally do not support the tax abatement; but in respect to Councilwoman Gail that worked diligently on this project. She did bring the neighborhood together. I will consider voting for the tax abatement in respect to Councilwoman Gail. Thank you.

Councilman Langman – I'll leave Councilwoman Holzheimer Gail the last word. Yes, it is a rather odious tool; but that's that tool, tax abatement, that the State allows us to use. So, it's interesting to me that a developer, who before this process began under Councilman Gudenas, didn't even look in Euclid. And now they're coming in and saying hey, you know what we can do really great things here, better than what was expected. So I think if, again, if we offer them this minimal abatement and it is minimal relative to other communities that we should go forward because we always have to keep in mind that we are in competition with other communities. They are offering these abatements. And again, they're not particularly pleased with that, but that's what we're up against. So I don't want to undersell what we want to do on the lakefront. Because if we don't offer the abatement, we are not going to get selling prices anywhere near to this. So therefore, I must urge my colleagues to back Coral, who's come into our community and said we can do good things here. And it will have a ripple effect along the shore way. Like I said, it's clear that K & D is looking at what happens at 205 to determine what happens on the lakefront. So I think this is a good project. They're at good values and the schools will then reap the full benefit once the abatement comes off. If we don't do this, the schools will simply collect what is eventually built. So there is revenue upside once the abatement comes off based on the values they want to build. Thank you.

Councilwoman Holzheimer Gail – I want to make a comment about the schools. The schools will be gaining even with the 25% abatement. Under the previous property, the Manor Apartment Complex value was under a million dollars. Their annual tax was under \$14,000. It was actually \$13,396. With the proposed tax abatement the property tax is \$65,930. That's \$50,000 more with the abatement. Now that, I don't know off hand which percentage of that goes to the schools, the schools win even with the abatement. They win doubly because this house will not get the effects of House Bill 920 and I don't want to go into all the details of that but the schools will be gaining. And then after the abatement goes off it will be gaining even more. So I wanted to make that clear. We're not taking away from the schools. I worked very hard on the school levy and it's not something I would enter into lightly.

I do want to make that amendment also. I certainly don't want the residents who have been very patient and have worked very hard to make sure we get a good proposal there. I think that probably the 75% for 10 years extending the length of the annual, extending the length of the abatement; but let's take that up to 75% so we keep them, give them the added benefit as well.

Councilwoman Holzheimer Gail moved to amend Section 3b, rather than 50% for 10 years to 75% for 10 years.

Councilman Daly – One question on the amendment, can we just redraw the area just so it includes the 205 project? Is there any reason why we included all those other homes, the existing homes?

Acting Director Gliha – In reviewing the State guidelines for creating a community reinvestment area, you have to include more than just a one, single project area. So, therefore, that's why we felt it would be complimentary to the neighborhood to include it in its own separate CRA.

Councilman Daly – My understanding was that we excluded just that area, we took it out. So?

Acting Director Gliha – We excluded just the new, the area where the new construction is taking place. But under State law I feel we'd be a little weak in just coming back and including where the new construction is taking place after we've already excluded it. So I think the amendment is a fair, a very fair and brings it up most likely to the 100% for 7 years for the single-family rehab. So this way we'll be establishing new clean Community Reinvestment Area and we won't have to worry with dealing with all the amendments we've made over the years with the other CRAs.

Council Minutes

April 5, 2004

Page 17

Councilman Daly – And so with that I do feel comfortable upping it to 75% with the amendment. I am concerned about the schools and if we had executed a development agreement last fall with these numbers included, I would not go for a change. But we did not execute an agreement so all we really have is their initial numbers, which would generate \$52,000 in income or property tax. These new numbers locking it in will generate almost an extra 14,000. So we are going to see more property tax with this new proposal and we are locking in what it seems was discussed and talked about last fall. And so I am in favor in both the amendment and passage.

President Sustarsic – So who would want to, Mr. Langman, do you want to second that?

Councilman Langman – Yes.

President Sustarsic – Okay, call the roll, please, on the amendment, which will increase from 50% to 75%.

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

Nay: Hufnagle

Amendment passed.

Mayor Cervenik – Again, I would just like to give my support to this legislation. I know this is a little difficult for many of the reasons you mentioned, but the Administration and I support this very strongly. And there was a statement made that it's not our job to market the property to develop the property. Yes, it is. It's my job to market every single piece of property in this City and every single business and every single person every minutes because I'm Mayor 24 hours a day they tell me. That's what I do all day long and some are easier to do than others, but we need to do that. And we need to send a message out to the development community that we're here to work with you if you're reasonable with us. And I think this proposal is a very reasonable proposal. And again, we strongly ask for its support this evening. Thank you, Mr. Chairman.

President Sustarsic – Thank you, Mr. Mayor. Any other further comments or questions on the issue?

Councilman Langman moved to close debate; seconded by Councilwoman Holzheimer Gail.

Yeas: Unanimous.

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

Yeas: Unanimous.

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

Nays: Delaney, Hufnagle

Resolution passed.

**Ord. 54-2004 (087-04) Housing Rehab Materials & Supplies**

An ordinance authorizing the CS&ED Director of the City of Euclid to purchase housing rehabilitation materials and supplies (i.e., vinyl siding, etc.) from a qualified business enterprise, after soliciting for proposals, as part of the Community Development Block Grant program, at a cost not to exceed \$32,000.00. (Sponsored by Councilwoman Holzheimer Gail by request of Acting CS&ED Director)

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

Acting Director Gliha – This is probably at least the 20<sup>th</sup> year that we come before you once again asking your permission to go out and purchase vinyl siding and the various necessary supplies that are required to vinyl side a house in the City of Euclid. As each year grows, especially in light of the tougher lead-base paint regulations, siding is becoming the, really the only option that we're going to have left in order to help these homeowners correct the exteriors of their homes.

Last year we completed 20 homes. Our goal this year is to complete between 18 and 20. We do the siding program in the early spring and in the fall. And we then go into our paint program, which is strictly for aluminum clad homes. The regulations are just too stringent for us

## Council Minutes

April 5, 2004

Page 18

to be dealing with painting the old wooden frame homes, which falls back into the reason that the siding program is so important. We have currently about 30 applications pending. We try to go within order, but occasionally, we'll have an emergency situation where we have to divert a little bit. I know some have asked me what is the comparison cost of our crew doing it in relation to the private sector. We did go out and solicit private sector bids and we were rather shocked to tell you the truth. They came in anywhere between 2.5 and 3 times the cost that our crew occurs. And that cost for our crew is approximately \$4600 per unit. So you can see the private sector we were well over 12,000. With the limited dollars that we do have, we feel that by operating our own in-house we can get the most for the dollar. If there are any questions, I'd be glad to answer them.

Councilman Sustarsic – Yeah, I've had the pleasure of work, working with the program. It's great. Helping the residents out that can't afford it to have this kind of service done helps them out, helps the neighborhood and I urge the passage. Thank you.

President Sustarsic – Any other comments?

Councilwoman Mancuso – How many houses does this usually allow us to do a year?

Acting Director Gliha – Between 18 and 20.

Councilwoman Mancuso – 18 and 20?

Acting Director Gliha – The weather does dictate a little bit, but this amount of supplies should allow us 18-20.

Councilwoman Mancuso – Okay, thank you.

President Sustarsic – Okay, anybody else? Are we sure? Okay.

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

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

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

### **Ord. 55-2004 (091-04) New Fees Processing Construction Plans**

An emergency ordinance establishing new fees for review and processing of residential and commercial construction plans by the City's outside Consulting Engineer acting in the capacity of the City of Euclid's Building Official. (Sponsored by Councilwoman Mancuso by request of Acting CS&ED Director)

President Sustarsic left the Chamber. Councilwoman Holzheimer Gail became President Pro-Tem.

Councilman Langman moved for passage; seconded by Councilman Gruber.

Acting Director Gliha – I think the last two Council meetings. I know the last Council meeting we did discuss the changes that were being undertaken in the Building Department to make it a more efficient department to have plan review completed within a two-week period rather than the longer time that we found was happening over the last couple years.

Part of that review we asked the consultant to take a look at what fees we charged and what those fees should be charged. Keeping in mind that the goal would be, no matter what, to increase the efficiency of the department and the time that it took for a permit to be granted and that's the key. The Mayor spoke with several business people and I, myself, I have, too, and they do not mind paying a fee if they knew they're going to get their permits to them in 2 weeks rather than in a month to 2 months. So we had CT Consultants do that review and Mr. William

Council Minutes

April 5, 2004

Page 19

Gallagher is our plan reviewer that was assigned to this project is here tonight. And I would like to ask Bill to step up to them mic and give us a little overview of what he has found and what he has accomplished so far and how the charges in this legislation play into that.

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

Mr. William Gallagher – In a quick overview, City of Euclid charges like almost every other community with one exception and that is professional outside services. What you had done in the past if you've had an individual in-house that took on all those responsibilities and absorbed them as part of his Building Department cost. We've had conversations with various other communities, a number of which we represent already, and their practice has been on an outside plans examination consulting basis all those costs to be shared directly by contractors and applicants applying for permits with inside the community. So in looking at what the City of Euclid has not been doing has been assigning those costs. And what we would recommend is that those costs be shared by all residential and commercial applicants, be it contractors and/or developers and/or homeowners. That's it in a nutshell, Madame Chairman.

President Pro Tem Holzheimer Gail – Thank you, are there any questions for Mr. Gallagher at this point? Mr. Gallagher, you indicated you work with several other cities, could you share who those are?

Mr. Gallagher – Our list is lengthy, in my opinion, I'll try to give a quick overview. We represent 3 counties and some 12 different municipalities. Represent Ashland County, Lake County, Medina County, Solon, Streetsboro, Mentor, Wickliffe, Willoughby, South Russell. And there's a few others but I don't have the list in front of me.

President Pro Tem Holzheimer Gail – Are there questions from Council members? I have a question. I'm not sure who address Mr. Gallagher or Mr. Gliha. How were these rates established?

Acting Director Gliha – Well, I'll answer that and then Mr. Gallagher can correct me if I give the wrong answer. What we asked Mr. Gallagher to do was to do a review of the surrounding cities and to lend his expertise as far as the amount of time it takes for these review to be done and what an appropriate fee would be for that. Mr. Gallagher, if you have anything to add.

Mr. Gallagher – That's accurate, Mr. Gliha. We contacted some neighboring communities, Beachwood, Mayfield Heights, Lyndhurst, Solon, elements like that, ranging plans examination fees vary between \$65 and I think the high was \$83. The dollar amount for the City is \$70.

There is one other item that we suggested be undertaken is that special meetings. The Ohio Revised Code, I'm sorry, the Ohio Building Code adopts the State protocol that if additional meetings are required even the State of Ohio can charge contractors and applicants a flat fee for those services. We recommend all additional meetings be passed along at \$110 per hour for building official services. And that's outside normal, everyday building official services.

President Pro Tem Holzheimer Gail – Okay. Any other questions?

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

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

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

Abstained: J. Sustarsic.

Passed.

**Ord. 56-2004 (089-04) Contract with Athletic Field Services**

An emergency ordinance authorizing the Director of Parks and Recreation of the City of Euclid to enter into a professional service contract with Athletic Field Services (AFS) for the labor and materials necessary to improve Diamonds #1, #4, and Sam Nader (#3) baseball/softball fields in

Council Minutes

April 5, 2004

Page 20

Memorial Park for an amount not to exceed \$25,000.00. (Sponsored by Councilman Daly by request of Acting Parks & Recreation Director)

Councilman Daly moved for passage; seconded by Councilman Delaney.

Acting Director Will – Last year our Recreation Commission wanted to become more involved in how we were spending our Recreation capital monies. They formed a sub-committee on, comprised of two of the Recreation Commission members and four residents. They went and visited all of our facilities and then put together a list of priorities and tried to figure out what facilities need to have done, safety-wise, if we needed them. Put together a prioritized list. They also visited a lot of the other cities and were just totally amazed at what the City of Euclid had to offer compared to other cities.

Although their plans right now are being focused on bigger and better improvements, they made a list of what they felt was the most important things for the year 2004. One of their first items was they, one of the first items focused on the fields at Memorial Park. We currently have six fields. We also have 15 fields on outside areas. Our Maintenance Department spends an average of 300 hours preparing these fields each year from April through October. Not only is that for our Recreation play but it's also to people that we rent out and paid a facility charge. They do the fields about 1500 times a year. In order to help us cut costs on preparing the fields by our Maintenance staff, we need assistance. We invited a company, Athletic Field Services from Toledo to come out and survey our fields. And I was very, very happy with the results. They were able to assist us this year at a cost that was much cheaper than had been anticipated. The best thing about this company is they're able to come in and do the work on the fields without us having to stop any of the game playing. They can come in on a given day, work on the field, close it off, make it safe, go back home. We will be able to do our games that night. So that was just very, very, very great news for us. We didn't have to stop any of the fields.

Again, we're looking to work on three numbered fields. Diamond 1, #3, #4, it would include laser grading of all the fields, those three fields, 165 tons of ball diamond clay, eliminating lips built around by the grass, eliminating grass on the infields, raising the infields to cause a natural drainage by gravity. There'd also be top dressing and seeding. This company's been in business for about 10 years and has been highly recommended through our Ohio Parks and Recreation Association. They just recently been working Willoughby and they were very impressed with their work.

Once this company's done, it's our intentions to bring them back out and do a survey on all our baseball fields and start making a priority list to continue with this field maintenance each year. With all the rain it's making it harder and harder on our Maintenance and I certainly hope to ask for your support on this piece of legislation tonight and allow us to enter into an agreement with Athletic Field Services. Thank you.

President Sustarsic – Are there any questions or comments relative to that?

Councilman Sustarsic – Is this like a one-time fee for like one year and then the fields are good for awhile or do you have this company come for these ball diamonds each year to make sure they're level?

Acting Director Will – Councilman Sustarsic, this agreement right here is just for this year to come in and make them improved and then it'll make it easier for our Maintenance crew come in and maintain them. Again, this is a one-time shot for those three fields.

Councilman Gruber – I'd also like to note that this is coming from the Rec. Capital Fund so it's not a General Fund improvement. And I had heard and maybe you can verify this that this summer, they used to call it the Junior Olympics? Do you have some players coming? They're going to be in Cleveland with summer games or something and they're going to be using our ball fields, is that true?

Acting Director Will – There's an International Children's Games, but they will not be utilizing any of the Euclid fields because of size-wise, I believe, they're going to be using some fields in Cleveland.

Councilman Gruber – Thank you.

President Sustarsic – Any other comments? Any other questions? Okay.

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

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

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

President Sustarsic – Before we get into the next one, we'll take a 7<sup>th</sup> inning stretch that'll last about 30 seconds while they change the tape. Thank you.

President Sustarsic – Okay, if everyone will please have a seat, we're back on the air. Would you please proceed with Item #11.

### **Ord. 57-2004 (080-04) CVE - Geographical**

#### **Information System**

An ordinance authorizing the Public Service Director of the City of Euclid to enter into an agreement with Chagrin Valley Engineering to assemble a Geographical Information System (GIS) map and database that will accurately depict sewer service boundaries, verify billing, quantify service billing for the past six years and, evaluate options to NEORDS customers at a cost not to exceed \$26,500.00. (Sponsored by Councilman T. Sustarsic by request of the Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Daly.

Director Gulich – You may be sitting there wondering, jeez, don't we have such a database already? No, we don't. It's high time we got it. For the past year the City's been in negotiations with the County Sanitary Engineers Office. You've heard me allude to it in the past. There is an arrearage owed by the County Sanitary Engineers Office over 39-month period going back, starting I think in late 1999. They failed to increase rates as they should have as you may or may not be aware. They are one of the collection entities we deal with. We have some 7, maybe 8 agreements with other agencies. Obviously, the City of Euclid serves a number of different cities either in part or in full. There's some other questions involved also with another entity, the Northeast Ohio Regional Sewer System, has been in the Mayor's office. They're also making some claims, too. This would be a way for once and for all for us to monitor who's in, who's out, when they come on line, what they should be paying. And this will be a great tool in the future. We can keep this database up and we'll be sure when someone comes into our system, whether it's a new sub-division in Richmond Heights, a street getting converted over from septic systems, that they will be paying the City the proper amount in a timely manner as they should be. And this money will all come out of Waste Water funds. As you're all aware, all these other communities that feed into our system are paying their fair share. They will indeed pick up their share of the cost of this database.

Councilman Langman – Director Gulich, by establishing this database, how much revenue do you think we will pick up for the Waste Water Treatment Plant by having this information that we haven't in the past.

Director Gulich – That's a good question. It's got some simple answers and some complicated answered.

Councilman Langman – Simple answers, first.

Director Gulich – The simple answers are the Cuyahoga County Sanitary Engineers are arguing they owe us money, the amount. They do owe us; this is what's being argued. This would put that to rest. We're estimating and we feel our estimates are reasonable and that amount would be somewhere \$630-660,000.

Councilman Langman – That's good news.

## Council Minutes

April 5, 2004

Page 22

Director Gulich – And again, just a slight example of one particular sub-division in Richmond Heights had their sewers hooked up three years ago. They just started paying it. We have to have a plan for them to catch up. And that's exactly what we're working on. It does get very complicated. We have people that came on late during this time period. They came on late either paying their proper amount or an improper amount based on the results of this database we'll be able to make some good decisions on how we should pursue the things that are in debate with these other agencies.

Councilwoman Mancuso – This was part of our Waste Water Treatment budget. You've had this as part of the Waste Water Treatment budget

Director Gulich – We're going to have that meeting in about another month from now. This will be part of it, of course, and we'll have some updates on where we're at with the County Sanitary Engineers Office on that arrearage. We were hoping to have an acceptable plan from them with the timetable to make up for all the missed payments. We still may have that when we sit down with you and MAXIMUS. Again, the good part of having this audit that these numbers pretty much came up and bit us. We knew something was wrong. Again, this is an excellent method and I think this Council should be aware of database such as this will pay dividends in many ways.

Councilwoman Mancuso – How will we continue to update this? Is there, have you allowed for funding to update this like annually or when a new development comes on or is that something we just wait and see?

Director Gulich – Actually, obviously, we will update it. Chagrin Valley Engineering is very well equipped to do this. They did help us out with the Summer Sprinkling Program last year. We did quite a bit of database work there for a quite a successful program there. They have the expertise to do this and we would have a choice of maintaining it in-house or continue with the consultant doing this. We can go either route and I assume we'll get some input on that, get some input on the best method to proceed.

Councilwoman Mancuso – I guess I'm shocked that this had never been in place, but this is a fund that is wealthy at the moment. So we need to plan wisely so we're not facing what we are in the General Fund several years down the road because sooner or later we're going to need improvements. But I'm astonished that we don't already have this.

Director Gulich – Getting it now.

Councilwoman Mancuso – Thank you.

Councilman Sustarsic – How long does Chagrin Valley think they can get this database up and running?

Director Gulich – I talked with Mr. Cummins from Chagrin Valley about that. Basically, we have to find out the exact amount we are out of whack, so to speak, we don't think it's very much. We may catch some surprises. I don't think that's the case. Mr. Cummins, I know you've given me some figures maybe you have some revised since we talked last. How long will this take you to get this assembled?

Mr. Ryan Cummins – Sure, we're going to be assembling data from quite a few agencies and surrounding communities. Cleveland Water Department, Cuyahoga County Recorder's Office, South Euclid, Richmond Heights, Regional Sewer District, a lot of that's going to depend upon interaction with those agencies and how fast data is turned over to us. We're hoping in the 2-3 month timeframe, but that's a preliminary estimate until we really dig into.

President Sustarsic – Any other questions, comments?

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

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

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

**Res. 58-2004 (075-04) Submerged land lease**

A resolution approving the use of submerged lands for property located at 21351 Edgecliff Drive in the city of Euclid, so that the owner can undertake lake shore protection measures.  
(Sponsored by Councilwoman Holzheimer Gail by request of the Service Director)

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

Director Frey – This particular resolution, much the same that we did for the marina project, is a statement of approval of a submerged land lease that the homeowner in this case, he's, this is an individual homeowner will be submitting that application of the Ohio Department of Natural Resources.

Councilman Langman asked that I address the impact of House Bill 518 on these submerged land leases. This is probably an appropriate time to indicate that that piece of legislation is now in the Ohio Senate. It passed the Ohio House in December and is in the Senate in Energy and Natural Resources Committee so it is not final at this point. As I understand in reviewing the materials on that, what it essentially would do would remove from the submerged land lease process residential properties. So an individual such as in this particular resolution or the following two would not have to go through this process. They would have to still comply with any erosion control permits through the Army Corps of Engineers but would not have to seek a separate submerged land lease from the State of Ohio.

President Sustarsic – All right, would there be any other comments or questions on this particular item?

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

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

**Res. 59-2004 (076-04) Submerged Land Lease –**

A resolution approving the use of submerged lands for property located at 21309 Edgecliff Drive in the City of Euclid, so that the owner can undertake lake shore protection measures.  
(Sponsored by Councilwoman Holzheimer Gail by request of the Service Director)

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

President Sustarsic – Similar comments, I would think, Mr. Director?

Director Frey – Yes, Mr. Chairman, Members of Council, this, these next two pieces this one and the following are identical.

President Sustarsic – Are there any questions or comments?

Councilman Langman – Law Director Frey I know the legislation you mentioned that's in the Senate right now, one of the big issues that concerns residents is the high water mark versus low water mark etc. Could you go into a little bit of detail how that might impact future applicants?

Director Frey – The legislation, and again, it's subject to change in the Senate and then the Conference Committee between the Senate and the House before a final bill comes out so I'm guessing, you know, that it would look like that once finished. But the high water mark seems to be a serious point of contention. The State, right now, considers the high water mark and out to the international boundary with Canada to be State or public property. Any activity from the high water mark out requires submerged land lease and permitting process through the State and the Army Corps of Engineers. This would not change the definition of the high water, historic high water mark; but what it would do would be to define that for purposes of permitting only. It would not impact someone's claim to ownership of the property to the historic low water mark.

Council Minutes

April 5, 2004

Page 24

That's the area of dispute. One estimate is approximately 6' or more of land and in many cases it encompasses all the beach-type areas. So we don't have a great deal of beach area in the City of Euclid, but that would be what would likely be the point of contention. So for permitting purposes, however, as I understand this legislation, you would still use the high water mark. But for ownership of the property a homeowner would claim that ownership through to the low water mark.

Councilman Langman – So in other words if somebody was on the property at that area, we would still enforce trespassing ordinances etc.

Director Frey – That's my understanding, yes.

Councilman Langman – Very good, thank you.

President Sustarsic – Any other comments, any other questions going to it? Okay.

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

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

**Res. 60-2004 (077-04) Submerged Land Lease –**

A resolution approving the use of submerged lands for property located at 21301 Edgecliff Drive in the City of Euclid, so that the owner can undertake lake shore protection measures.  
(Sponsored by Councilwoman Holzheimer Gail by request of the Service Director)

Councilwoman Hufnagle moved for passage; seconded by Councilman Sustarsic.

President Sustarsic – And I would imagine similar, again?

Director Frey – Yes, sir.

President Sustarsic – Okay.

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

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

**Res.61-2004(073-04) Miller/Euclid Animal Shelter**

A resolution to appoint Fay Miller to the Euclid Animal Shelter Commission. (Sponsored by Mayor Cervenik)

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

Mayor Cervenik – I'm requesting that, I'm going to address both 15 and 16 even though you need to vote on them separately. I'm requesting this evening that you appoint, confirm the appointment of both Fay Miller and Dan Chan to the Euclid Animal Shelter Commission. They are both tireless workers, who have volunteered to take on this task. I think they would be a great asset to the work at the pound. We have Tod Guntner and Jan Gajda here and the one person we don't have here this evening is Madeline Scarniench and I think Madeline can't wait to have these two people actually appointed. Madeline has been the catalyst behind this pound and she's had a lot of good support staff and I want to make sure that we all support them. And I've got to give Madeline, since she's not here this evening, a special thank you for all the work she's done. She's made it very easy. We did have to make some budget cuts, some tough cuts and she's making those cuts easier to bear for all the citizens as well as our furry friends that are housed at the Animal Shelter. So I strongly ask that you support the appointment of both Fay Miller and Dan Chan. When you see Madeline out and about, everybody should just give her a

Council Minutes

April 5, 2004

Page 25

pat on the back as well as Tod and Jan and the others. I know we have countless volunteers there, but we're proud of them.

President Sustarsic – Comments or questions?

Councilman Delaney – I don't know if anyone else's resolution reads this way, but the second whereas it has here on Fay's resolution 41 members to the Commission? I believe it could be a typo.

Director Frey – It certainly is.

Councilman Delaney – I wasn't sure if we were expanding our Dog Commission.

Director Frey – Well noted.

President Sustarsic – Do we need an amendment on that or you just take out the Wite Out?

Director Frey – It's clearly a typographical error that the line should read as the text does four members. So we'll make the correction to our error there with Wite Out I believe.

President Sustarsic – Any other comments or questions?

Councilwoman Hufnagle – Would I be in order to ask a question of 16 since the Mayor addressed them both at the same time?

President Sustarsic – Would that be, what would be the pleasure of Council? Should we suspend the rules on that?

Councilman Langman – Yes, I would make that motion.

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

Councilwoman Hufnagle – I understand that former Councilwoman Fay Miller served on the Commission originally as the Council member and now we're installing her as a citizen. I'd like to know, Mr. Chan was also in the original Commission. Why was he, why does he need to be put back on? Why was he removed in the first place?

Director Frey – It's my understanding Mr. Chan had resigned the position so it's been vacant and he's indicated his intent to seek reappointment and the Mayor did so. But that's right now a vacant position.

Councilwoman Hufnagle – Does Mr. Chan live in the City of Euclid?

Director Frey – I don't...

Mayor Cervenik – Yes, he does. Mr. Chairman, Mr. Chan is out in the audience and he's right there and he does live in the City of Euclid. And he's happy to be there, be here.

Councilwoman Hufnagle – Thank you.

Councilman Langman – Just some clarification, Councilwoman Miller, myself and former Councilman Lisy sat on the Committee that actually worked on establishing the legislation that established the Animal Shelter Commission. So she was tireless in those efforts and I think you have to tip her hat to her because I believe that she helped raise funds originally for the Animal Shelter. So this is a nice continuity and I'm sure both would do very well. Thank you.

President Sustarsic – And if I remember right, too, she's the only one that sends out Christmas cards with dogs on them. Okay, do we have any other comments or questions? Nothing? Okay.

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

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

**Res. 62-2004 (074-04) Chan / Animal Shelter**

A resolution to appoint Dan Chan to the Euclid Animal Shelter Commission. (Sponsored by Mayor Cervenik)

Councilman Langman moved for passage; seconded by Councilman Delaney. Yeas: Unanimous.

President Sustarsic – I would imagine the same comments. Okay.

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

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

CEREMONIAL RESOLUTIONS

**Res. 45-2004 (078-04) Victims of Holocaust**

A resolution of intent recognizing the week of April 18 through April 25, 2004 as the Days of Remembrance of the Victims of the Holocaust. (Sponsored by Mayor Cervenik and the entire Council)

**Res. 46-2004 (079-04) National Public Health Week**

A resolution of intent, declaring the week of April 5 through April 11, 2004, as National Public Health Week in Euclid, Ohio. (Sponsored by Mayor Cervenik and the entire Council)

**Res. 47-2004 (084-04) Upstage Players Anniversary**

A resolution of congratulations to the Upstage Players on the occasion of their Tenth Anniversary. (Sponsored by Mayor Cervenik and the entire Council)

**Res. 48-2004 (090-04) ECC 25<sup>th</sup> Anniversary**

A resolution of congratulations to Euclid Community Concerns on their 25<sup>th</sup> Anniversary. (Sponsored by Mayor Cervenik and the entire Council)

**Res. 49-2004 (096-04) Jerko “Jerry” Zovko**

A resolution of heartfelt sympathy to the family and friends of Jerko “Jerry” Zovko. (Sponsored by Mayor Cervenik and the entire Council) 24-hour notice waived and placed on agenda.

Councilman Sustarsic 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 – PUBLIC PORTION

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

President – And again, this is the public portion of the meeting and I would remind you we’re starting a new beginning this evening and so keep in mind the comments that I made earlier in the evening prior to what the ordinance specifies, by law. So again what you can do is please proceed up to the microphone, state your name and address...

Councilman Langman – My family’s waiting for me at home so I do have to make my own exodus so I just want to say before I go I want to wish everybody a Happy Passover and a Happy Easter.

Council Minutes

April 5, 2004

Page 27

President Sustarsic – Thank you same to you.

Councilman Gruber – Same to you.

Mr. Jim Slivers – 20140 Ardwell Dr. – I have recently retired from the Euclid Fire Department after serving the citizens of the City for over 24 years. I would like to take the opportunity to thank the citizens for letting me serve them in this department. I would also like to state at this time that I am a lifelong resident of 48 years and have proudly raised along with my wife our three kids here.

I am tonight going to talk about the state of the Euclid Fire Department and where it is headed in my opinion. As previously stated I have been a member of the Department for over 24 years. I have also served in the U.S. Navy for four years and my job during that time was also a structural firefighter along with being specialized in aircraft fire fighting. I have advanced training in hazardous materials and training in trench rescue. I was one of the original members of the City's HazMat team, now disbanded, charged with equipment purchase and training with other team members. I am also an advanced EMT. There is a reason why I have given you all the fore mentioned information. I do have some expertise in this area.

Recently, we at the Fire Department had a change of leadership. This change has greatly been for the better. For the past 7 years under our former chief, the Department has been depleted in both manpower and equipment. The morale and overall operation of the Department had suffered severely. With a new day dawning at the Fire Department, it is a perfect time for forward thinking by the Department, the Union and the City. A dialog should be undertaken by the three fore-mentioned groups and how to strengthen the Department for its sake as well as the citizens of the City of Euclid. With the appointment of the new chief in the offing, a more efficient and fiscally responsible Department can be the end result. With the downsizing that has been forced upon the Department in the recent years, we have proven that our citizens still and always will come first; but help is needed to continue this job.

New leaders have emerged within the Department that accomplish this task but help is needed by this City Council and present Administration. Hard decisions must be made and long discussions must be held to lead the Fire Department back to a strong and well-respected fighting force. Some ideas have been brought forth to this Council and Administration by myself and others that have possible merit in achieving this goal. Two ideas are now in Committee that can bring much needed dollars to the Fire Department and well not detract or hinder the present financial problems that the City faces. There are a few forward-thinking individuals in the Department that have been working on different grants that will enable the Fire Department to receive much-needed funds. These funds will be used for firefighters protective gear and innovative infrared cameras to name a few. This means that the majority, if not all of the money spent for these items, will not have to come out of the City's budget. We are talking possibly hundreds of thousands of dollars. This is yet again proof to this Council and Administration that the Fire Department is serious in helping the City not only in these trying financial times but always in providing the best service to our citizens.

The Fire Department has gone the extra mile in many areas not only the financial area. The Department has a smarter department with many members attending college courses to gain a degree. Many already have various degrees that can be utilized for the betterment of the Department and the City. Now is the time for both the Department and the Administration to use these individuals and their knowledge in the fire service for enhancement overall. It is now time for Council and Administration to help the Fire Department not hinder and cannibalize it further. Money that is awarded the Fire Department members through arbitration only takes care of part of what is needed. The other, and just as important things, range from condition of the buildings and much needed program of truck maintenance and replacement of such vehicles.

In closing, the ever so short dollar that the City has should be better spent on numerous projects not just a few selected vote getters that the minority not the majority utilize. Thank you for your time in this matter.

Mr. William Hilf – 891 E. 237<sup>th</sup> St. First, I'll start with after seeing some of the debate tonight between Commission member and our City Council it would be nice to see our Commissions work together a little more with our City Council instead of what seem more like protecting our turf tonight.

But then back to the topic I'm really here tonight, which is again Shore Cultural Centre as the leader of Shore Up. We're still looking for people interested in signing petitions and looking to bring people into Shore to see exactly what is going on with both the building and the programming there. I give out, again, my phone number. It's 731-5793 if anyone's interested in

## Council Minutes

April 5, 2004

Page 28

contacting me. And my e-mail address at [shorereport@yahoo.com](mailto:shorereport@yahoo.com). And obviously, something that I've been saying about up here about Shore is working because I've given out my phone number at the last two meetings and I had someone leave me a message last night telling me where they thought Shore could go. And unfortunately, they didn't give me their name and phone number so if you're watching this I ask please give me a call back because I'd love to have more of a discussion with you than just the one or two lines that you left on my answering machine. So thank you and support Shore.

Miss Jessica Wrenn – 925 E. 248<sup>th</sup> St. With the production of E Votes first meeting just about done, it's time to announce E Votes next meeting. Before I speak of the next meeting, I'd like to say that E Votes first meeting was a great start for this organization. Though the preparation was very hectic, the actual meeting went very smoothly. I'd like to thank Dr. Jones for being E Votes first guest. We learned about the issues concerning the Euclid High School transformation; the levy, which just passed and got the answers to the questions that students had. It was very informative. Once again, on behalf of E Vote I'd like to thank Dr. Jones for being our guest.

E Votes next meeting is April 21<sup>st</sup> at 7 p.m. at the Lakeshore Coffee House at E. 266<sup>th</sup> and Lakeshore Boulevard. Our guest will be Councilman Pat Delaney. We're looking forward to speaking with Councilman Delaney and getting the answers to some of our questions.

Another announcement I'd like to make is E Vote is starting a campaign. It is the Catch the Voting Bug campaign. Voting is the simplest way to get involved in your community. The Voting Bug is designed to be placed on your refrigerator or some place magnetic. The idea is that you will place this critter in a place where you will see it and you will be reminded that voting is a privilege bordering on an obligation that you have as a citizen. You can receive the Voting Bug by doing one of the following: first, by registering to vote and making E Vote aware that you've registered. You can go to [evote.org](http://evote.org) and register by way of the Rock the Vote weblink. You can also receive the Voting Bug by making a small donation to E Vote. More information can be obtained by e-mail at [jessica@e-vot.org](mailto:jessica@e-vot.org) or by visiting our site at [e-vot.org](http://e-vot.org). Remember the time to get involved is now. Thank you.

Mr. Tod Guntner – 390 E. 257. First of all, it was just last month if you'll all remember, Ben, Benjamin and Sara Wilson received a proclamation because they made some Christmas crafts and donated the \$40 to the Shelter. They came back on Saturday, Sara and Benjamin along with direction from their father, Rod Wilson, handcrafted St. Patrick's Day gifts, badges, rings, that kind of thing. And we received \$80 in cash from these two young people. Again, we'd like to thank them. They're a great family, a great bunch of kids. We greatly appreciate their efforts and their donations.

Okay, coming up in May, I know it's a month away but there's a lot of stuff going on. May is Be Kind to Animals month. Now our first of many things that are going on is called Save Fay's Strays. Fay is spearheading to go through Euclid with volunteers to raise money to help keep the Animal Shelter open just as she did in the early '80s to raise money to build that said Shelter. Any donation would be greatly appreciated. If you can give \$10, if you can give \$5, if you can give a quarter, it doesn't matter. Every single coin, every single dollar will be appreciated and we're not going to go to your door and say, you know, we want \$20. We want \$50. We want whatever you're able to help us out with no matter how big, no matter how small.

The next thing that's going on is May 1<sup>st</sup> and 2<sup>nd</sup> is Pet Adoption 2004. This is a worldwide adoption extravaganza. Shelters across the country and around the world will be united by one common goal to find loving homes for all the animals in their care. Help us celebrate by joining us at our Adopt-a-thon Carnival. Admission is free. There will be games, prizes, face painting, crafts for kids, fun foods, special guests, raffles and fun for all. And you just might find your new best friend there.

Next is our first Annual Bark-BQ. This is a catered rib dinner with all the fixings at the Manor. This will be held on Friday, May 14<sup>th</sup>. It will be from 6:30 to midnight. Most of you were at the Clam Bark last year. This is going to be better than the Clam Bark. We will have dancing 'til midnight with DJ Ben Richey from Ultimate Entertainment. Tickets are \$30. They are available at the Shelter, through myself, through Jan and through several volunteers. So we ask for your support and just ask someone up here, most of you went, they know how good a time we had. You can also get and download from our website a form, which you can turn in, you can mail in and we'll even, when we get it, we'll hold your ticket for you at the door. However you like it. You can give myself a call at 216-731-8336 or you can give Jan a call at 216-732-9558. If you have any questions, comments, donations or anything else about the Animal Shelter, we can take your calls most of the time. Jan works there on Thursday during the

## Council Minutes

April 5, 2004

Page 29

day. I work there on Fridays during the day and Fay is there on Tuesday and Madeline is there on Wednesday. So if you get a chance come on out and see us and you all have a great evening.

Mr. Matt Sarver – 26550 Shoreview Ave. Mr. Mayor, if you would, I was wondering if you'd field a question about Item 9 on the agenda. I'm just curious, was Chagrin Valley Engineering courted at any point as a possible provider for the outside plan reviews since they already service the community by way of engineering expertise?

Mayor Cervenik – I'll answer that when he's all done.

Mr. Sarver – Okay.

President Sustarsic – If you proceed, yeah, then...

Mr. Sarver – Okay, okay. And did they express an interest in handling that at all or and that would be it.

Mayor Cervenik – Yes, Mr. Chairman, we did and they do not have the professional staff to perform all the services we needed. I did approach them firsthand because they were on our retainer. I think I was at this at the, before and nothing has changed.

Mr. Sarver – Okay, I didn't hear the response the first time. Thank you.

Mayor Cervenik – That's okay. Yeah, they were asked.

Mr. Joe Udovic – 21371 Naumann. My comments this evening shall focus on the topic of the new proposed plans for the Briardale Greens Golf Course Clubhouse and Snack Bar. I've not only played golf, but I've also volunteered my time on the planning and on a committee of a golf outing. Our goal should be to continue to build a community asset. The way we're going we're losing golfers plus we're down 11% from what I understand on the TV program. Do we have any statistics by percentage as to the number of Euclid residents, 52,000 people that live in Euclid, that play at Briardale Greens or dine? Do we have any statistics by percentage as to the number of outside of Euclid that play or dine on the current facility? The City should, and I agree the City should not be in the business of either catering or in real estate, let professionals handle it.

I write for the Euclid Observer. I wrote an article about a restaurant called Atlas Mediterranean Restaurant. During my interview, the owners mentioned that they would love to have an opportunity to do some catering here within the City of Euclid. I was wondering if they were ever contacted as potential caterer.

In Euclid we have a limited number of restaurants with tablecloths. As far as I know it's only up to 5. This does not include party centers they would not fall in this area. I do believe the current proposal of the clubhouse snack bar that we are proposing is another shot and beer local bar versus upscale dining facility that is sorely needed in Euclid. To travel throughout Euclid one can surmise that we have plenty of places for quick and formal dining. And why are we competing with such established businesses? A comment was stated that the Euclid Golf Course should focus on Euclid residents first. Fine, but does the Eastlake Captain Stadium focus only on the Eastlake residents. Is the Rock & Roll Hall of Fame Museum in Cleveland focusing only on the Cleveland residents? How about the museums throughout University Circle, do they focus only on Cleveland residents?

A Ward 3 resident mentioned during a conversation that the Euclid Chamber of Commerce played last year's golf outing at the Rock Haven Golf Course in Chesterland. I also like to know or mention, this is public fact, our former Mayor, Paul Oyaski, while entering Japanese official not only played golf but dined at the private upscale Acacia Country Club. Thank you. Have a good evening.

Mr. Eric Heinemeyer – 21751 Priday Ave. I came here today to talk or inform the Administration that their Web page is getting really out of date. Like Council minutes and agendas are a month out of date and there are at least a dozen errors that I know of that could, that could be fixed in about an hour. It really needs to be addressed because it is a window for the other people to view our City. If I could meet with your Web developer, I could give him the information about what errors I found to make it simpler for him to make corrections. Basically, that's it.

President Sustarsic – That would be much appreciated, yeah.

Mr. Heinemeyer – Who's the Web developer?

President Sustarsic – Mr. Johnson, are you still involved with that?

Director Johnson – Yes, you can send an e-mail to webmaster at our website.

Mr. Tom Cooke – 25641 Edgecliff. Just want to comment quickly on Resolution 086-04 regarding the 25% tax abatement in that area. You have truly shown that this is a business-friendly community. Don't stop here. Don't stop here. Keep on going. There's a reason for this. It's called, this is a negotiating tool that everybody uses that we can't shut down that we must be able to use at all times. You never close the door on negotiations. There's reasons these houses have gone up in value. And in my opinion, I think they're going to continue to go up in value with regard to the Coral Company. Right now I think they're talking about a \$580,000 baseline for the top end model. That doesn't include any kind of changes, which typically run anywhere between 20-50% in addition to, believe me I can tell you, and more. So this property will escalate. It will also escalate the values of the property in the surrounding areas, which will also in the long term, bring in more tax dollars over the longer time frame.

Also, this tax abatement, 7% tax abatement that's been in effect, how long, we should start seeing returns on that in the near future, correct? Have we been able to determine what those dollars are?

President Sustarsic – Director Johnson, would you care to touch that or?

Mayor Cervenik – Maybe Mr. Gliha.

President Sustarsic – Mr. Gliha?

Mr. Cooke – We should be realizing those dollars at this time I would think and they should be ever increasing as the years go on.

Acting Director Gliha- Yes, excuse me I'm sorry, I can provide that report to you; but, yes, as these houses and homes and industries come off the tax abatement rolls the taxes are going, of course, back full 100%.

Mr. Cooke – Okay, so...

Acting Director Gliha – An example industrial-wise I just had my Tax Incentive Review Council last Wednesday. We reviewed 11 industrial tax abatements that are still out and active. At one time over the last 10 years, we had approximately 33 active abatements. So out of those 33 we now have 11 left, the balance of those are in the City paying full taxes at this point in time.

Mr. Cooke – Okay, good, good. So my, basically what I'm saying is don't stop. Keep on going in that direction. Abatements on specific projects are good. You have to look at the larger picture. Look at the total dollar values that those abatements do bring in over the longer timeframe.

Also just with regard to what the gentleman, the fireman who was up here earlier, was talking about. The, nothing matters in the City, the school system doesn't matter, the housing stock doesn't matter and the recreational facilities do not matter. If people in this City do not feel safe, if their personal property does not feel safe, if the area that they travel in that they shop in, if they do not feel secure, it is the EMS, the police, the fire, they are the core of this City. They are what we should focus on. When they make us feel safe, they make us want to stay here. They make us want to shop here. They make us want to send our children to school here. They make us want to stay here instead of leaving here and going some where else because we don't feel safe or because that's the perception that's out there. I just make that statement at this time because sometimes we have a tendency to forget that. That should be in the forefront of our thoughts at all times. Thank you.

Mr. Kent Smith – 34 Charleston Square. I'm using this as a public forum tonight. Many of your know I'm a Euclid School Board member. I am the legislative liaison for the Euclid School

## Council Minutes

April 5, 2004

Page 31

Board and I have a bit of a Federal legislative update and a request of Euclid citizens. Normally, I would do this at a School Board meeting but we're not going to meet again until 2 weeks from tonight. Typically, we meet the second and fourth Monday of the month; but we are on Spring Break next week so we're not going to meet for two weeks. And unfortunately, we have a small window of opportunity so I appreciate this forum in an effort to get some information out to Euclid residents.

What I'm asking Euclid residents to do is to contact their two U.S. Senators, Mr. Voinovich and Mr. DeWine, and ask them to support the Hagel-Harkin IDEA Amendment. IDEA is the Individuals with Disabilities Education Act, which was originally enacted in 1975. IDEA mandates the provisions of a free and appropriate public education for children with disabilities and provides the federal funding to assist states and local communities in meeting this goal.

At the initial passage of the law in 1975, the Federal government promised to provide 40% of the funding needed to implement this law. However, the Federal government has never delivered on the promise of the 40, the promised level of funding. Currently, it covers only 20% of IDEA-related costs. The Hagel-Harkin IDEA Amendment, if passed, would guarantee local school districts would receive the 40% federal commitment to IDEA. This Amendment would provide for annual increases of \$2 billion a year for the next 8 years until IDEA receives the 40% as promised by Congress 29 years ago. This Amendment puts the funding into permanent law and makes Federal funding mandatory. The 40% funding level is already authorized. What is needed is the mandatory funding. As a Euclid school Board member, I can tell you that the costs of special education are rising at a faster rate than almost everything else in our local school budget. For background, other items that increase at a rate quicker than inflation are health care costs for our employees, insurance costs and fuel costs. Local school districts, like Euclid, should not be responsible for the federal share promised by Congress when this law was passed almost 30 years ago. The full funding of the federal share of IDEA through the Hagel-Harkin Amendment will help the Euclid Public School system.

The Hagel- Harkin Amendment will end the far too typical Washington tactics of escaping accountability for the mandates contained within the IDEA law. The lack of promised federal funding forces local school districts, like ours, to cover the costs of the Washington mandates. They take the credit and we pay the bill.

This Amendment has bipartisan sponsorship and support. Mr. Hagel is a Republican from Nebraska; Mr. Harkin is a Democrat from Iowa. Currently, it has the support of 56 Senators but needs 60 for appropriate passage. Both Ohio Senators, Mr. Voinovich and DeWine, are not supportive at this time. We would ask you to please contact them. We would ask Euclid residents to please contact them and ask them to support the Hagel-Harkin Amendment. I'm going to give you phone numbers in a second.

It is recommended that the residents who would like to contact either or both of our two Senators do so through e-mail and follow up with a phone call. This Amendment will be offered some time in April, perhaps as early as this week. It was initially scheduled to be discussed tomorrow, but it'll probably be pushed back a little bit. Due to, the reason why we're recommending, I'm recommending e-mail and a follow up phone call is because of the new security measures brought upon by scares of various things arriving in the U.S. mail. If you were to do the traditional write a letter method, it probably wouldn't arrive in time. So let me give you some contact information for Mr. Voinovich and Mr. DeWine. And again, we will encourage you to send an e-mail and follow up through a phone call.

Mr. Voinovich's D.C. office is 202-224-3353, his Cleveland office is 216-522-7095. Mr. DeWine is at in D.C. 202-224-2315 and his Cleveland office 522-7272. You can find a copy of this statement and appropriate information on my website if you want to log on, which is [kentsmith.org](http://kentsmith.org). Thanks very much for this public forum. I appreciate the opportunity to inform Euclid residents on this issue. Thank you.

Mr. Jim Pajk – 120 E. 206 St. I'm calling or calling, I'm coming up here in regards to a couple of issues tonight. One for clarification of this tax abatement issue at 205. A lot of numbers thrown out there for the 75% tax abatement for residents on those two streets. Director Gliha, could you give me a breakdown on that. You can send it through e-mail form. For our next association meeting I'd like to be able to explain that.

Acting Director Gliha – Be happy to.

Mr. Pajk – Okay, great, because I really don't quite understand how you get at that, but we'll see. It definitely would be something that some of the residents would like to take advantage of. But it's really exciting to hear that we're getting \$580,000 homes on the corner of my street. Just

## Council Minutes

April 5, 2004

Page 32

about 4 or 5 years ago there was an old dilapidated apartment building there. And now we're going to have these high-end homes there. I really owe a lot to Kirsten Holzheimer Gail, who has spent a lot of time getting this, seeing us through to the, various Council members who had the guts to make this move and I think all of our City citizens will benefit from this project. I don't know about the million-dollar loss on this property. I don't know how you got at that, but if you could break that down for me, I'd appreciate it. You can send it to me in e-mail form also.

Let's see, the other thing was. You've got 52,000 residents. I just need a little clarification on this. Here it is, 52,000, when people get up here all the time, that's 52,000 residents, is that correct in the City? How many of those residents are taxpayers, do we know that?

President Sustarsic – I really wouldn't have any idea.

Mr. Pajk – My point is that we say 52,000, but you've got taxpayers in this City and then you have the people who actually vote. You know, these are the people that actually control what goes on in this City. They're the people that put you here at these seats. We always hear this 52,000. It sounds like a big number, but you got the people out there who are voting and the number is nowhere near that.

And lastly, I'd like to thank, take this opportunity to thank all the Council members and members of the Administration that were able to meet, able to make it to the play at Shore Cultural Centre, Annie. I'm proud to say I had two children in the play, the third one didn't partake, I guess he's going to be their agent. The play was very good experience for them. There was three performances. I got to be at all three of them. It was a great event for the children all involved and a lot of hard work put into it not only by the Upstage Players but also all the family members who put their time in and volunteer are time and their funds.

During some of that volunteer time I had a chance to actually see the bowels of Shore Cultural Centre. I was on the, was on the stage crew, in 1975 in 9<sup>th</sup> grade there and I got to see parts that I never even saw then. They call the green room. It's a beautiful, at one time when it was built, there's beautiful marble showers and stuff behind the stage, I mean, the stuff that you don't see there is really amazing until you get a chance to get in behind there. Unfortunately, also, it led to the point that a lot of this stuff is deteriorating beyond repair. It's unfortunate that we've sweated this asset for this long, but this is what we have now. A lot of these areas need attention and that's going to be, equates to a large amount of money that's going to have to be invested into that, into that facility to make it worthy of what it should be. There's been a lot of debate recently on whether we should open or close it or give it to a developer, but the fact is whoever has it has a large investment there to get it up to par. Windows, boiler, floors, asbestos, you name it, it's got it in there. Until somebody comes up with this money, I can't see us just continuing to sweat that asset. I do applaud the Mayor's efforts in trying to keep Upstage Players there and make them feel welcome and do everything he can to keep them there if it goes to a developer. And thank you for your time. Have a good evening.

Mr. John Conway – 291 E. 276<sup>th</sup>. Over the past month not a day has gone by where someone has not asked me a question dealing with timelines and processes. Generally speaking, all these questions can be answered by obtaining a copy of the City Charter with specific attention paid to Article 3, which is entitled Initiatives, Referendums and Recall.

In fairness to Director Johnson, everyone needs to be patient during this process. What I continue to tell everyone is now that the budget meetings are over, we should expect to receive a better understanding of the next steps associated with the referendum petitions during the month of April. So keep the questions coming, but I think we'll get some more solid information here shortly.

But what I really want to talk tonight about is the uncertainty that currently exists as to what may or may not happen as a result of the referendum petitions being submitted to the Board of Elections. Over the next several months we can all spend a lot of time and energy speculating on what actions American Church Builders will exercise. And everyone who has access to the Internet can point to some court case that would seem to imply that based upon the Religious Land Use and Institutionalized Persons Act of 2000 American Church Builders would likely be able to reverse the outcome of the November elections. The bottom line here is, though, that none of us know for sure what will ultimately happen. There is no doubt that this Act means that churches will have a greater opportunity to win more cases than they have in the past. It has effectively changed the playing field in favor of houses of worship and it should make Planning & Zoning Boards cringe.

This Federal law was adopted in 2000 as a counter to the Religious Freedom Restoration Act, which was declared unconstitutional by the U.S. Supreme Court. The primary opinion was

that the Religious Freedom Restoration Act is not a proper exercise of Congress's enforcement powers because it contradicts vital principles necessary to remain separation of powers and the federal, state balance. Some believe that this new act has the primary flaws but this will some day need to be determined by the Supreme Court not by you and I.

I would like to reference one specific case. In the Elsnore Christian Center vs. City of Lake Elsnore case, the judge ruled that a portion of this law was unconstitutional because it will cause many land use decisions in the United States to be invalidated despite the fact that they're legitimately motivated and generic in effect. The judge was concerned that this improper result would be caused by the simple fact that the applicant is a house of worship. Ruling for the municipality the judge found much of the law to be unconstitutional because it utilized a different standard of review that, which has been historically used in similar church land use laws. In other words the Federal law took away too much discretion from Planning & Zoning Boards that may have good intentions and may want to act fairly.

The church relied on this act to support its contention that the planning board was legally required to grant approval for its application. This is a common position now taken or threatened by house of worships faced by local land use denial, but here's the problem with that argument. That is simply one judge's opinion and we must acknowledge that. For every judge who has ruled one way, you can find another who has a different opinion. There is no doubt that municipalities are afraid of this law. And as far as they see it, a move against a church or temple inevitably result in a costly lawsuit.

The bottom line is that houses of worship should not be entitled to any special processing. planning & zoning boards, city councils and the residents of communities should not be bullied into engaging in unfair or bad land use policies simply because they cannot afford the potential of a lawsuit because when that happens, we all really lose in the long run. Legitimate land use decisions needed to be supported. Hopefully some day, the U.S. Supreme Court will consider this matter and provide all of us with the certainty and guidance that is needed in this arena.

Finally, during the budget meetings some residents expressed their opinion that they thought that the Hillandale Project was a sound financial investment. I will stand by my original comments that in the absence of a solid marketing plan to sell the houses and the questions that were raised during the research of the Christian Fellowship Center the current proposal is not a sound financial investment in its current state. If I've accomplished nothing else here tonight, what I hope is that everyone understands that we must listen to those very carefully to those that are willing to speak on this topic because there are definitely two sides to every story. That just goes to confirm why we were so passionate that this needed to be a vote of the registered voters in the City of Euclid and that everyone must be provided with factual information. Thank you.

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

#### COUNCILMEN'S COMMENTS

President Sustarsic – It's my turn to start off and I would just like to say for everyone to have a blessed and good weekend with the families with your friends with your loved ones. And as we've seen tonight with the unfortunate circumstances of the Zovko family, you never know from day-to-day what's going to happen, what's going to transpire.

I'd like to commend the audience on this particular evening. Keep up the good work as far as keeping the focus on addressing the issues only and it proves that we can accomplish things without turning it into a more circus atmosphere, which I don't think is really needed.

Councilman Daly – Four quick things, this Wednesday I'll be leaving for a week serving the residents. I'm going to travel to the Tampa/Clearwater area to investigate golf course clubhouses and see how those facilities might help us design ours.

I'd like to congratulate the Holy Cross Youth Group. Friday night they put on an edition of the Living Stations and did a fantastic job again. So congratulations to them.

I'd like to thank the Fullerwood Homeowners Association. They had Councilman Langman and myself out to speak and it was an enjoyable evening.

And lastly, I would like to congratulate and thank Firefighter Jim Slivers for his service to all the residents. Thank you.

Councilman Delaney – I have a question for Finance Director Johnson. During our budget hearings Mr. Beckwith said our monthly reporting would be back April the 1<sup>st</sup>. Should we expect that for this month in April?

Council Minutes

April 5, 2004

Page 34

Director Johnson – I don't recall that date, but we will begin to report as soon as possible, yes.

Councilman Delaney – Thank you. Just echo everyone else's comments, Happy Easter and a Happy Passover.

Councilman Gruber – I'd like to take a second to thank a few people. In particular Joanne Belshaw, who submitted many, many recipes for the cookbook Bone Appetite for the Animal Shelter along with John Christy's; Beach Club Bistro; Dennis Urban, one of our City employees; Howard Liptik from C.B. Richard Ellis and the dozens of those that sent recipes in. We'll be weeding those out and picking the best, which I'm sure they all are. And we also have a sponsor for the book and I appreciate everyone's support on that.

I'd like to address this question to Mr. Tollerup. I had a resident ask me about the status of a property 24555 Lake Shore Boulevard. I believe that that property was to be brought up to code some time the first week of April or it was to be abandoned. Do you have any updates on that?

Manager Tollerup – The agreement is that the property will be vacated of the tenant here in April. Once that takes place the owner of the property will either demolish the structure or renovate it completely for its next intended use.

Councilman Gruber – All right, keep me uptodate on that. I wish everyone a happy religious holiday season. Thank you.

Councilwoman Holzheimer Gail – I'd like to add my congratulations to the Upstage Players, all the kids and their families and the people who put it together. It was an enjoyable play. Also, thank you to the Jaycees. I wasn't able to attend, but my kids enjoyed the egg hunt. And with that I'll add a blessed Easter and Passover to all residents.

Councilwoman Hufnagle – I would like to compliment the Rec. Department. This evening, last week on our desks you left us an example of a flyer that you're using to advertise the upcoming summer programs for the youth in the City. It was a very nice flyer. I thought I would bring my tonight to show it off, but I gave it away. But it is a very nice job. I know that it's not getting mailed out, but it is going home through the schools and by whatever other means we can get it out to the public. And it was a nice concise tri-fold flyer and I would like to compliment you on that.

I would also like to say that we in Ward 3 are rejoicing at the recent sale of Euclid Square Mall and we look forward to having that opened up and I went to visit our new owner in his current store that he owns. And it is a very nice store and I look forward to having him in the City.

On the same kind of note I would also like to mention of a recent article in the Crains Business Magazine, March 15, a nice article complimenting the sale of our Super K-Mart. So we have exciting things to look forward to in Ward 3 and I want to make sure the residents understand that.

On a personal note I would like to wish my 12-year-old nephews, Frank and Ryan Hufnagle, a Happy Birthday. This weekend they celebrated it. And I would like to wish the residents of the City a Happy Easter.

And then Ms. Walton had to leave the meeting early so she left me this flyer and asked that I would read it. And the flyer states put a little green in your life for the 2004 gardening season, Euclid Community Garden. Community gardens provide an opportunity for you to beautify your neighborhood, get to know your neighbors, grow food to donate to a hunger center. Get daily exercise in a therapeutic activity. Save money on your food bill. Learn a new skill. Encouraged youth learn. Call 216-261-8480 if you are interested in joining their community garden. So thank you very much and good evening.

Councilwoman Mancuso – I'd like to congratulate the students at Euclid Senior High who approximately two weeks ago put on the play FAME. The talent was extraordinary. This past weekend, I sat there on Saturday night and was pretty overwhelmed with the amount of energy and talent and enthusiasm by the children who also put on ANNIE. I was also delighted to see the audience when they asked how many people were inside Euclid residents and outside Euclid. The auditorium was filled with a lot of people outside the City of Euclid, which did my heart good, so that they could see we were doing this type of thing.

Council Minutes

April 5, 2004

Page 35

I would also like to thank Kathy Will for giving me the tour of Shore. I went there at one point in time and could only remember what the Counselor's office was, the Principal's office and the Choir Room. The rest of it looked very foreign and very small to what I remember. There is work that needs to be done there. I maybe an optimist. I don't think its unsurmountable. There are things that need to be addressed on a very timely manner and continue to maintain. I thank you for that and it was wonderful seeing all the things that were going on simultaneously and the energy that is in that building. It is very catchy and I was everybody a Happy Holiday Season.

Councilman T. Sustarsic – I would just like to wish everybody a Happy Holiday Season. Spring is in the air. The Indians are on TV. I'm going to go home and watch that. I don't mean to get the Council President in trouble, but I'd like to wish my mother a Happy Birthday. Thank you.

President Sustarsic – Being that I have the last word, I would just like to echo that and no one needs to know how old she is.

ADJOURNMENT

Councilman T. Sustarsic moved to adjourn. Councilwoman Hufnagle seconded. Yeas: Unanimous.

Attest.

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Clerk of Council

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President of Council